

LEGISLATIVE COUNCIL

THURSDAY, 10TH MAY, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E., President, in the Chair.

PRESENT

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson, O.B.E., (Acting).

The Hon. the Attorney General, Mr. F. W. Holder, K.C.

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

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

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever (Nominated).

The Hon. V. Roth (Nominated).

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

The Hon. G. A. C. Farnum, O.B.E. (Nominated).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan (Central emerara),

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

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated).

The Hon. J. Carter (Georgetown South).

The Hon. F. E. Morrish (Nominated).

The Hon. L. A. Luckhoo (Nominated).

The Clerk read prayers.

OATH OF ALLEGIANCE DEFERRED

The PRESIDENT: The next item on the Order Paper—the taking of the Oath of Allegiance by Mr. W. O. Fraser, Financial Secretary and Treasurer, (Acting),—will be deferred until the next meeting of the Council. Actually, Mr. Fraser is out of Georgetown.

PRESENTATION**I.S.M. FOR MR. R. S. PAKEMAN**

The PRESIDENT made the following presentation to Mr. R. S. Pakeman, retired Head Messenger, Public Works Department:—

The PRESIDENT: By Command of the King, conveyed to me through His Majesty's Principal Secretary of State for the Colonies, I present to you the Imperial Service Medal.

This award has been conferred upon you in recognition of forty-five years' meritorious service in the Public Works Department, during which you have shewn yourself to be a most loyal and efficient public servant,

I warmly congratulate you on your long and exemplary record (Applause).

The Minutes of the meeting held on Wednesday, the 9th May, 1951, as printed and circulated, were taken as read and confirmed.

PAPERS LAID.

The COLONIAL SECRETARY laid on the table the following documents:

The Report on the Deeds Registry for the year 1950.

The Thirty-first Annual Report of the Imperial War Graves Commission.

ORDER OF THE DAY

AMERINDIAN BILL, 1951

Council resolved itself into Committee to resume consideration of the Bill intitled:

“An Ordinance to make provision for the good government of the Amerindian tribes of the Colony.”

COUNCIL IN COMMITTEE

Clause 18—*Village Councils*

The ATTORNEY GENERAL: In clause 18 (1) there will be an amendment in accordance with the printed list of amendments. That is to say, it is proposed to delete the words “in any District or Area” from the sub-clause.

Dr. JAGAN: In this clause, Sir, I notice that the same principle that has been accepted with regard to appointments has been carried through. In a village council the Captain appointed by the Commissioner will be the Chairman and the other members of the Council will be appointed by him. I must state again that I am not satisfied with this basis of representation. I have read very carefully some of the reports that have been written in relation to this matter, and I find that these people have been able to overcome the in-

roads made by the various persons who took advantage of them either economically or in their cultural activities or their mode of living. I should like, with your permission, sir, to read a few extracts from Mr. Peberdy's “Report of a Survey of Amerindian Affairs in the Remote Interior.” It states:—

“23. The desired improvement of Amerindian status and economic security cannot be achieved under the existing pattern of exploitation by the middleman-industrialist-adventurer....”

Further, it states:—

“26. Euro-Guianese-American culture contacts have undoubtedly influenced adversely Amerindian life and customs resulting in drunkenness, sexual promiscuity, and general moral degeneracy. This unfortunate deterioration in Amerindian character is particularly noticeable in settlements adjacent to mining townships, in the North West District, and along the coastlands. Mr. A. W. B. Long, for many years Commissioner of the North West District, has reported in his able memorandum on Amerindian Protection that it is useless to disguise the fact that multitudes of Colonists have availed themselves of the Amerindian population to work their farms and help in other activities and to use their women as concubines.”

Then it goes on to say:—

“28. The Makusi people have been brought into persistent contact and mental conflict over a considerable period of years with an originally impoverished rancher-industrialist-population struggling for establishment in Makusi country with more or less marked success. The limited benefits derived by the Makusi, mostly of an impermanent nature, from rancher occupation, have not sufficed to replace tribal customs of self-sufficiency based on tribal laws which constituted the very backbone of racial dignity and independence . . .”

These are statements from a man—Mr. Peberdy—who has studied this matter very closely over a long period of time, and also by Mr. Long who has had a long experience among these people. We are told that these people have tribal laws which give them ever,

opportunity to decide how their villages should be run, but we are now attempting, more or less, to impose authority from the top. The Commissioner of the district will decide who should carry on the government and these people would have more western contacts than the others. Consequently, I do not feel that it would be in the best interest of the Amerindians to provide that settlers must not be given these posts. I remember that in the case of the Rupununi savannahs Mr Peberdy suggested that the ranch should be purchased and run as a co-operative by the Wapisianas, but the suggestion was turned down by Mr. Gregory-Smith (then Commissioner of the Interior) and also by His Excellency the Governor. It happened, however, that some severe impositions were carried out, whether the people liked them or not. Since these people are able to suggest what would be in their best interest, I think they should say whether they would work along co-operative lines and so on. With those remarks I beg to move that clause 18 (2) be amended to read as follows:—

“(2) A Village Council shall consist of the Captain of the village, two other persons as the Commissioner, having due regard to the wishes of the inhabitants of the village, may appoint and six other persons to be elected by the registered Amerindians resident in the Village.”

Mr. ROTH: It is quite strange that the hon. Member who has just taken his seat does not realize that the villages of the Amerindians are on an entirely different plan from those on the coastlands of the Colony, although he must have seen some of them himself. The hon. Member spent a long period of time yesterday trying to impress this Council that these villages should have a system of local government similar to that on the coastlands, but if we did that we would be doing these people a disservice. It should be understood that this Ordinance is only a sort of stop-gap to induce the ideas

of self-government to these people. Those ideas have to be introduced gradually. As will be seen from the final paragraph in the Objects and Reasons relating to this Bill, those Amerindians who refuse to go into the reservations will forfeit their privileges at the end of a period of 10 years. That alone shows that this Ordinance is a temporary measure introducing the principles of self-government. I would, therefore, ask the hon. Member to listen to the advice of persons who know these Amerindians and their customs. The things he is advocating will come in time, but they must be introduced gradually. I oppose the amendment.

Amendment put, the Committee dividing and voting as follows:—

For: Dr. Jagan and Mr. Lee—2.

Against: Messrs Luckhoo, Morrish, Carter, Smellie, Phang, Peters, Fernandes, Farnum, Roth, Dr. Nicholson, the Attorney General and the Colonial Secretary—12.

Amendment lost.

Clause 18, as amended in sub-clause (1), passed.

Clause 20—*Taxes*.

Mr. ROTH: I should like to suggest that the words “or labour rate as provided in the Local Government Ordinance” be inserted after the words “may levy taxes” in sub-clause (1), so that a District, Area or Village Council would be in a position to accept from Amerindians, when necessary and convenient, labour in lieu of cash payment in discharge of liability for taxes levied.

The ATTORNEY GENERAL: That raises many points, sir, and I do not know whether it is desirable to incorporate such an amendment in this legislation. It raises, for instance, various matters under the Labour Ordin-

ance. If we are seeking to develop these communities, then I think we should try as far as possible, to follow the system of levying taxes as it obtains in other communities, although we appreciate the fact that in some of these villages money is not used as we understand it.

Mr. FERNANDES : I am sorry I have to oppose this amendment, sir, because it has a slight tinge of forced labour in it and I am not out to enforce anything that has such a tendency.

Mr. LUCKHOO : I know that in some of these districts up to a few years ago a villager was permitted to give his labour, and that was credited to him as money paid in lieu of rates. In the other districts in the Colony, however, money is always accepted and not labour.

Mr. FARNUM : In the Local Government Ordinance the words "labour rates" are stated clearly and distinctly. What the last speaker has said is quite normal. In some of these districts the value of the work given is taken as money for the payment of rates, and no actual cash is passed. I cannot visualise the Amerindians in some of these districts having actual money, and I think that if they are able to give labour in lieu of money it should be accepted.

The ATTORNEY GENERAL: I should like to point out that section 19 of the Labour Ordinance, 1942, states:—

"19. (1) Except where otherwise permitted by the provisions of this Part of this Ordinance, in every contract for the hiring of any employee, or for the performance by any employee of any labour, the wages of such employee shall be payable in money only, and not otherwise, and if in any such contract the whole or any part of such wages is payable in any manner other than in money, such contract shall be and is hereby declared illegal, null and void."

We are seeking to protect the labour of the Amerindians, consequently the point raised by the hon. the First Nominated Member (Mr. Roth) cuts across these provisions.

Mr. FERNANDES : Legislation which was passed before my time and is still on the Statue Books I cannot account for, but I do not see anything wrong in any village authority employing a ratepayer and giving him an opportunity to earn money to pay his taxes. That is a perfectly legal transaction, but I cannot agree that a village authority should have the right to make a person pay \$5 in taxes in addition to giving three, four or five days' work.

Mr. ROTH : I did not say that at all. I did not say "tax and labour" but "tax or labour." If there is no cash he can give the equivalent in labour—not both.

Mr. FERNANDES : The hon. Member is right. He did not suggest both, but what difference does it make whether he says one or the other ? I am not prepared to give a village authority the right to decide whether they should take taxes in cash or labour, because that would be moving towards forced labour, and I will not agree to anything that has the slightest semblance of forced labour.

Mr. ROTH: Will the hon. Member tell this Council what is to be done in a village where there is no cash whatever?

Mr. LEE: I agree with the hon. Member for Georgetown Central (Mr. Fernandes). It is against the Labour Code that exchange should be made in that way, as it tends to introduce forced labour. If they are employed there should be some form of currency whereby they could pay their taxes.

Mr. ROTH: There is no suggestion of forced labour. I was referring to cases where there is no cash or any

form of currency in a village. How are they going to be remunerated for their work?

The CHAIRMAN: Does the hon. Member wish to press his amendment?

Mr. ROTH: Yes, sir. I move that after the words "may levy taxes" in sub-clause (1) the words "or labour rate as provided in the Local Government Ordinance" be inserted, with consequential amendments to sub-clauses (2) and (3).

The Committee divided on the amendment and voted:

For—Messrs. Farnum and Roth—2.

Against — Messrs. Luckhoo, Morrish, Carter, Smellie, Phang, Peters, Kendall, Fernandes, Lee, Dr. Jagan, Dr. Nicholson, the Attorney General and the Colonial Secretary — 13.

Amendment lost.

Clause 20 passed as printed.

Clause 21 — *Power of District, etc. Councils to make rules.*

The ATTORNEY GENERAL: I move that paragraph (m) of clause 21 (1) be re-lettered as (n) and the following new paragraph (m) be inserted

"(m) regulating and prescribing the manner in which lands under the control of the Council may be used; and"

Amendment agreed to.

Mr. LEE: I suggest that the rules to be made under this clause be laid on the table of the Legislative Council for 14 days. The Governor in Council will be subject to the will of the Legislative (at least I hope so) in the future.

The ATTORNEY GENERAL: I thought the hon. Member was dealing with the present.

Mr. LEE: We are making laws for the future. I am suggesting that if the Governor in Council is to make rules under this Ordinance they should be laid on the table of the Legislative Council for 14 days before they come into force. I move the insertion of the words "and laid on the table of the Legislative Council for 14 days" after the word "Gazette" in sub-clause (2)

The ATTORNEY GENERAL: Following on the remarks of the hon. Member for Central Demerara (Dr Jagan) that opportunity should be given the Amerindians to look after themselves and develop along democratic lines, the hon. Member will see that the clause provides that a District, Area or Village Council may, with the approval of the Governor in Council, make rules for various purposes. Those rules must be approved by the Governor in Council, so that the hon. Member's suggestion is not necessary. This is one case where the hon. Member's point is outside of his general policy.

Mr. LEE: I beg to differ from the hon. the Attorney General. The members of these Councils will be nominated persons, and when the Commissioner says that rules must be made those nominated men will not be able to say "No." Many nominated councillors in the Village Councils cannot say "No."

Mr. FARNUM: I must object to that, Sir.

The ATTORNEY GENERAL: That is not our experience in this Council, or in other Councils.

Mr. LEE: When the Governor in Council makes rules they are laid on the table of this Council.

The ATTORNEY GENERAL: The Governor in Council will not make these rules. They will be made by the Commissioner and approved by the Governor in Council.

Mr. LEE: I know what I am saying, but perhaps I am misunderstood. The nominated men will be under the direction of the Commissioner whose directions will be approved by the Governor in Council. Rules may be made which prescribe penalties, and I think this Legislature should have the right to review those rules.

Mr. ROTH: The hon. Member has apparently overlooked paragraph (3) of the clause which gives the Governor in Council the power to cancel or annul any rule made or in force under this clause.

The ATTORNEY GENERAL: The hon. Member is apparently proceeding on the assumption that everything is being done against the interests of the Amerindians, but I think that if he approached it from the point of view that this is being done with the view of advancing the interests of those people, and that the rules will be subject to the approval of the Governor in Council, he would see that it is not necessary to bring the rules before the Legislative Council.

Mr. LEE: Perhaps I am misunderstood. These District or Village Councils will be composed of entirely nominated members, and rules may be made by the Commissioner, accepted by the Councils and approved by the Governor in Council, which may be prejudicial to the interests of the Amerindians. I can see no harm in this Legislative Council reviewing those rules.

Dr. JAGAN: There is some merit in what the hon. Member has said, and I am supporting his amendment. We have been seeking to get some measure of control into the hands of the people of this Colony but, apparently, this Council seems to think that the system of Government nominees will be preserved. There is no harm in this Council having a say in the matter, and by having these rules laid on the table of this Council for 14 days we would not

be doing anything contrary to the interests of the Amerindians. It would provide an added safeguard, just in case powers are not exercised correctly in the interests of the Amerindians. The hon. the Attorney General has said that the entire Bill is in the interest of the Amerindians, but that is an old story which has been told to us for a long time.

The principle of nomination has been accepted for a long time as being in the interest of the people, but we find that that is not so. The hon. Member has said that the nominated members of the Councils may be under the thumbs of the Commissioner and, consequently, under the thumbs of the Administration, and I heard some Member mutter that that is not the experience in this Council lately. The experience of this Council cannot be taken into consideration because many Nominated Members are looking towards election next year. (Laughter). I support the hon. Member's suggestion that some opportunity should be given to Members of this Council, especially as we are giving the Administration a blank cheque to look after the Amerindians. This Council must have some control.

Mr. SMELLIE: I would like to suggest that there is another aspect of the matter, and that is that Government is very often accused of slowness—that the wheels of the machinery turn very slowly. It seems to me that if the suggested amendment is accepted it would make the position even worse. We would have to wait 14 days while the rules are being studied, and we would probably have a very long debate on the subject. In the meantime something urgent is waiting to be put right—some District Commissioner wants to get something settled at once, but there is interminable delay.

Mr. FERNANDES: I do not see anything wrong with this clause. This is not a case in which the Governor in Council is making rules. It will only

approve of rules after they have been published in the *Gazette*. There is nothing to prevent the hon. Member giving notice of a motion requesting Government to rescind its approval of any rules, and if such a motion is carried by this Council I cannot imagine Government ignoring that majority decision and allowing the particular rule to remain in force. Paragraph (3) gives the Governor in Council power to cancel or annul any rule made or in force. I am going to support the clause as printed, because I do not want any unnecessary delay in matters of this kind.

The Committee divided on Mr. Lee's amendment and voted:

For—Dr. Jagan and Mr. Lee—2.

Against—Messrs. Luckhoo, Morrish, Carter, Smellie, Phang, Peters, Kendall Fernandes, Farnum, Roth, Dr. Nicholson, the Attorney General and the Colonial Secretary—13.

Amendment lost.

Clause 21, as amended by the Attorney General, was then agreed to.

Clause 22—*Power of District, etc. Councils to investigate breaches of rules and to impose penalties.*

Mr. LEE: If an Amerindian failed to appear before the Council at an investigation what would be the position?

Mr FARNUM: With regard to sub-clause (1) of clause 22, will the direction to a captain to require an Amerindian to appear before the Council be a decision by the Council?

The ATTORNEY GENERAL: Yes.

Mr. FARNUM: Sub-clause (2) provides for a penalty not exceeding \$10 for failure to comply with any rule. I do not think any penalty should be imposed for a first offence.

The ATTORNEY GENERAL: The hon. Member will note that the sub-clause says that "the Council may impose upon the Amerindian a penalty not exceeding ten dollars." The hon. Member knows that very often a Magistrate reprimands and discharges a person even though there is a penalty attached.

Mr. FARNUM: I think it should be stated that for a first offence an Amerindian shall be reprimanded.

The ATTORNEY GENERAL: I do not think it is desirable to tie the hands of the Council because, for the second and third offence we may fix a penalty, whereas a reprimand may be ample in either case.

Clause 22 put, and agreed to.

Clause 28 — *Expenditure of Fund.*

Mr. ROTH: I move that after the word "Colony" in the last line of clause 28 the words "or for emoluments of a captain" be inserted. I strongly urged yesterday that captains should not be paid out of this fund but from public funds voted by this Council.

The ATTORNEY GENERAL: The clause says that this fund shall be expended by the Commissioner solely for the benefit of the Amerindians, but no expenditure for which provision is made in the annual estimates shall be borne by the fund.

Mr. ROTH: Is it definite, then, that provision for the payment of captains will be on the estimates?

The ATTORNEY GENERAL: That part of it I cannot say.

The CHAIRMAN: Clause 14 (3) provides that captains shall be provided with certain equipment at public expense.

The ATTORNEY-GENERAL: A pointed out by His Excellency, clause 14 (3) provides that the funds should

be provided at public expense. The point the hon. Member is making deals with remuneration. It is obvious that any expenditure put in the Annual Estimates cannot be taken out of the Amerindian Purposes Fund.

Mr. FARNUM: In clause 14 (2) no provision is made for the remuneration of the captain. Where is he to be paid from?

The COLONIAL SECRETARY: I understand that some of the captains are being paid at present and that they are being paid from the vote in the Estimates. I presume that would be continued.

The CHAIRMAN: If that is so, I think the captain would be paid from the Estimates. There is no necessity, therefore, to change that.

Mr. ROTH: I accept that, sir.

Clause 28 passed as printed.

Clause 30 — *Employment of Amerindians*.

Mr. LEE: I am suggesting that this clause be limited only to registered Amerindians.

The ATTORNEY GENERAL: The whole idea is to protect them from being exploited; they might not be in an Amerindian district. There may be people who are not registered, but for the purposes of labour they should be protected.

Mr. LEE: An Amerindian can say he wants to live his own life and to work where he likes.

The COLONIAL SECRETARY: It seems to me that there is some danger in that. If an Amerindian does not want to enjoy the privileges he need not be registered, but in this case we want to protect him, possibly against himself. I am doubtful whether we

would be justified in limiting this particular clause to registered Amerindians.

Mr. LEE: What more protection can we give them other than registering them if they wish to be registered? Why can't an Amerindian refuse to be registered and work for whoever he wants?

The ATTORNEY GENERAL: I desire to draw the attention of the hon. Member to clause 30 which deals with the question of the "Employment of Amerindians", but only those who are registered will receive the protection provided under this Ordinance. The real object is to ensure that any Amerindian who is employed receives reasonable and proper wages for his work, and that there is no chance of exploitation. The hon. the First Nominated Member has stated that there are Companies which now employ Amerindians under certain agreements and that the District Commissioner and everyone else concerned know exactly what is happening to those Amerindians.

Mr. LEE: You are imposing on the Amerindian a duty to be registered and you are imposing on the Captain a duty to notify the Commissioner if he is not registered. Now, you are saying that an Amerindian would have the option of saying to the District Commissioner "I do not want to be registered any more", and the District Commissioner would give him a certificate which would enable him to accept employment as an ordinary citizen and pay taxes and so on. I am saying that that should not be so.

Mr. FERNANDES: Speaking as one who has had some experience in the employment of Amerindians—and I do not mean those in the interior but those in the Demerara River district who are not primitive but who are educated and go in for sharp practices.

I can see this situation arising: An employer would have to decide him-

self or find some body to decide when an Amerindian is not an Amerindian. If he does not live in accordance with the Amerindian customs but in accordance with coastal customs only, then he is not an Amerindian, but according to this clause he is an Amerindian. We are going to have much difficulty in deciding when a man is an Amerindian and when he is not. I am afraid I am going to support the amendment. Only those who live as Amerindians should get the benefit of this legislation otherwise there would be much difficulty.

I have been employing these people for the last 30 years and I have not had a single complaint. There has not been a single bit of unpleasantness between any Amerindian and myself in the past, and I do not think there will be any in the future. I do not think it would be reasonable for me to have to employ an Interpreter in order to find out whether my employees are Amerindians or not, or to have to go to the District Commissioner in order to employ the same people who have been in my employ for the last 10 or 15 years.

THE CHAIRMAN: What is the position at the moment?

Mr. LEE: The position is that once a person is an Amerindian as understood by the Ordinance, the employer has to get permission to employ him.

The COLONIAL SECRETARY: The position is the same in the Regulations as it is in clause 30. There is no change in the Regulations.

Mr. FERNANDES: That Regulation, I am afraid, is honoured more in the breach than in the observance. I am afraid the Authorities have realised that these people can more than take care of themselves.

The CHAIRMAN: I feel rather nervous lest if the word "registered" is put in here it would operate to the detriment of the registered Amerindian. An employer might be reluctant to employ him.

Mr. LEE: Even if this Clause is passed as it is and you employ him, you would still be committing a breach because you would be employing an Amerindian.

Mr. PETERS: This brings me back to the point I was making yesterday. There are two kinds of Amerindians in this country; those who inhabit the forest fastnesses and those who live on the coastlands. Unless we are careful we are going to drive those who have been freed right back into slavery.

Mr. SMELLIE: I think that the point raised by the hon. Member for Essequibo River needs a great deal of consideration. There is also a danger of this Bill contradicting itself. In one part you say that Amerindians should be registered, and then you say that all Amerindians—whether registered or not—must be protected against the dishonest employer. I think we should make the situation quite clear.

Dr. JAGAN: I agree with the views of the last speaker. I think the situation would be clear if we give certain benefits to registered Amerindians and then say that those not registered would also have certain benefits. Otherwise, in the long run we might find persons employing unregistered Amerindians and getting away from the control of the District Commissioner. I think hon. Members were wrong when they opposed the registration of all Amerindians because they would all be given cards when registered. In that case there would be no discrimination and we would not have any difficulty in interpreting this clause. If we give Amerindians the option of registering, we would find that those who do not register would enjoy some advantage later and that all of them would never register. I do not think that is a state of things we would like to see.

The hon. Member for Western Berbice has stated that those Amerindians

who live in the coastal areas have absorbed Western ideas and so on, but I do not feel he is entirely correct because one finds that Mr. Peberdy in his report arrives at the conclusion that those Amerindians who came into contact with Western civilization were more exploited than those who live in the interior. It is not because they have come into contact with civilization and are wearing Western clothes and so on that they do not need protection. I shall read with your permission, sir, a portion of the report by Mr. Peberdy to show that the Amerindians on the coastlands need as much protection as the others. This extract was reprinted in the "P A C" (newspaper) in December, 1949, and it says:—

"171. In so far as the coastland Amerindians are concerned, a very large proportion of them engage in the wood-cutting industry, but it is questionable whether they derive maximum monetary benefit by working for others; on the other hand, given opportunities to labour for themselves in this industry alone, it would be the means of materially improving their economic circumstances, and providing funds for improving their general welfare."

Here is a point which I think hon. Members are overlooking. It is true that those Amerindians who have had some contact with Western people have become more or less civilized, but I feel they must be protected in the same way as those who live in the very remote interior.

The ATTORNEY GENERAL: I think that on analysis of the terms of the Bill hon. Members will agree that it is not so inconsistent after all. In part II provision is made for the registration of Amerindians. If hon. Members refer to clause 4 they would see that as it was originally printed and presented to this Council every Amerindian was entitled to reside in a district, area or village. This Council, yesterday, prescribed that by adding the words "registered under the provisions of this Ordinance." Then there is a proposal to set up or to have three different areas for the purpose of the Amerindians who wish to come into these reservations.

When it comes to the question of employment, it is not limited to those in the districts and who have a right to be registered under the provisions of the Ordinance, but it would embrace all Amerindians. Although the hon. Member for Georgetown Central pointed out that he employs Amerindians and that their work is very satisfactory, there are conditions of service that are looked for and there may be other employers whose conditions may not be so satisfactory as regards other Amerindians who have reached a satisfactory stage in their development. The provisions which we are now looking at seek to secure the protection of Amerindians as a whole. If their conditions are satisfactory it does no harm at all. It would be affecting those employers who employ labourers in such a way as is desired, and I suggest that there is no inconsistency about it.

Those Amerindians who are registered would be entitled to reside in a particular district, area or village but those not registered would not be entitled to do so. As hon. Members are aware, there is a large number of Amerindians outside these reservations and I suggest that, undoubtedly, there would be cases which would come within the provisions of this particular part of the Bill. As the hon. the Colonial Secretary has pointed out, we are not making a departure. All we are doing is to put the general provisions relating to Amerindians in this new Ordinance. There may be cases to which the hon. Member for Georgetown Central (Mr. Fernandes) has referred, which are very satisfactory, but this is for the others whose conditions of work are not so satisfactory, for whom this legislation is being provided.

Mr. FERNANDES: The hon. the Attorney General says that this protection is needed. First of all, I would like him to tell the Council what would be the position of a man who has been refused registration? To all intents and purposes he is an Amerindian. He qualifies under Part II of the Bill, but

he does not qualify by the fact that he has been living as an Amerindian in the past. He is refused registration. Is he still an Amerindian? How is an employer to know whether he is an Amerindian or not? It will be very difficult for us who live on the coast to decide when a man is an Amerindian and when he is not.

Mr. ROTH: His registration certificate would prove that.

Mr. FERNANDES: That is just what I wanted. If that is all that would ensure that he is, then the amendment is bound to succeed, because the term "Amerindian" under clause 2 would also make him an Amerindian even if he is not registered. That is where the mix-up comes. The Bill provides that every Amerindian shall be registered, except where he is refused registration. If that is so then all the protection that is needed is for those who have been registered, because those who are not would be those who have been refused registration. I submit that under those circumstances I do not see how any Member can honestly vote against the amendment.

Mr. SMELLIE: I am really not quite clear. The hon. the Attorney General said that any registered Amerindian who wished to do so could live within a reservation. Well, every Amerindian has to be registered. Then those who choose to live in a reservation can do so. While they are in a reservation Government looks after them in various ways; protects them by forbidding unauthorized people to go into the reservations; protects them as regards the sale of alcoholic liquors, and encourages them in communal life and activity within those reservations. Then we have a second class of Amerindians who are also registered because everyone has to register. The Amerindians in this second class are those who say they are not going into a reservation. In spite of the fact that they are registered they prefer to live the

ordinary life of any inhabitant of the Colony. I hope I have that right.

What the hon. the Attorney General is saying now is that, irrespective of whether they want to go into a reservation or not, it must be remembered that they are all registered; that they are protected from the point of view of employment. The registered Amerindian who has elected to go into a reservation will be protected in all sorts of ways, but the protection with regard to conditions of employment apply to the registered Amerindians whether they are in a reservation or not. If I have summarized the position correctly I hope the hon. the Attorney General will let me know, because it has all been very confusing up to the present.

Mr. ROTH: What the hon. Member has said is correct for the most part, but those who do not go into a reservation will be protected by this law in the same way as those in a reservation, for a period of 10 years, and after the expiration of 10 years those who are outside a reservation will lose all their privileges. If they wish to retain their privileges after 10 years they must go into a reservation.

Mr. SMELLIE: I am very much obliged to the hon. Member for clearing up that point. The position is that the protection against an employer as regards conditions of employment will only hold good for 10 years.

The ATTORNEY GENERAL: Yes.

Mr. LEE: It goes further. If an Amerindian desires to cancel his registration he can go to the District Commissioner who hears his case and cancels his registration. If he is registered he is protected under the Ordinance, and that is the amendment I am asking for. If an Amerindian produces a certificate of the cancellation of his registration an employer would know that he could employ him without any risk of incurring a penalty. I am urging that those

Amerindians who have seen the light of Western civilization be given their freedom.

Mr. SMELLIE: I said a while ago that I agreed with what the hon. Member said, but now that I understand the position I do not agree with him any longer, because those Amerindians who are not in a reservation are also primitive people, and I think they should be protected with regard to conditions of employment in the same way as those who are in reservations.

Mr. FERNANDES: The amendment protects them. As long as they are registered they are automatically protected. The only Amerindians who will not be protected are those who refuse registration. Certain of the Amerindians are going to be refused registration because they have not been living as Amerindians from the time of their birth, and therefore should not be registered. There are lots of them who were born in Georgetown and, according to the definition of "Amerindian," they can be registered as Amerindians. They are employed in Georgetown, and every time their present employers desire to continue their employment they would have to look for the Commissioner and go through all sorts of formalities. It may be found that it would be easier not to employ those people and save a lot of bother. The number of Amerindians who would lose protection as a result of the amendment would be just a few who are going to be refused registration because, although Amerindians in blood, they are not Amerindians in habits, or have not lived in the interior. They do not know anything about the interior.

The COLONIAL SECRETARY: Hon. Members are assuming that all Amerindians will be registered, except those who have been refused registration. If I thought that was going to be correct in practice I should not have any doubts, but I have serious doubts, and it does seem to me that there is a weak-

ness in the matter. The Bill says that every Amerindian shall be registered, but there is absolutely no sanction, and if an Amerindian does not register nothing is going to happen to him. It may be that if they find that it is in their interests not to register, or they are persuaded by some unscrupulous characters (I am not suggesting that there are many about, but there may be) not to register, then there is no sanction we can impose. In the form in which the Bill first came before the Council there was an indirect sanction in clauses 10 and 11 because, if they were registered they would have to produce their registration certificate, and if they failed they would be liable to a penalty of \$25. The penalty for failure was removed yesterday, and there is no sanction now.

Mr. ROTH: The sanction for refusal is that he has to pay taxes.

The COLONIAL SECRETARY: We are under an obligation to the Amerindians, and I think the whole of this Bill implies an assumption that the vast majority of them have not yet reached the stage when they can decide for themselves in matters of this sort. As I said yesterday, the case may arise in which an employer may persuade an Amerindian that it is in his interest to come to Georgetown and not register, and to accept employment outside of the Ordinance entirely. There is that danger, and it is against that danger that I think they must be protected, and the Commissioner agrees that it would be unwise to limit clause 30 to registered Amerindians. If there are more advanced Amerindians who do not want protection under the new clause 41 which it is proposed to introduce, they could go to the Commissioner and get a certificate exempting them from the provisions of the Ordinance. But I do submit that the vast majority of those people do need protection, and as the Bill now stands there is nothing to compel them, apart from the word "shall," which is not

in itself a sanction, and there is no force behind it. It seemed to me that we were introducing a weakness yesterday, and I think it would be a mistake to amend clause 30 as the hon. the First Nominated Member has proposed.

The Committee then divided on Mr. Lee's amendment and voted:

For—Messrs. Carter, Phang, Peters, Fernandes, Roth and Lee—6.

Against — Messrs. Luckhoo, Morrish, Smellie, Farnum, Raatgever, Wight, Dr. Jagan, Dr. Nicholson, the Attorney General and the Colonial Secretary — 10.

Amendment lost.

Clause 30, as printed, agreed to.

Clause 31. — *Contract to be in writing and to be made in the presence of certain persons.*

Mr. ROTH: It is of the utmost importance that the officers to be concerned with attesting these agreements should have a thorough acquaintance with local labour conditions, otherwise I foresee injustice being done. I trust that Government will bear that in mind. They should be officers of experience in the districts, and with a knowledge of labour conditions.

The COLONIAL SECRETARY: While I entirely agree in principle with the hon. Member, I must qualify my assurance by saying that that will be done to the extent that such experienced officers are available, and to the extent that this Council agrees to provide the necessary staff.

Mr. LEE: I sincerely hope that as Government has in its employ several Amerindians, it will see that written contracts are entered into with them. I know that several Amerindians are employed in high positions in the Government Service,

Clause 31 put, and agreed to.

Clause 34.—*Offences.*

Mr. LEE: I see that paragraph (b) of clause 34 states that any person who "without the permission of the District Commissioner, suffers any Amerindian to be in or upon any house or premises in his occupation or under his control, shall be liable to a penalty not exceeding \$100." I may have a friend of Amerindian blood, and if he stays with me in my house I would be guilty of a breach of the law and liable to a penalty of \$100. Reference is made to permission by the District Commissioner, but I may be in my house at Wakenaam while the Commissioner may be in Leguan.

The ATTORNEY GENERAL: The difficulty that arises in this case, as explained by the hon. the Colonial Secretary, is because of the fact that the emphasis is on the voluntary nature of the registration, and there is no sanction attached to that clause, although the word "shall" is used. The hon. Member has introduced one aspect, but hon. Members will also see that there is another aspect—"without the permission of the District Commissioner, suffers any Amerindian to be in or upon any house or premises in his occupation or under his control." There may be cases, and I am sure that hon. Members will see that an Amerindian may be harboured on premise improperly, and that it is desirable that the District Commissioner should be aware of that fact, and that the person who so harbours an Amerindian should be substantially penalized.

Mr. LEE: I am not talking about harbouring; I am referring to the word "suffers."

The ATTORNEY GENERAL: "Suffers" there means permits.

Mr. LEE: May I ask the hon. the Attorney General how he is going to

exempt Amerindian children who are being educated in a Convent?

The ATTORNEY GENERAL: The hon. Member has not read the clause. It says "without the permission of the District Commissioner."

Mr. MORRISH: I can see another little difficulty in view of what I see at least once a week. I see Indians coming down the river with boat loads of wood which they take to the estates. They visit the estates so often that they have friends there, and it is quite a common occurrence for them to sleep at the house of one of their friends. It would seem rather difficult for them if permission has to be obtained from the District Commissioner for them to spend a night at the house of a friend.

Mr. WIGHT: The point may be covered by an amendment in the form of a proviso, or the addition of the words "without lawful or reasonable excuse." I think the insertion of those words would cover the cases mentioned by hon. Members. It does seem to me that if an Amerindian were permitted to remain in a house without permission the occupier would be liable. There may be no opportunity to secure the necessary permission before the Amerindian arrived at the particular place.

Mr. FERNANDES: I quite understand the reason for this clause, and I am quite in agreement with that reason. The position is that we will have to pass this law and depend upon those who will administer it to do what is right. If a man marries an Amerindian he might suffer others to live in his house, and according to this clause he would be liable to a penalty. I suppose that in order to avoid the greater evil of Amerindian girls being used as prostitutes we will have to leave the clause in and hope that those who are going to administer the law will not do so strictly in accordance with the letter of the section. Other-

wise, I can quite imagine that a great deal of hardship will be inflicted.

Mr. ROTH: This has been the law in existence since 1910, and as far as I know it has not been enforced, except on occasions when it was absolutely necessary.

Mr. LEE: I would accept the amendment suggested by the hon. Member for Western Essequibo (Mr. Wight).

Mr. LUCKHOO: The fact that this provision has been in existence for such a long time and has only been used on one or two occasions is, in my opinion, good evidence that we can do without it. One knows what is sought to be achieved by this particular clause but it seems to me to be an underground method of attaining that particular end. Personally I would prefer that we came into the open and expressed what we really have at the back of our minds. I presume that the object of this clause is to provide for cases in which a man might harbour an Amerindian woman in his house. If that is the intention we should go about it quite openly. There is no necessity to colour or disguise it. I think the amendment suggested by the hon. Member may be quite sufficient, but again I do not feel that we should approach it from that aspect.

As regards paragraph (a) of clause 34 I am of the opinion that it should read that any person who "*knowingly* employs any Amerindian....." I am suggesting that the word "*knowingly*" should be inserted, because one can foresee a case where a person may unknowingly employ an Amerindian, and some such word should be introduced so as to provide for the necessary *mens rea* before an offence is committed. I will also move the deletion of paragraph (b).

Mr. WIGHT: I support the hon. Member's suggestion of the insertion of the word "*knowingly*" in paragraph (a) because an employer may not know that

the person he is employing is an Amerindian. I am afraid, sir, that I cannot support the amendment to repeal clause 34 (b). It is true that the hon. Member is referring to matters which even the Courts are cognisant of, but I think there should be some protection of that kind because it is easier to get a person to come from the interior without a home and stay, than it would be to induce them to stay over as an act of kindness, and that kindness might develop into something else. If the Attorney General would accept it, I would move an amendment to 34 (b) to the effect that the words "without lawful or reasonable excuse" be substituted for the words "without the permission of the District Commissioner."

The ATTORNEY GENERAL: This clause is in no way new. It formed the basis of section 22 (1) of the Aboriginal Indian Protection Ordinance, Chapter 262, which reads:—

"22.—(1) Anyone who, except under the provisions of any ordinance or regulations, employs an Indian or a female half-caste, otherwise than in accordance with the provisions of this Ordinance or the regulations, or, without the permission of the Protector, suffers or permits an Indian or a female half-caste, to be in or upon any house or premises in his occupation or under his control, shall be guilty of an offence against this Ordinance, and shall be liable on conviction to a penalty of not more than one hundred dollars and not less than fifty dollars, or to imprisonment for any term not exceeding six months."

This has only been incorporated into this particular Bill but it is something you had before. I think it is well that there should be such a provision in this Bill. The words "without lawful or reasonable excuse" would introduce a somewhat difficult condition. The onus would have to be on the prosecution. As regards the word "knowingly", I suppose the hon. Member means that the person would know that

he comes within the definition of clause 2.

Mr. FARNUM: I think there are cases where Amerindians come into the homes of people in Georgetown. What would be the position if those Amerindians are not registered?

The ATTORNEY GENERAL: I suppose they would have to give some notification or it may be honoured in the breach.

Mr. LEE: If we look at section 151 of the Immigration Ordinance, Chapter 208, we would find that it reads:—

"151. Everyone who entices away or cohabits with the wife of an immigrant, or unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both the penalty and imprisonment, and, on a second or any subsequent offence, shall be deemed guilty of a misdemeanour and be punishable accordingly.

"Provided that no one shall be convicted under this section for cohabiting with the wife of an immigrant if he establishes to the satisfaction of the Magistrate or court before whom he is tried, that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that the cohabitation was with the knowledge and consent of the husband."

I think that if we introduce a section in this Bill providing that anyone who entices away or cohabits with a female Amerindian, or unlawfully harbours a female Amerindian who has left her husband without just cause shall be liable to a penalty of so and so, it would be a good thing.

The ATTORNEY GENERAL: I think the new clause, 40, is substantially, in its terms, similar to what the hon. Member is suggesting.

Mr. LEE: Then why have his?

The ATTORNEY GENERAL: Because one is a wife and the other one may not be a wife.

Mr. LEE: I cannot support this clause in view of clause 40. I think it should be deleted.

The ATTORNEY GENERAL: This clause, 34, with which we are now dealing was section 24 in the old Amerindian Ordinance. This refers to the question of harbouring, but clause 40 to which the hon. Member has referred deals with the question of inducing the wife of an Amerindian. As regards the term "knowingly", it may have two different meanings. It may mean knowingly that the person is an Amerindian or knowingly that it is in accordance with the provisions of this Ordinance.

Mr. LEE: If the word "knowingly" is inserted there it would refer to the question of knowing that the person employed is an Amerindian.

Mr. C. V. WIGHT: I think it is essential to make it imperative that knowledge under sub-section (b) should be established and that the offence should be without lawful or reasonable excuse. It does seem to me that after all a defendant would be entitled to protection to the fullest possible extent. We do know that in the case of spirit shops, proprietors are sometimes penalised for the acts of their servants. The hon. Member for Georgetown Central says he employs these people and he might become involved in proceedings in which, on his clerks. In other words, an employer might become liable through the act of his agent.

Mr. THOMPSON: If a man has an Amerindian woman with children what would be his position?

The ATTORNEY GENERAL: Let him get married.

Mr. LEE: Presumptions would, naturally, take their course if a prose-

cution is brought. For instance, if a man goes into an Amerindian district and engages persons there he cannot say he did not know that they were Amerindians. This affords a certain amount of protection to the honest employer. For instance, if the hon. Member for Georgetown South does not engage persons along the coastlands he would not be responsible except through additional circumstances to show that he had knowledge. I do think that this provides a solution to anything that would permit of a certain amount of injustice.

The ATTORNEY GENERAL: When you insert the word "knowingly" the onus of establishing the guilty knowledge would still be on the part of the person who brings the prosecution. There may be circumstances in which it might be very difficult to establish that knowledge. The moment the hon. Member introduces the question of "knowingly" the other part of the proceedings must follow and then it would be for the prosecution to establish the guilty knowledge. The whole approach must be one of trying to detect any guilty knowledge with which the Amerindian population is dealt with. The responsibility for the carrying out of the provisions of the Ordinance would involve proceedings in which, on the face of it, there is doubt whether the employer knew that the person employed was an Amerindian. Therefore, I think it is better to leave this matter as it is. There might be some difficulty in establishing this guilty knowledge, and the fact that there is such a provision would have the effect of preventing people from taking steps or doing things inimical or prejudicial to the interests of these Amerindian members of the community.

Mr. PETERS: We might try with every solicitude to give all the protection we can to the Amerindians, but we might lean too far on the other side and do injustice to the ordinary citizen in the community. I am therefore going to support the suggestion of the hon.

Nominated Member that the word "knowingly" be placed in this clause—34. In clause 38 you have the initial presumption in favour of the prosecutor—that the person employed is an Amerindian,—therefore it would be fair to provide that the employer should know full well that the person is an Amerindian. There are some Amerindian folk in our community who look very much like Chinese or Japanese. Further, a person might be a "Bovi-anda" or a half-caste Indian and might lose her racial identity to such an extent that she would appear to be a mulatto. I am going to support the amendment which calls for the insertion of the word "knowingly."

The CHAIRMAN: I will now put the amendment for the insertion of the word "knowingly" before the word "employs" in sub-paragraph (a) of clause 34.

Amendment put, the Committee dividing and voting as follows:—

For: Messrs. Luckhoo, Morrish, Carter, Smellie, Phang, Peters, Fernandes, Farnum, Thompson, Raatgever Lee, Dr. Singh, and Wight—13.

Against: Messrs. Roth, the Attorney General and the Colonial Secretary—3.

Did not vote: Dr. Jagan—1.

Amendment carried.

Mr. WIGHT: I move that the words "and/or without lawful reason or excuse" be inserted at the end of sub-paragraph (b).

The ATTORNEY GENERAL: I have looked at this amendment and would like to have an opportunity of examining the matter fully, therefore I suggest that further consideration of this clause be deferred.

Agreed to.

Clause 34 deferred.

Clause 35—*Supply of intoxicating liquor to Amerindians prohibited.*

The ATTORNEY GENERAL: I move the deletion of the words "within any District, Area or Village" in the second line of paragraph (1) of clause 35, and the words "as aforesaid" at the end of the paragraph.

Mr. SMELLIE: May I ask what would be the position of a person who supplied intoxicating liquor to an Amerindian in Georgetown?

The ATTORNEY GENERAL: The hon. Member might read clause 37 (a) which says:

"37 This Part of this Ordinance shall not apply to

- (a) the sale, barter, supply or gift of intoxicating liquor to be used in case of illness by the direction of a registered medical practitioner or sicknurse and dispenser, or where such intoxicating liquor is supplied for the aforesaid purpose with the permission of a District Commissioner or an officer, or by a minister of religion; or"

Mr. SMELLIE: If we are protecting Amerindians from the evils of strong drink why not protect them everywhere?

The CHAIRMAN: The proposed amendment of clause 35 is for the deletion of the words "within any District, Area or Village", which would make the prohibition apply to the whole Colony.

Dr. JAGAN: Speaking on Part VIII of the Bill I feel that the time has come when we should no longer impose such a restriction on the Amerindians of this Colony. I do not know why those people should not enjoy the same rights as other persons to go into rumshops and purchase alcohol if they wish to do so. My information is that Amerindians get alcohol whether they buy it or not, and if that is so I cannot see the necessity of passing a clause which merely says that something would be unlawful which is a

common practice. In view of that I would be in favour of the deletion of the whole of Part VIII of the Bill. I think the ordinary provisions of the law relating to intoxicating liquor should also be applicable to Amerindians. It is generally felt that Amerindians have come to understand the use of intoxicating liquor in moderate quantities, and I do not think there is now any danger of a recurrence of what took place many years ago. I am opposed to this Part of the Bill.

The ATTORNEY GENERAL: I am rather surprised at the hon. Member taking that attitude because, early in the course of the debate of this Bill, he referred to certain portions of Mr. Peberdy's report which he emphasized. I think it will be agreed by hon. Members that not so long ago emphasis was placed upon the increase in the consumption of liquor among other racial communities in this Colony, and if that is so in respect of other racial communities the argument must be stronger with regard to these people whom we are seeking to protect from the evils associated with intoxicating liquor. In the early Part of the Bill provision is made for Amerindians to live within reservations with certain restrictions, so that as regards the consumption of liquor outside of those areas I think hon. Members will agree that it is desirable that this Council should maintain an attitude which is in the best interests of those particular people.

Mr. ROTH: The hon. Member for Central Demerara (Dr. Jagan) has once again shown how little he knows about Guiana Indians. Anybody who knows anything at all about them must know the deleterious effect of spirituous liquor on those people. It inflame their passions very easily, with disastrous results. We know that when they come to Georgetown and are paid off they end up in brothels and in the hospital, if not in goal. It is a grim picture, but I am sorry to say it is a true one. I can only ascribe the hon. Member's suggestion

that we should remove all control in this respect, to his absolute ignorance of the true state of affairs. We want to gradually wean these people to our own ways of life, but by keeping alcohol entirely away from them would not do so, because they will get it somehow. Is it not better that they should be allowed to have alcohol gradually in their own homes rather than to drink it in rum-shops among other people? That is why the Bill permits a District Commissioner to give an Amerindian permission to have a certain amount of liquor in his home.

Mr. WIGHT: Be that as it may, it does seem that we would create a very anomalous position in a cosmopolitan community. If there are five or six persons on a visit to one's house and one of them looks like an Amerindian it would be very awkward for the host to tell that person that he could not offer him a drink because it was against the law. The hon. the First Nominated Member (Mr. Roth) has had a great deal of experience with Amerindians, some of whom are educated and know when to stop drinking. Some of them are fully educated men employed by Government in the Rupununi. Can anyone be expected to refrain from offering those men a drink? It seems to me that to close the door entirely against Amerindians is going a little too far, but we may try to control their consumption of alcohol.

Mr. FERNANDES: I quite agree that the sale of liquor to Amerindians should be controlled, but it should not be taken to the extreme. This is one occasion on which those Members of the Council who belong to the medical profession have one up on other Members, because they can prescribe doses of medicine in the form of a whisky and soda. Among those Members I include the hon. Member for Eastern Berbice (Dr. Gonsalves) who is a dentist. They simply have to declare a person to be sick, and in prescribing alcohol they would not be breaking the law. This law has been there for a very long time

but I cannot recall a case in which it was put into force where it was not absolutely necessary. I am prepared to take a chance on this one, but I think some restriction might very well be brought in with respect to other members of the community.

Dr. JAGA : The hon. nominated Member, Mr. Roth, referred to the inflaming of passions, ignorance, and that sort of thing, but he should realize that alcohol does not only inflame the passions of Amerindians, but that if he himself consumed a great deal his passions would be inflamed as much as anybody else's. He must realize that in this City today people go into rumshops as soon as they get their pay. Are we going to say that rumshops must be closed on pay day? People have come to realize that in their own interests intoxicating liquor must be used in moderation. We cannot legislate against drinking or other forms of social vice. In the same way in which we have instituted certain measures of control by limiting the number of rumshops and the hours of opening in certain areas, we can adopt similar restrictions as regards Amerindians, but I do not think a law imposing absolute prohibition should be applied to one section of the community. I have heard visitors to this country preaching against rum drinking, yet picture showing them drinking have been published in the newspapers.

I feel that we should devise some means whereby people would not want to drink liquor in excess. If, in spite of the existing law, Amerindians have been able to get liquor I do not feel that now that we are enacting new legislation there is any necessity for such a clause attaching a penalty. I am sure that Amerindians are consuming liquor today although the law forbids it to be sold to them, but that the consumption is to an extent which would not be harmful to them in any way. I feel that as the present law is inoperative in the sense that people are breaking it, Government would be well ad-

vised to delete this clause from the Bill.

The ATTORNEY GENERAL : I move that sub-clause (2) be amended by substituting a penalty of not exceeding one hundred dollars for "not exceeding twenty-five dollars." **There may be** cases of intoxication of an Amerindian in circumstances which might require a very strong penalty.

Mr. LEE: I cannot agree with that proposal to increase the penalty. I think \$50 is quite ample.

Mr. ROTH: These offences occur in Georgetown and not in the interior. I think the penalty should be not exceeding \$100.

Dr. SINGH: We are trying to prepare the Amerindians for full citizenship.

The Committee divided on the Attorney General's amendment and voted:

For -- Messrs. Morrish, Smellie, Roth, the Attorney General and the Colonial Secretary — 5.

Against — Messrs. Carter, Phang, Peters, Fernandes, Farnum, Thompson, Raatgever, Lee, Wight, Dr. Jagan and Dr. Singh — 11.

Amendment lost.

Clause 35, as amended in sub-clause (1), was then put and agreed to

Clause 36—*Penalty for possession of intoxicating liquor by Amerindians.*

The ATTORNEY GENERAL: I move the deletion of Clause 36 as printed in the Bill, and the substitution of the following new clause 36:—

"36. Any Amerindian in any Area, District or Village who is found in possession of intoxicating liquor other-

wise than in accordance with the terms and conditions of a licence granted to him in that behalf by the District Commissioner shall be liable on summary conviction to a penalty not exceeding twenty-five dollars."

Dr. JAGAN: During the debate on the second reading of this Bill the hon. Member for Georgetown South (Mr. Carter) referred to the apartheid policy, and suggested that the question of registration of Amerindians would deprive the Amerindians of certain rights. I feel that clause 36 will deprive the Amerindians of certain rights which are enjoyed by other people, because if they are registered they would be subject to the provision in this clause.

Mr. ROTH: I wonder whether the hon. Member has read the amended draft of the clause which is typed?

Dr. JAGAN: I am referring to the principle of Amerindians not being allowed to have possession of intoxicating liquor. Whether there is an amendment of the clause or not the principle is still there. That is what I am objecting to. This clause seeks to deny them a right which is inherent in all the other citizens of this country, and I cannot agree with it.

Mr. RAATGEVER: I am supporting the hon. Member. I think the clause should be deleted, because it interferes with the rights and privileges of people. After all the Amerindians must have rights and privileges.

Dr. SINGH: We are enacting legislation in an endeavour to bring the Amerindians up to the level of the other citizens of the Colony, and also to protect them. In time they will make friends with other citizens and will be invited to the City and perhaps treated to spirituous liquor, but they would be put in the invidious position of not being able to return the compliment. If they are educated they would feel that they were not being treated well in this respect.

Mr. LEE: I do not know whether the hon. the Attorney General is overlooking clause 37 which exempts the sale, barter, supply or gift of intoxicating liquor to Amerindians in cases of illness. The amended clause 36 provides a penalty against any Amerindian "found in possession of intoxicating liquor." The Amerindians make certain drinks from cassava which have intoxicating qualities. I cannot see any necessity for clause 36.

The ATTORNEY GENERAL: Clause 36, which certain Members are anxious to delete, does not take away any rights from the Amerindians, because under the existing Ordinance section 30 (1) provides for forfeiture of intoxicating liquor supplied or given to an Amerindian, while sub-section (3) provides for a penalty not exceeding \$25 for the possession of intoxicating liquor. We are therefore not making any departure from the law as regards Amerindians. If the object of this Bill is to protect Amerindians from themselves as regards over-indulgence in strong drink, then this provision must follow as a matter of course. It is not a question of providing discriminating legislation against Amerindians. The law is there already and is simply being put into this new legislation. If, of course, we consider that Amerindians should have the right to buy intoxicating liquor *ad lib* and to drink it *ad lib*, then that is another matter.

We are endeavouring to enact legislation for the advancement of the Amerindians to the ways of life of the other communities, yet we are spending our time in debating clauses which seek to protect them against intoxicating liquor. If hon. Members feel that there should be no restriction, and that the Amerindians should have the fullest opportunity to take the better or the worse, then that is a different matter. I would suggest that we should see that these people are assisted in the best possible way.

Mr. LEE: We are providing a penalty against Amerindians for being in possession of intoxicating liquor, and at the same time exempting "the manufacture and consumption by Amerindians of the intoxicating liquor known as *piwarri*, or any similar intoxicating liquor in accordance with any custom prevailing among Amerindians."

Mr. ROTH: *Piwarri* is fermented liquor.

Mr. LEE: We are allowing them to manufacture their own fermented liquor which is intoxicating.

The ATTORNEY GENERAL: The hon. Member distresses me. If he looks at the beginning of clause 37 he will see that it says "This Part of the Ordinance shall not apply to—"

Dr. JAGAN: The hon. Member is trying to make the point that *piwarri* is more intoxicating than rum. If we are exempting *piwarri* why should they not be allowed to drink other intoxicating liquor?

Mr. ROTH: For the information of the hon. Member I may point out that it takes three or four gallons of fermented liquor to intoxicate an average man, whereas two drams of spirituous liquor would put him out.

The CHAIRMAN: I think the hon. Member is also overlooking the fact that the Village Councils are empowered to make rules restricting the manufacture of *piwarri*.

Mr. LEE: I am only calling attention to the fact that the mere possession of liquor is an offence, but you say it does not apply to *piwarri*.

The ATTORNEY GENERAL: The hon. Member will appreciate that *piwarri* is a liquor which Amerindians have been accustomed to use for generations. Clause 37 states specifically that this Part of the Bill shall not

apply to *piwarri* which is a type of liquor used by the Amerindians, and to which they are accustomed.

Mr. LEE: It is nevertheless an intoxicating liquor.

The ATTORNEY GENERAL: It may be so, but it is something to which they are accustomed.

Mr. WIGHT: I am rather inclined to the view that clause 36 should be deleted, because it is going to be difficult to see how an Amerindian is going to be in possession of intoxicating liquor when one reads that no person shall sell, barter, supply or give him intoxicating liquor. I think an Amerindian should be allowed a certain amount of freedom. In clause 37 permission is given for them to be supplied with intoxicating liquor in cases of illness. How do we know what liquor would be prescribed for them, and in what form? I do not think they should be entirely debarred from possessing liquor of their own volition, if they can obtain it.

The Committee divided on clause 36 and voted:

For—Messrs. Morrish, Smellie, Fernandes, Farnum, Thompson, Dr. Singh, the Attorney General and the Colonial Secretary—8.

Against—Messrs. Phang, Peters, Raatgever, Lee, Wight and Dr. Jagan—6.

Clause 36 carried.

Clause 37—*Exemptions*.

The ATTORNEY GENERAL: I move the deletion of the words "for the aforesaid purpose" in paragraph (a).

Amendment agreed to.

Clause 37, as amended, put, and agreed to.

Council resumed and was adjourned until 2 p.m. on Thursday, 17th May.