

## LEGISLATIVE COUNCIL.

*Wednesday, 30th April, 1932.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR EDWARD DENHAM, K.C.M.G., K.B.E., President, in the Chair.

### PRESENT.

The Hon. the Colonial Secretary, Mr. C. Douglas-Jones, C.M.G.

The Hon. the Attorney-General, Mr. Hector Josephs, K.C., B.A., LL.M. (Cantab.), LL.B. (Lond.).

The Hon. T. T. Smellie (Nominated Unofficial Member).

The Hon. P. James Kelly, M.B., Ch. B., Surgeon-General.

The Hon. F. Dias (Nominated Unofficial Member).

The Hon. T. Millard, C.M.G., Colonial Treasurer.

Major the Hon. W. Bain Gray, M.A., Ph.D. (Edin.), B. Litt. (Oxon), Director of Education.

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

The Hon. R. E. Brassington (Western Essequibo).

The Hon. B. R. Wood, M.A., Dip. For. (Cantab.), Conservator of Forests.

The Hon. S. H. Bayley, General Manager, Transport and Harbours Department.

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

Major the Hon. J. C. Craig, M.E.I.C. D.S.O., Director of Public Works.

The Hon. N. Cannon (Georgetown North).

\* The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

The Hon. A. R. F. Webber, F.R.G.S., (Western Berbice).

The Hon. A. E. Seeram (Eastern Demerara).

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

The Hon. G. E. Anderson (Nominated Unofficial Member).

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

The Hon. F. J. Seaford (Nominated Unofficial Member).

### MINUTES.

The minutes of the meeting of the Council held on the 19th April, as printed and circulated, were confirmed.

### PAPER LAID.

The following document was laid on the table:—

**Report of the Inspector-General of Police for the year 1931** (*Colonial Secretary*).

### THE PRESIDENT'S SPEECH.

Mr. WEBBER: Before the Order of the Day is reached, sir, I ask leave to refer to some remarks Your Excellency made in your speech at the opening of the session.

THE PRESIDENT: I think the hon. Member ought to give notice of the form it will take, as otherwise it would open up a very wide field for discussion. If the hon. Member will give notice of the form it will take I will give him an opportunity to discuss it on another day.

Mr. WEBBER: Government's leader might fix a day for the purpose. My own remarks will be directed to one phase of Your Excellency's remarks, but other Members might desire to deal with other aspects.

THE PRESIDENT: It must be framed in some form. The hon. Member might see the Colonial Secretary later and indicate some line.

THE COLONIAL SECRETARY (Mr. C. Douglas-Jones): I understand that the Senior Elected Member is taking action in the matter and was writing to me with regard to the form. I will undertake to do that and get the matter settled.

## ORDER OF THE DAY.

## CREATION OF COUNTY COUNCILS.

Mr. WEBBER: I understand that Government is not prepared to reply to the debate on my motion inviting Your Excellency to appoint one or more Committees further to consider the appointment of County Councils as an essential corollary to the inauguration of the Scheme of District Administration. In view of that it is hardly desirable to have two debates on the subject, and I ask leave to have the motion deferred to a later date more convenient to Government.

THE PRESIDENT: The motion is withdrawn temporarily and will be replaced on the agenda paper.

## DECEASED PERSONS ESTATES' BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to amend the Deceased Persons Estates' Administration Ordinance, Chapter 149, with respect to the Guardians Fund and the filing and examination of accounts" be read the third time.

Dr. KELLY seconded.

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

Bill read the third time.

## AN ANNOUNCEMENT.

THE PRESIDENT: I perhaps ought to say at this stage that I have an important announcement to make to the Council this morning. It is not quite ready yet, but I want to inform hon. Members in advance of my making it within the next hour or so. It is of general interest to the public.

## THE EDUCATION BILL.

Major BAIN GRAY (Director of Education): I move that "A Bill to amend the law relating to the employment of children of school age" be read the third time.

Mr. DIAS seconded.

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

Bill read the third time.

## THE LEGITIMACY BILL.

The Council resolved itself into Committee and resumed consideration of "A Bill to amend the law relating to children born out of wedlock."

THE ATTORNEY-GENERAL: I proposed yesterday afternoon to draft an amendment to clause 11 (2) in order to carry out the desire which was expressed by the hon. Member for Demerara River and the hon. Member for Berbice River. Looking at the sub-clause it appears that it makes provision for the case of a mother who survives an illegitimate child, which child dies intestate, taking interest in his property, which she would not have done if she was the only surviving parent. It was pointed out that the uterine children were entitled to take. It is therefore proposed to add at the end of sub-clause (2):—  
"and if his mother does not survive him then such legitimate and illegitimate children of his mother as survive him shall be entitled to take any interest therein to which they would have been entitled if all such children and the child had been born legitimate."

This gives to the surviving children of the mother, whether legitimate or illegitimate, in case she predeceases them, the right of succession. That carries out what was intended. No provision is made to carry it to descendants of illegitimate children.

Mr. CRANE: The amendment gives effect in some measure to our representation yesterday on the subject, but I suggest respectfully to the Attorney-General the addition to his amendment of the words "and their respective representatives for stirples." There is justification for making that amendment, because what we are endeavouring to do is to put the position exactly as it is in the case of persons who are legitimate.

THE ATTORNEY-GENERAL: I appreciate the hon. Member's point but there is a difficulty which I see about the language used. As a lawyer I would be afraid of following the example of the draftsman when he used the word "representative,"

I think it might be met in this way “and the persons entitled to succeed them on intestacy.”

Mr. CRANE: I accept that suggestion.

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 (*Attorney-General*).

#### DANGEROUS DRUGS BILL.

The Council resumed the debate on the second reading of “A Bill to amend the Dangerous Drugs Ordinance, 1929, with respect to powers of entry and inspection and to the punishment of offences against the Ordinance.”

Mr. CRANE: When the Council adjourned yesterday I was pointing out that legislation is intended to meet prevailing social evils, and if the necessity for introducing a highly punitive measure such as this does not exist then it is just as bad policy as not to introduce a measure when it is required. You make penalties severe when they are intended to repress an evil that is rampant in the community, therefore it seems to me that the penalties imposed by the Ordinance of 1929 as a precautionary measure fully met the position that existed then and now exists in this Colony. All Government intends now to do is to follow blindly every amendment in the Act of England. The Act of 1920 had penalties similar to those in our Ordinance of 1929. The Act of 1923 in England imposed the very severe penalties which we are now seeking to impose in this Colony. Although the Ordinance was passed here in 1929, six years afterwards, we left out those penalties and imposed the penalties in the 1923 Act. Who can say that the 1929 penalties have not acted as a deterrent? I again challenge the Surgeon-General to produce his statistics when we are asked to tighten the strings of the law in order to detect and punish these offenders. This House is entitled to know why in 1929 you selected the lesser penalties and should change them now. I may be told that this is a piece of Imperial

legislation which is being carried through in pursuance of Treaty obligations. I will be the first, as a loyal subject, to give every assistance to the maintenance of His Majesty's Treaty obligations; but at the Geneva Conferences they cannot ameliorate the needs of the people of this Colony by legislation of this kind.

The people of this Colony do not want protection from the use of dangerous drugs and narcotics so much as they want assistance to improve their standard of living and hold their heads above reproach. I would like to know if there is anything in the Geneva Convention which shows that it is an obligation that every Treaty must be introduced in all the Colonies. I submit that the present penalties are quite sufficient. Should it show a tendency to become rampant then come back and say this type of offence is becoming prevalent, and this Council will duly meet it with fit pains and penalties. With regard to clause 2, I am opposed to any constable going into premises with a view to inspecting books or documents relating to dealings in drugs. I shall look to Government to see that some responsible person is authorised to make this inspection. Clause 3 (1B) is not an exact replica of the section in the English Act; only a part of it is proposed to be enacted. If you are going to provide alternative methods of punishment, either by trial on indictment or by summary process, the Attorney-General's consent to trial on indictment should be procured. The English Act also gives the accused the right to claim trial by a jury. The same privilege should be accorded here and I demand it on behalf of the people of the Colony.

THE COLONIAL SECRETARY: I would like to deal with the point which the hon. Member has stressed: that is the penalty. I think he has overlooked one very important factor in dealing with what is known as the “dope traffic.” It is worldwide and very insidious and fines and penalties inflicted are based upon what can be made out of the illicit traffic. The profits that can be made out of this traffic are exceedingly high. All countries in the world are now taking such steps as are possible to limit and prevent this traffic. It is not intended to get at the small people but to stop the insidious

traffic which is carried on underground and underhand. If the evidence is still in the possession of the Comptroller of Customs of a case which occurred two years ago Members of the Council would be surprised to know what can happen in this Colony. One individual can act as agent for a large group of distributors of dangerous drugs and from this Colony distribute them to other places in the world. It is from that point of view and also from the point of view of the profits that can be made that the penalty is fixed at a high figure. We are not only doing something for our own Colony but also assisting the world generally in the prevention of the exceedingly dangerous habit which people do acquire. The whole object is to protect people against themselves, and it is for prevention that these high penalties are imposed.

Mr. WEBBER: I will support Government no matter how stringent the regulations or how extreme the penalty against traffickers or traders of dangerous drugs, but I am extremely anxious that victims of that wrong should not be subject both to the dangers of that traffic to themselves and to the penalties of the law. The consumer should not be subject to the same penalties as the trader. The Police apparently are to be the sole judges as to whether an offender should be tried on indictment or summarily. If you give that right to the Police you should also give the right to the person charged to say how he should be tried. Government has my sympathy to prevent this Colony from being made the centre of this nefarious traffic, but it is the unfortunate victim that we must endeavour to protect from the peculiarities of Government prosecutors. The frailties of human nature are entitled to the consideration of this Council as anything else.

Mr. SEERAM: I am going to urge upon Government to give a person charged the right to select how he should be tried. The reasons given by the hon. Colonial Secretary do not to my mind justify the increase of the penalties to the extent proposed. We have not been shown that the offence is so rampant that the penalties are necessary as a deterrent. I urge that the penal clause be deleted from the Bill as the penalties provided are sufficiently high.

Dr. KELLY (Surgeon-General): The

first International Opium Convention was held at the Hague in 1912. As a result of that Convention this Colony as well as other British Colonies agreed to adhere to the findings of the Convention. In 1924-25, under the auspices of the League of Nations, an International Conference was held at Geneva and recommendations were made by that Conference to which this Colony as well as other British Colonies agreed to come in with. The result of those recommendations of that Conference was the present Ordinance of 1929. The whole question of dangerous drugs has become and is now an international matter. The matter has gone so far that in the event of certain foreign countries not coming in—and practically the whole world has come in, except Turkey, Austria, Persia and some parts of China—the control of dangerous drugs has become such a serious factor that the time has come when the production of dangerous drugs has to be limited to the medicinal and scientific requirements of the world.

The position we are in to-day in connection with the Ordinance in existence and the present Bill has to be looked at from two aspects. We have the local aspect and the international aspect. I must agree with the hon. Member for Demerara River (Mr. Crane) that our legislation, considering the state of development of the Colony, does seem to be in advance but we are bound, and that is the point, to come in having agreed to the recommendations of the Geneva Convention to be in uniformity with legislation in other parts of the world. In connection with the clause which the hon. Member takes exception to, I point out that it was on the direct recommendation of the Secretary of State, he having been no doubt approached by the League of Nations, it was put to this Government and probably to the Governments of other British Colonies that the time has come that we should have a uniform system in connection with the penalties for infringement of the Ordinance. And the penalties are those which are being brought in in every Colony. Uniformity is the keynote of the Ordinance. There are cases in which the penalties would be extraordinarily severe, but surely those cases can be left to the discretion of the Magistrate. The penalties are intended to deal with the traffic itself and it is an international

traffic. In this Colony we have three frontiers and in years to come, if our legislation was not severe enough, this Colony might be used as a ground for operations with neighbouring Colonies.

The hon. Member has raised a point in connection with the local aspect and I agree with him that the number of addicts in this Colony is not great. Further, in the vast majority of cases they are not born in this Colony. The penalty has some connection with this Colony being used in dealing with dangerous drugs. There is no doubt on the evidence we have that since the 1929 Ordinance was passed in not having a maximum penalty for dealing with dangerous drugs the good name of this Colony was impeached not only from the neighbouring Colonies but from the United States and England as having a loose system in the control of dangerous drugs. In 1926 the amount of tincture of opium consumed was 1,136½ lbs. and in 1931 the amount consumed was 430 lbs. In 1928 the amount of Morphine Hydrochlor consumed was 177 lbs. and in 1931 it was 47 lbs. In 1928 the amount of Cocaine consumed or exported was 58 lbs. and in 1931 it was 15 lbs. Those figures speak for themselves as regards the possibility of this Colony getting a bad name on account of loose methods of dealing with dangerous drugs. The hon. Member said it is reported that this legislation is for the benefit of the medical profession. We have a member of the medical profession in this Council who will be able to answer that question and may reply to it. Going back to the Bill, the main motive of it is, as I said, to produce uniformity with the rest of the British Empire. Certain legal points in connection with the type of trial have been mentioned. I leave those to the Attorney-General to reply to.

THE ATTORNEY-GENERAL: I agree that the liberty of the subject is a very sacred matter. As society progresses there are certain directions in which that liberty is necessarily restrained in the interest of the community as well as of the individual and the traffic in and consumption of dangerous drugs is an instance. If the subject were to have all the liberty which formerly he had there would be no restraint on the traffic or on consumption. The matter has been regarded as such an

important one that we have had a world-wide Conference at Geneva and this Colony is bound by the Convention. Reference has been made to the fact that this Colony has obtained a bad name in certain respects with regard to the handling of dangerous drugs. It is a fact that there has been some trafficking in dangerous drugs, and it must be stopped. That is one of the reasons why there is a corresponding law whereby you can punish a man for attempting to commit a breach of the law in connection with the traffic in dangerous drugs. The question of punishment is one which has been considered by the Opium Advisory Committee of the League of Nations and they have drawn attention to the fact that the profits which can be made from the traffic in dangerous drugs are so large that inadequate penalties are useless as a deterrent. Traffickers are the persons to whom a severe penalty will be meted out, and we have to make it difficult for the traffickers to carry on the traffic.

It will be observed that the jurisdiction of the Magistrate in regard to summary procedure has been reduced because provision has been made for punishment on indictment. In the 1923 Act provision is made for the consent of the Attorney-General or the Director of Public Prosecutions to proceedings on indictment. The reason for that is clear. All cases on indictment are not instituted either by the Director of Public Prosecutions or by the Attorney-General. A private person may lay a charge, have a preliminary investigation taken, and be bound over to prosecute at the Assizes. That arrangement does not exist here. The procedure is different, hence there is no reason in this Colony for making the provision which exists in England. There is another power which the Attorney-General has in this Colony. That is where a Magistrate commits a person for trial in the Supreme Court the Attorney-General may, and he sometimes does, instead of presenting an indictment send the case back to the Magistrate, so that no case can go forward on indictment in the Supreme Court without the consent and approval of the Attorney-General. I venture to think that the Bill will serve a useful purpose. Traffic in dangerous drugs is regarded as such an obnoxious one that persons engaged in it should be heavily punished. The victim of the trafficker is not the

person who is dealt with severely but the instrument which brings him to that condition. The instrument is the one we have always dealt with and the one to deal with.

Mr. WEBBER: I ask the Attorney-General to reply to the question of giving a person charged the right to say he wished to be tried by a jury because it is an indictable offence.

THE ATTORNEY-GENERAL: The point is one which turns on the whole system of criminal law and it would create an exception in regard to a particular offence. The procedure in England is not part of our system of law and I do not think it is germane to discuss whether it is desirable to be introduced here.

Question put, and agreed to.

Bill read the second time.

#### SUGAR PREFERENCE.

THE PRESIDENT: I think it would be of interest before we go into Committee that I should read the communication from the Secretary of State to which I referred earlier. I am sorry to have to interrupt the business, but I think the House would like to have the information as early as possible. The telegram is dated 19th April and reads as follows:—

The Chancellor of the Exchequer announced in Budget Statement to-day that following additional preferences will be granted on Colonial sugar imported into the United Kingdom.

(a) an increase in preference at the rate of one shilling per cwt. on the 95°–96° sugar, and proportionately for the lower and the higher polarisations on all Colonial sugar consigned from a Colony to the United Kingdom.

(b) a further special increased preference, which will be one shilling per cwt., on a prescribed quantity of Colonial sugar as set out below.

(i.) the further special preference will be granted on 275,000 tons for the year 1932–33 which is rather more than the actual imports Colonial sugar into United Kingdom last year.

(ii.) this quantity is to be divided among the Colonies having substantial exports of sugar for year 1932–33; the division will be on basis of their average annual exports of sugar to all destinations during the period 1928–30. Certificate covering amount of each Colony's quota will be issued to Colonial Government which will divide them among its own producers. I suggest that a reasonable basis of division among producers is average production for the years 1928–30 but allocation will be left to Colonial Governments.

(iii.) Colonial sugar imported into United Kingdom and accompanied by certificate issued as above will receive special preference at appropriate rate (see (iv.)). Certificate will be transferable but evidence Colonial origin and consignment from a Colony to United Kingdom of any sugar which they accompany will be necessary condition special preference.

(iv.) During 1932–33 the special preference will be at the rate of one shilling per cwt. on 95°–96° sugar and proportionately for higher and lower polarisations. In subsequent years if average sterling price during latter half any calendar year, of full duty 96° raw sugar c.i.f. London exceeds 7s. 6d. per cwt. but does not equal 8s. the extra preference to certificated sugar in the following financial year will be reduced by one-half and if such price equals or exceeds 8s. no extra preference will be granted. If price equals or exceeds 8s. 6d. the original increase of preference (see (a)) will be reduced to 6d. and if it equals or exceeds 9s. the whole increase will be withdrawn.

The currency of scheme will be 5 years commencing 1932–33 and both first increase and further special increase of preference will apply Colonial sugar only.

The certificate scheme has been adopted because His Majesty's Government while desirous of increasing the preference to Colonial sugar by more than one shilling were anxious to grant the further preference in a way which would not encourage diversion of Colonial sugar from Canada to the United Kingdom. A flat increase of 2s. would have made the United Kingdom preference higher than Canadian and might therefore have led to such diversion. The second one shilling is therefore granted in a way which divides benefits fairly between different Colonies and obviates

any diversion trade. The effects of certificate scheme is that each Colonial producer will receive certificates entitling him to special preference on a proportion of his reduction. It is not however desired that each producer or even each Colony should necessarily send that proportion of its production to the United Kingdom as His Majesty's Government are anxious to interfere as little as possible with existing channel of trade. The certificates will therefore be transferable from producer to producer and from Colony to Colony and will be valid on presentation to Customs authorities here with sugar originating in any Colony irrespective to the Colony to which they were originally issued. For example, a Colony which now exports mainly to Canada, *e.g.*, Jamaica, may sell bulk of its certificates to a Colony which exports mainly to United Kingdom, *e.g.*, Mauritius. To reduce any trade difficulties to a minimum, I trust Colonial Governments will do everything to encourage and facilitate such transfers and I shall be ready to facilitate them in London in any way possible.

The quota to be allotted for 1932-33 to British Guiana will be 46,900 tons.

It is proposed that each certificate shall cover 100 tons of sugar as smaller quantities would cause inconvenience Customs authorities. The Customs authorities will, however, be prepared to consider reasonable arrangements to meet difficulties due to consignments not weighing exact multiple of 100 tons. The certificates are being printed and will be sent out for distribution to Colonies as quickly as possible.

#### DANGEROUS DRUGS BILL.

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

#### Clause 2—Powers of inspection.

Mr. CRANE: I am not against clause 2 if the House is advised that the authority covers both constable or other person.

THE ATTORNEY-GENERAL: The clause is in exactly the same form as section 10 of the English Act and it is open

to the construction that the authority which is required might be taken to cover both a person or other person authorised. As against that I cannot conceive that the constable himself would require authority because the statute authorises him, but the other person requires both the authority of the statute and the authority of the Governor.

Mr. CRANE: The reply is that a constable can of his own motion go into a drug store and demand books for inspection. I protest against an ordinary constable entering premises and demanding books for inspection. Why not say "Any officer of police above the rank of so and so?"

THE ATTORNEY-GENERAL: I suggest for the words "Any constable" the words "Any officer of police or police constable authorised in writing by an officer of police."

Mr. CRANE: We want to fix the inspection on a responsible person. You are putting a person authorised by an officer in the same position as a person authorised by the Governor. I ask that it be an officer of police above a certain rank.

THE ATTORNEY-GENERAL: The words I suggest are exactly the same as in the Pharmacy and Poisons Ordinance.

Amendment agreed to.

Clause 3 (1A): Punishment of offences.

Mr. CRANE: I propose to move an amendment as a proviso but will first move the deletion of sub-clause (1A) in order to reply to certain statements which were made with regard to this sub-clause. I asked for a copy of the Geneva Convention of 1925 and it was denied me by the officer in whose possession it is. A document of that kind ought to be available to Members of this House when legislation of this kind is going to be put through. The Surgeon-General told us we are bound to put in the same penalties as in England. I challenge any Member to say that the Treaty says that identically the same law must be introduced in this Colony as elsewhere. All these Treaties are made suitable to the conditions of the Colonies concerned. The Attorney-General said there

was a corresponding law. Is he prepared to tell this House that there is a corresponding law in Venezuela or Brazil or Holland applicable to her Colony in Dutch Guiana? Are the penalties in this Bill identical with those of foreign countries? That is answered by the fact that in 1929 when we passed the Ordinance this stringent provision existed in England and we did not copy it.

THE COLONIAL SECRETARY: In continuation of what I said on the second reading I may say that the position is this. One of the reasons for the increased penalties which we have been asked to enforce here is the fact that the League of Nations found that penalties in the past have not been sufficient to deter people from trafficking in dangerous drugs. The hon. Member persists in saying that because they do something elsewhere in the world is no reason why it should be done here. All we say is that we have been requested and all Nations in the world have been asked to do what they can to stop this traffic, and the penalties we suggest are those which have been suggested to us should be imposed. What would be the effect of having a lower penalty in this Colony than those in the neighbouring islands? Wherever a lower penalty is there will be greater risk of the traffic being carried on. We want to have penalties equal to those in the neighbouring Colonies so that there will be no temptation to carry on the traffic in this Colony. I can produce evidence which will satisfy the hon. Member that an attempt was made to make this Colony a centre for this traffic. Fortunately, it was discovered in time and was stopped, but I fear that if that attempt had not been discovered we would have had a centre in this Colony. That being so I see no reason why this Colony should not place the same penalties as a deterrent to this trade as other Colonies and parts of the Empire have done.

Mr. WEBBER: The hon. Member has made a charge against Government which I would like answered. He said he applied for access to the Geneva Convention and has been refused access to it.

THE COLONIAL SECRETARY: An attempt is being made to find the file in which the document is, I have an idea

that all these Treaties were laid on the table of the Council. I cannot understand why this one has not been laid on the table.

THE CHAIRMAN: Treaties are published in the *Gazette*.

THE COLONIAL SECRETARY: I cannot conceive that the Treaty was not communicated to this House.

The Committee adjourned for the luncheon interval.

Mr. PIRES was present when the Committee resumed.

THE COLONIAL SECRETARY: I have nothing to add to what I have already said but want to emphasise that difficulties will arise if fines in this Colony are less than in other Colonies. That is a point that must be considered when we are dealing with a matter of this kind.

Amendment to delete the sub-clause put and lost without a division.

Mr. CRANE: I now move an amendment, as I indicated, providing that a person who is charged summarily with an offence under this Ordinance shall have the right to claim trial by a jury. I think the justification for an amendment of that kind is that offences under the Ordinance of 1929 are made triable both summarily and indictably. When you say that an offence may be tried by indictment as well as by common law give the right to elect to be tried on indictment. In a small community where a person may suffer from prejudice, ill-founded in many cases, he should be given the right of claiming a trial by jury. It comes with very bad grace to hear Government say in relation to a stringent Ordinance of this kind it is going to deprive a man the right to ask to be tried by his peers. The Attorney-General says it is no part of the system of law. Anything this Council approves is part of our system. There is no excuse save a growing tendency to resist every suggestion made from this side of the House. The amendment is that there be added at the end of paragraph (b) (1A) (ii) "Provided that a person charged under the Summary Jurisdiction Ordinance for an offence against this Ordinance shall be entitled to claim that he be pro-

ceeded against for such offence as if he had committed an offence under the Criminal Law (Offences) Ordinance."

Mr. WEBBER: I do not necessarily subscribe to the actual words of the amendment but I think we are agreed on the principle we wish established, and if the learned Attorney-General would substitute some other phraseology that would be acceptable to Government it would also be acceptable to us. Order X. (A Bill to amend the law with respect to the administration of Criminal Justice, and otherwise to amend the Criminal Law) creates machinery for meeting a case of this kind and I hope Government will see its way to postpone the passing of this Bill until that Order has gone through all its readings. Government says it is going out of recognised principles of law to give the right of election of trial by jury but we claim that you are making a departure by providing for both procedures. If it is an outrage on principle then withdraw the principle sought. Somebody seems to be afraid of the Attorney-General being asked for his fiat to proceed indictably. The accused is taking the risk of incurring a penalty of five thousand dollars or ten years, but Government wishes to charge him summarily and ensure that he suffers a fine of twelve hundred dollars or twelve months' imprisonment. I am in favour of every safeguard to control the traffic in dangerous drugs, but I appeal to Government to consider whether our claim is not a reasonable one and modify the Bill in the way public opinion demands. We urge that this Bill is not giving out even-handed justice to the accused and the accuser.

Mr. CRANE: The amendment I propose is not that a man should choose between the two procedures. If he is charged indictably he cannot choose. I am giving no right to choose but merely to say "Charge me indictably" if he is charged summarily. In England a man can say "Try me by a jury" and I say if we are to have a corresponding law it should in all respects correspond to what it is in England.

THE ATTORNEY-GENERAL: I cannot support the amendment. The principle in England of a man claiming the right to be tried on indictment is not known to our

law. The House has been informed that the procedure in this Bill is an innovation. It is not. There are offences which may be tried summarily or indictably, and one case in point is the enactments for the punishment of corruption by agents. There are other classes of cases where it becomes frequently a question whether a man should be tried indictably or be dealt with summarily. There is therefore nothing new in our system of legislation in making provisions of this kind, and I venture to think that there is no special feature about the offences provided for in this Bill which would warrant an innovation into our system of law which should not extend to other cases, particularly as we now know that more recent legislation has got away from that principle. I may add that in the Drug Convention, 1925, Memorandum, which was evidently overlooked when the Ordinance was enacted in 1929, it was pointed out that the consensus of opinion was that the penalties should be severe and as severe as they were in the English Act, and I see no special reason why any special favours should be shown to traffickers in drugs.

Mr. CRANE: My point is that the Attorney-General said we want a corresponding law. I say give us the corresponding law for which the Attorney-General pleads but which he denies the people of British Guiana.

THE CHAIRMAN: The question is whether the principle should be introduced through the Dangerous Drugs Ordinance into the law of this country. The point is of so much importance that I do not think it should be dealt with in this Ordinance. I therefore think we should proceed with the Ordinance on the lines on which it has been drafted.

The Committee divided on the amendment and voted:

*Ayes*—Mr. Austin, Dr. Singh and Messrs. Pires, Seeram, Webber, Crane and Cannon—7.

*Noes*—Mr. Seaford, Major Craig, Messrs. D'Andrade, Bayley, Wood, Professor Dash, Major Bain Gray, Millard, Dias, Dr. Kelly, Smellie, the Attorney-General and the Colonial Secretary—13.

The Committee divided on the question

that clause 3 stand part of the Bill and voted :

*Ayes*—Messrs. Seaford, Pires, Major Craig, D'Andrade, Bayley, Wood, Professor Dash, Major Bain Gray, Millard, Dias, Dr. Kelly, Smellie, the Attorney-General and the Colonial Secretary—14.

*Noes*—Messrs. Seeram, Webber, Crane and Cannon—4.

*Did. not vote*—Mr. Austin and Dr. Singh—2.

Mr. WEBBER: I hope it will be specifically noted that the Electives present voted unanimously in favour of the amendment.

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 (*The Attorney-General*).

#### POWERS OF ATTORNEY BILL.

THE ATTORNEY-GENERAL: I move the second reading of "A Bill to make provision with respect to the recording of powers of attorney, their effect and their revocation." It appears that up to the present time we have no statutory provision with regard to powers of attorney. I think it is generally agreed that the law as it obtains elsewhere should be introduced into this Colony. The present provision is contained in a single section of the Deeds Registry Ordinance, which provides for the deposit or record of powers of attorney, but there is no provision as to their effect. It is very important that in a commercial or any community people who are using them, and the public who are interested, should know that they are governed by fixed rules, and this Bill provides for that. Provision is made for a power of attorney to be recorded, execution under a power of attorney, payment by attorney under power without notice of death, etc., effect of irrevocable power of attorney for value, effect of power of attorney irrevocable for a fixed time, devolution of power of attorney given to a purchaser, power of attorney granted by a married woman, duration of a recorded power of attorney, and revocation of a

power. The hon. Member for Demerara River was kind enough to call my attention to the fact that there was an omission in the Bill of any definition of the expression "Purchaser," and as a great deal of the transactions are transactions with purchasers it is desirable that I should in Committee move in a definition of "Property" and "Purchaser" adapted from the English Conveyancing Act, 1882.

Dr. KELLY seconded.

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 move that the following be inserted as clause 2 :—

2. In this Ordinance the following expressions have the meanings in this section assigned to them :—

"Property" includes immovable and movable property, and any debt, and anything in action, and any other right or interest in the nature of property, whether in possession or not;

"Purchaser" includes a lessee or mortgagee, or an intending purchaser, lessee or mortgagee, or other person, who, for valuable consideration, takes or deals for property, and "purchase" has a meaning corresponding with that of purchaser.

Question put, and agreed to.

Clause 3 (re-numbered 4)—Execution under power of attorney.

THE ATTORNEY-GENERAL: It has been pointed out to me that the wording of this clause is not quite correct. I therefore ask that the clause be allowed to stand over.

Agreed to.

The other clauses were agreed to without discussion.

The Council resumed.

#### FAWCETT PENSION BILL.

Mr. MILLARD (Colonial Treasurer): I move that "A Bill to make provision for granting a pension to Captain A. Fawcett, Bandmaster of the British Guiana Militia Band" be read the second time. This Bill provides for the granting of a pension to Captain Fawcett on his actual

service without any addition. The pension is calculated on eleven years' service, and on a salary of \$2,100 the pension will be \$385 per annum, and the purpose of the Bill is to authorise payment of that pension under the Militia Ordinance.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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 (*Mr. Millard*).

#### PENSIONS (VOLUNTARY RETIREMENT) BILL

Mr. MILLARD: I move that "A Bill to authorise the Governor in Council to grant pensions or gratuities in certain cases to officers on the Fixed Establishment who voluntarily retire from the Public Service before they have qualified for pension" be read the second time. This Bill provides for voluntary retirement where economy can be secured by such retirement. The proposal regarding voluntary retirement was placed before this Council, and the Council by resolution undertook to provide the necessary money for the purpose of effecting economy in expenditure. Clause 2 covers provision for pension calculated on the actual service of an officer of ten years or upwards; and clause 3 makes provision for a gratuity to an officer retiring with less than ten years' service.

Professor DASH seconded.

Mr. CRANE: This Bill was considered by a Select Committee of the Legislative Council which had before it the larger question of pension to Civil Servants. I am not opposing its passage through the House, but I think sufficient information has not been given to us. While we do not expect the names of officers to be called, we expect some information to be given us of how many officers are likely to be retired, what would be the total amount of pensions, and what is the

inducement to consent to the passage of this measure.

Mr. MILLARD: The proposal to allow voluntary retirement, provided that economy would be secured, was explained in the Governor's Message No. 7 of the 16th January, and a resolution of this Council dated 26th January approved of the necessary legislation and of the inclusion of the necessary sums in the Estimates to permit of the voluntary retirement on pension or gratuity of officers in cases where an economy of a permanent character can be effected. If the hon. Member presses for figures in individual cases and the effect of those individual cases it will be necessary for me to ask for notice of that. The Bill implementing the resolution is limited in providing for retirement only in such cases where economy in expenditure would be secured and not at the expense of the individuals.

Question put, and agreed to.

Bill read the second time.

#### MOTOR VEHICLES BILL.

THE COLONIAL SECRETARY: I move that "A Bill to make provision for the regulation and use of motor vehicles" be read the first time.

Mr. SMELLIE seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the meeting of the Council to be held on the 26th April, or at a later date, it would be moved that the Bill be read the second time (*Colonial Secretary*).

#### CRIMINAL JUSTICE BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the law with respect to the administration of Criminal Justice and otherwise to amend the Criminal Law" be read the first time.

Dr. KELLY seconded.

Question put, and agreed to.

Bill read the first time.

The Council adjourned until the following day at 11 o'clock.