

LEGISLATIVE COUNCIL

FRIDAY, 25th 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. J. 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. the Financial Secretary and Treasurer, Mr. W. O. Fraser, (Acting).

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

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

The Hon. C. P. Ferreira (Berbice River).

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

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

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

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

The Hon. J. Fernandes (Georgetown Central).

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

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

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

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

The Hon. J. Carter (Georgetown South).

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

The Clerk read prayers.

The minutes of the meeting of the Council held on Friday, the 18th of May, 1951, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORTS AND DOCUMENTS.

The following documents were laid on the table:—

The Annual Report on the Local Government Department for the year 1950. (Colonial Secretary).

The minutes of a Special Meeting of Finance Committee of the Legislative Council held on 17th May, 1951. (Financial Secretary and Treasurer).

GOVERNMENT NOTICE

INTRODUCTION OF BILL.

The ATTORNEY-GENERAL gave notice of the introduction and first reading of a Bill intituled:

"An Ordinance further to amend the Tax Ordinance, 1939."

UNOFFICIAL NOTICE.

LUNCH ROOM FOR MEMBERS.

Mr. ROTH gave notice of the following motion:—

“WHEREAS the sight, during sittings of this Honourable Council, of Honourable Members standing in the public hall immediately without the Chamber door, partaking of refreshment from flask and tin, is not calculated to enhance the dignity of this Honourable Council;

BE IT RESOLVED that this Honourable Council recommend to Government the establishment of a lunch-room in the precincts of the Chamber.”

ASSISTANCE FOR CRUDE OIL MANUFACTURERS.

Mr. DEBIDIN: Sir, before we proceed to the Order of the Day may I crave your indulgence to draw Government's attention to the very serious situation which faces a section of the community. I refer to the very serious plight of about 200 crude coconut oil makers who are threatened with unemployment, which is regrettable at this time when we are trying to find employment for some of our people on another Continent. It appears that the price of copra and refined oil has been increased, and at the same time control of the price of coconuts has been removed while the price of crude coconut oil remains the same. The result is that the makers of crude coconut oil have to pay as much as \$25 to \$30 per 1,000 for coconuts, and they are finding it very difficult to purchase coconuts in view of the incentive to manufacture copra and refined oil.

These people have for over 30 years not only been engaged in the very important industry of crude coconut oil making but of poultry and pig rearing—two very essential minor industries to the food supply of the country. It is an extremely urgent matter and I am making an appeal to Government to take immediate steps to fix the price of coconuts, prob-

ably at some slight rise, and also to raise the price of crude coconut oil so as to make it possible for the crude oil makers to purchase coconuts to carry on their industry. The producers of coconuts are probably holding their nuts in order to get a better price by either making copra, or selling them to the manufacturers of refined oil. I feel certain that the acute shortage of edible oil being felt by householders would also be relieved if Government took immediate steps to fix the price of coconuts without waiting for the report of the Committee which is at present investigating the matter.

The PRESIDENT: A note will be taken of the hon. Member's remarks. As he is well aware, I have received a deputation from these people. The problem is indeed a very complicated one, and I advised them to put their case before the Committee which is investigating the whole set-up of the coconut industry. This is only one phase of it, but a note will be made of what the hon. Member has said.

ORDER OF THE DAY.

CONVEYANCE OF INJURED WORKMEN.

Dr. JAGAN asked, and the COLONIAL SECRETARY laid over replies to the following questions:—

Q. 1—In view of the fact that section 6 (1) of the Workmen's Compensation (Amendment) Ordinance, No. 14 of 1947, provides that “in every case where injury has been sustained by a workman, the employer shall be liable to pay to the workman or to any other person advancing the same, the expenses of conveying the injured workman from the place of the accident to a hospital or to his residence” will Government state whether expenses incurred for motor car hire can be fully recovered under this section?

A. 1—Section 6(1) of the Workmen's Compensation (Amendment) Ordinance, 1947, does not state what means of conveyance shall be used.

It is considered that the question whether the expenses for motor car hire can be fully recovered under the abovementioned subsection of the Ordinance would depend on the circumstances of each case, e.g., the nature of the injury, the distance of the place of accident from the hospital or home of the injured man, whether other suitable but less expensive means of conveyance is available, and so on.

EXPENSES FOR AIR TRAVEL

Q. 2—Is Government aware that many timber and mining companies are operating in the interior and other remote areas without proper medical facilities? If so, will Government state whether injured workers requiring emergency treatment can recover expenses incurred for passage by airplane?

A. 2—Regulation 164 of the Mining Regulations 1931 provides that "Every person who employs any servant on a claim shall be bound to keep thereon such medicines and medical remedies as may for the time being be required by the Governor to be so kept by notice published in the *Gazette* and in a newspaper circulating in the Colony; and where fifty servants or more are employed on such claim shall employ a certificated sicknurse and dispenser on such claim, provided there is no Government hospital or dispensary within ten miles thereof." Timber Companies, however, are not at present bound by such provisions, but Government has under consideration draft regulations which will include a provision similar to Regulation 164 of the Mining Regulations.

As regards "injured workers requiring emergency treatment" section 6(1) of the Workmen's Compensation (Amendment) Ordinance 1947 provides that the expenses of conveying an injured workman from the place of accident to the hospital, or to his residence, shall be borne by the employer, but the section does not state what means of conveyance shall be used.

Q. 3—In view of the fact that Finance Committee has recently voted money for expenses incurred in bringing emergency cases into Georgetown from the interior for medical treatment will Government state whe-

ther there was included among the cases any person covered by the provision of the Workmen's Compensation Ordinance? If so, will Government state whether any sum of money and what proportion of the cost incurred by Government was recovered from the employer or employers?

A. 3—So far as can be ascertained from the records of the Medical Department, in no instance has expense been incurred in respect of conveying by plane an emergency case in which the person concerned was covered by the Workmen's Compensation Ordinance.

PROCLAMATION OF FACTORIES ORDINANCE

Q. 4—Will Government state how soon the Regulations under the Factories Ordinance of 1947 will be published? Will Government also state at what time the Factories Ordinance of 1947 will be proclaimed?

A. 4—(1) Regulations dealing with—
(a) First Aid, and

(b) Means of escape in case of fire,
have already been published.
Regulations dealing with—

(c) Health and Welfare have been approved in principle by the Executive Council, but publication must await the proclamation of the relevant sections of the Factories Ordinance.

Other regulations under the Factories Ordinance will be dealt with in due course.

(2) It is expected that the Factories Ordinance will be proclaimed later this year.

MISSIONARY BOARD OF THE CHURCH OF GOD (VESTING OF PROPERTY) BILL.

Mr. THOMPSON: I move the suspension of the relevant Standing Rule and Order to enable me to move the motion standing in my name at item 8 of the Order Paper.

The COLONIAL SECRETARY seconded.

Question put and agreed to

Mr. THOMPSON: I move the second reading of the Bill intituled:

"An Ordinance to vest in the Missionary Board of the Church of God in trust for and for the use of the members from time to time of the Church of God all property in the Colony now held and which may hereafter be acquired by any person or any Society, Association or other body of persons on behalf of or for the use or benefit of the Missionary Board of the Church of God in the Colony, and to make provision for the administration thereof."

The Church of God has been in existence in this Colony for the past 36 years. Its headquarters are in John Street but there are branches in Bel Air Street and in the country districts, including Buxton and Plaisance. It has been doing very useful work and there is opportunity for expansion. The Rev. Mr. Jeffrey is dead and it has been decided to vest all property of the Church in a Missionary Board. I have great pleasure in moving the second reading of this Bill.

Mr. LEE seconded.

Question put, and agreed to.

Bill read a second time.

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

Clause 1. *Short Title.*

The ATTORNEY-GENERAL: I suggest that the figures "1951" be substituted for the figures "1950".

Amendment agreed to.

Clause 3.—

The ATTORNEY-GENERAL: I move that the words "twenty-second" and "nineteen hundred and forty-nine" be substituted for the figures "22nd" and "1949".

Clause 3, as amended, agreed to.

Schedule—Item 4.

The ATTORNEY-GENERAL: I move the addition of the words "save and except the buildings and erections thereon belonging to the Reverend Oscar Archibald Lupe".

Amendment agreed to.

Council resumed.

Mr. THOMPSON: I move that the Bill be now read a third time and passed.

The ATTORNEY-GENERAL seconded.

Question put, and agreed to.

Bill read a third time and passed.

LICENSED PREMISES (AMENDMENT) BILL, 1951.

The ATTORNEY-GENERAL: I move the first reading of a Bill intituled:

"An Ordinance further to amend the Licensed Premises Ordinance, 1944, with respect to the opening and closing hours of retail spirit shops other than those in Georgetown and New Amsterdam."

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read the first time.

CONSTABULARY (AMENDMENT) BILL, 1951.

The ATTORNEY-GENERAL: I ask leave to defer consideration of the Constabulary (Amendment) Bill in view of the point raised by the hon. the acting Financial Secretary and Treasurer on the last occasion when the Bill was read a second time.

Consideration of the Bill was deferred.

MUSIC AND DANCING LICENCES
(AMENDMENT) BILL, 1951.

The ATTORNEY-GENERAL: I move the second reading of the Bill intituled:

"An Ordinance to amend the Music and Dancing Licences Ordinance with respect to the granting of licences."

Clause 2 of this Bill seeks to correct a mistake in section 12 of the Principal Ordinance by substituting for the words "for any purpose within the meaning of this section" the words "for any of the purposes specified in section two of this Ordinance."

Clause 3 seeks to provide that no licence under the Principal Ordinance shall be granted unless there is produced to the Magistrate a certificate from the Superintendent of the Georgetown Fire Brigade that, in respect of the place proposed to be licensed, he is satisfied that there is adequate provision as to means of escape in the event of fire, and as to precautions against fire and in the interest of general safety, and a certificate of fitness from the Director of Public Works or, in the case of premises in Georgetown, a certificate of fitness from the City Engineer in relation to such place. It will be appreciated that great care should be taken as to the fitness of all premises used for purposes of music and dancing. Hon. Members will agree that Georgetown has been very fortunate in not having suffered any serious loss of life in places of public entertainment. This clause—3—is a precautionary measure, and I think it will be agreed that it is a wise provision. As I have said, the provision will apply to Georgetown, New Amsterdam, Bartica and any other place which the Governor in Council thinks it should apply to. I think it is a measure which all hon. Members will agree is very necessary and desirable.

Mr. WIGHT seconded.

Mr. LEE: It seems to me that this is a precautionary measure the necessity for which will not be disputed, but there is one thing which is being disputed and that is the fact that the granting of licences for any particular premises will be limited by the authority. For instance, certain clubs are only permitted to have a certain number of dances per year, and I think that is restricting the liberty of the subject. I desire to bring that to the notice of Government so that the situation would be remedied.

Mr. DEBIDIN: I rise to seek some information with regard to clause 2 of the Bill. I have before me the Principal Ordinance and section 2 thereof reads:—

"2.—(1) A place, whether licensed or not for the sale of wine, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which it is to be used being first obtained from the magistrate of the district in which it is situate..."

If we are amending section 12 by the substitution for the words "for any purpose within the meaning of this section" of the words "for any of the purposes specified in section two of this Ordinance," it seems to me that the purposes would be the purposes stated in section two because there is no purpose in section 12 as far as I can see.

The ATTORNEY-GENERAL: We will deal with that when we get into the Committee stage.

Mr. FERNANDES: This Bill appears to be quite good on the surface since it provides for the safety of the general public, but I desire to point out that it would create a certain amount of hardship as regards small dances carried on in private homes. While the building in each case must be certified by an engineer, this Bill

says that the engineer must be no other person but the City Engineer so far as Georgetown is concerned, while the Director of Public Works will issue the certificates as regards other parts of the Colony. The Bill further states, in clause 3 (3), that—

“(3) In this section—

“the Director of Public Works” includes any fit and proper person authorised in writing by the Director of Public Works to examine the places and give certificates of fitness in respect of such places for the purposes of this section.

In the case of the City Engineer there is no provision for any such authority and, therefore, if the City Engineer is not available the dance cannot be held. Further, I have not seen any mention in the clause of the charge to be made for inspection of the premises and I think some mention should be made in that respect in a Bill of this kind, especially as regards the City. I am in favour of the proposal to certify the building in each case and even of an inspection before a dance is held, but in fairness to the people who hold dances I cannot accept the Bill like this—without any prescribed fees or charges for inspection by the City Engineer—particularly. In the case of the Fire Brigade Department I think their inspection should be made free of charge because they would be making sure that if there is a fire the persons in the building would be able to escape without much injury. I am going to suggest these amendments when the Bill reaches the Committee stage.

Mr. WIGHT: With regard to the point made by the hon. Member for Georgetown Central, I would like to point out that there is always a City Engineer because if he is ill or out of the City or otherwise, someone is always appointed to act for him. As regards the question of inspection fees, the City Engineer is not allowed to charge any fees without the consent of the Council.

Mr. CARTER: I am very glad the hon. Member for Georgetown Central has raised this point because I would support the Bill if no fee is going to be attached to the inspection of buildings. I feel that if it is necessary for the Director of Public Works or the City Engineer to inspect these premises no fee should be charged. It is the duty of Government to see that as regards dances or public activities of any other kind the buildings concerned should be safe. The hon. Member for Essequibo River has also made a very good point, to my mind. It seems to me that the best places for music and entertainment of any kind are the clubs along the Thomas lands, and it is rather unfortunate that there is a quota system attached to these clubs making it impossible for them to hold dances more than six times a year. It is known that the majority of these clubs are in financial difficulties and that they depend very largely upon the proceeds of entertainments for their upkeep. I think, therefore, that Government should take steps at an early date to see that the Ordinance is amended to provide for an extension of the quota relating to entertainments and to allow each club to hold at least twelve public functions a year, or, if possible, remove the quota altogether. I know that the quota system is creating a great hardship on these clubs which can hardly hold their heads above water. Some of them have mortgages on their buildings and others are on the threshold of insolvency. I hope there will be an amendment of the Ordinance along the lines I have suggested.

Dr. NICHOLSON: I desire to endorse the suggestion made by the hon. Member for Georgetown South. We do not want to have too many dances in the city and if the Police Department wants to restrict noise in the City proper, there should be less restrictions as regards dances held at clubs North of the City. With regard to fees for the inspection of buildings, I do know that some time before last year very exorbitant fees

were being charged. They were regarded as exorbitant even by the gentleman who certified the buildings and that certainly created a great hardship on the persons who had to pay them.

Motion put and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE.

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

Clause 2 — Amendment of section 12 of the Principal Ordinance.

The ATTORNEY-GENERAL: The hon. Member for Eastern Demerara has referred to section 12 of the Principal Ordinance which I referred to during the course of the second reading. I pointed out then that section 12 provided that:

"12. The Magistrate, if and as he thinks fit, may grant to anyone applying for it, a licence to keep or use a place for any purpose within the meaning of this section for any period not exceeding fourteen days (which he shall specify in the licence) notwithstanding that no notices have been given under section five of this Ordinance."

The hon. Member is obviously correct because this section does not indicate the purpose, but if reference is made to section 2 of the Principal Ordinance he would find that it reads:—

"2.—(1) A place, whether licensed or not for the sale of wine, spirits, beer, or other fermented or distilled liquors, shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which it is to be used being first obtained from the Magistrate of the district in which it is situate."

In other words, it is "for public dancing, singing, music, or other public entertainment of the like kind" that a licence for the purpose for which it is to

be used must be obtained from the magistrate. Then there is reference to a temporary licence to keep or use a place for any purpose within the meaning of the section, and for any period not exceeding 14 days, in section 12. The purpose is not indicated in section 12, therefore one has to refer back to section 2. I think the hon. Member would appreciate the point now.

Mr. DEBIDIN: With all due respect to the Attorney General, I cannot agree and I would ask the legal Members of this Council to consider this question before the Bill becomes law. Personally I can only consider that this is to amend the licensing of premises which come under section 2 (1), but where a temporary licence is intended under section 12 you cannot say that it is required for any of the purposes set out under section 2. The purposes set out under section 2 are the purposes for which premises are licensed permanently. I would like to know what the draughtsman of the Principal Ordinance was thinking. In the application for a licence under section 12 the purpose would be set out therein and it seems to me that what the Magistrate has to consider is the purpose set out in that application. He would then grant a licence in accordance with the application made, because the very section 12 says that the purpose shall be endorsed on the licence. This section 12 limits the power of the magistrate to the terms of the application he has to consider, and if there is any error it could only be so far as the word "section" is concerned. Probably the word "section" should have been substituted by the word "Ordinance." There is also no purpose set out in section 2; the only purpose the Magistrate would have before him would be that set out in the application.

The ATTORNEY-GENERAL

There is a purpose in section 2 because it says:

"Shall not be kept or used for public dancing, singing, music, or other public entertainment of the like kind, without a licence for the purpose or purposes for which it is to be used being first obtained from the Magistrate of the district in which it is situate".

There you have the words "for the purpose or purposes for which it is to be used", and it is quite possible that the applicant for the licence might not require it for the purpose of singing but only for the purpose of public dancing. Therefore, in his application he would say "I want a licence for the purpose of public dancing". I am sorry the hon. Member cannot see it that way. On the other hand the applicant might require the licence for singing and not dancing, and that would be the purpose. The hon. Member is suggesting that because you have not got the words "for the purpose of singing, dancing, or other public entertainment" the section does not have a purpose. The whole point is that under section 12 the Magistrate is in power to issue a temporary licence. The section says "for any purpose within the meaning of this section", and it would not be correct to say that there is no indication of any purpose within the meaning of section 12. Consequently, when a person applies to a Magistrate for a temporary licence that application must be related in some way or other to the purposes in section 2. As I have said before, it might be one or other of the purposes but it would come within the meaning of a temporary licence for the purpose of section 12. This section means that the purposes indicated in section 2 are referable to section 12.

Mr. DEBIDIN: I would like to point out that because the honourable the Attorney-General knows what is really intended and because section 2 refers to certain usages for premises, that does not say he is correct. The hon. the Attorney-General has a certain intention, but is the mere section going to carry out the intention? I think the original draughtsman ought to have known what he was doing.

The ATTORNEY-GENERAL: I do not know whom the hon. Member regards as the original draughtsman.

Mr. DEBIDIN: The draughtsman of the Principal Ordinance—Chapter 106. He could hardly have fallen in error originally. After all, this Ordinance is older than I am. Section 2 clearly indicates that the applicant has to state the purpose for which he wants the licence—whether it is for public entertainment such as a theatre, or for dancing or for music. One cannot know the purpose or purposes until the application is made and, similarly under section 12 the applicant has to state the purpose for which he wants the licence. I think that if the Attorney-General wants to be clear he should amend section 12 by substituting for the words "for any purpose" the words "for public dancing, singing, music, or other public entertainment of the like kind." I submit that there is no purpose in section 12 because one does not know what the applicant would apply for. I am not attempting to quibble at all; I am merely attempting to see whether as a result of the construction of the section one might not run into some trouble before the Magistrate. We might get some "bright" Magistrate saying that I sat here, in the Legislative Council, and passed faulty legislation.

Mr. LUCKHOO: It appears that the amendment seeks to elucidate what is obviously a confusion in the Principal Ordinance. In section 12 which the hon. Member for Eastern Demerara has referred to, no purpose is stated, but purposes are stated in section 2 and therefore it seems that the amendment really clarifies the position which is somewhat cloudy in section 12. I think it is very necessary to have the amendment put in this particular form.

Mr. DEBIDIN: I think the last speaker is regarding "usage" as "purpose" and is, therefore, not quite correct. The purposes are not clear. It

depends upon what the building is to be used for.

Mr. CARTER: I do not know what is the purpose of this prolonged argument about this clause. If the last speaker would look at section 2 of the Principal Ordinance and keep in his mind the words "for the purpose of" he would see that public dancing is one of the things for which a place shall not be kept or used without a licence. It seems so clear to me.

Mr. WIGHT: If the hon. Member for Eastern Demerara (Mr. Debidin) had done much work on the section he would have known that it is used for the purpose of obtaining a temporary licence for the same purpose as one would obtain a licence for a whole year. That is what this section, for practical purposes, is used for. It may be overlapping but it is used in a case in which a person does not desire to have a permanent dancing licence.

Mr. DEBIDIN: My friend must not mislead the Council deliberately. This can also be applied to a private house for which a temporary dancing licence is required. He must not give the Council the impression that it refers only to a public place.

Mr. WIGHT: There is absolutely no misleading of the Council. If the hon. Member had permitted me to finish what I intended to say he might have been able to understand the position. The position is that this section is used for the very purpose to which the hon. Member says I was not alluding. It would be very awkward if a person could not get a licence for a night to carry on a dance. Here we are making a trifling amendment of an Ordinance which may be amended in a different form by the Commissioner who is going to revise our laws. The Commissioner may have different views and we may have another amendment. It might have been better if we had

an entirely new Music and Dancing Licences Ordinance.

Clause 2 put, and agreed to.

Clause 3.—Insertion of new section 12A in the Principal Ordinance.

Mr. FERNANDES: I would like to repeat the observations I made on the second reading of the Bill. In the first place I think fees should be prescribed for the certificates to be issued by the Superintendent of the Fire Brigade, the Director of Public Works or the City Engineer. I also think that a proviso should be added to enable some person authorized in writing to issue such certificates in the absence of the officers mentioned. There is also no stated period for which premises shall be certified as safe and fit for dancing. A person may organise a dance in his house in aid of the Red Cross or some charitable organization and has to get his premises certified as safe and fit. He applies to a Magistrate and gets a licence for one night. The dance is a success and he is pressed to repeat it about a month later, but in view of this clause he would have to go through all these formalities again.

There is no provision for the certificates to hold good for any stated period. As a layman I think that under this clause certificates would have to be obtained on every occasion on which a dance is to be held. I think it will be agreed that in the case of a new building it would be absolutely unnecessary to have such a building certified three or four times in one year, and it would create a distinct hardship if fees have to be paid for such certificates. I would therefore suggest that such certificates should hold good for 12 months or such shorter period as the engineer certifying the premises may prescribe.

Mr. LUCKHOO: The hon Member has made two or three points. His first point with respect to fees for

the certificates was answered, I think, by the hon. Member for Western Essequibo (Mr. Wight) in so far as the City Engineer is concerned—that he is not empowered to charge fees. As a matter of fact he inspects buildings at the request of persons who desire closing orders, and for other purposes, and no fees are charged. I cannot say that in this case, unless he obtains the permission of the Municipality, the City Engineer would be in a position to charge fees.

The hon. Member has made a very sound point in pointing out that whereas clause 3 provides that “the Director of Public Works” includes any fit and proper person authorised in writing by the Director of Public Works, there is no similar provision with respect to the City Engineer. The result is that the City Engineer himself would have to issue the certificates. As a matter of fact the inspection of buildings for the Municipality is done by two Inspectors, and only in cases where there is any doubt the City Engineer is called in. I think the difficulty can be overcome by making a similar provision for the City Engineer to authorise a fit and proper person in writing to act on his behalf. Subject to what the hon. the Attorney-General may have to say on this aspect I will move the following addition to sub-clause 3 of clause 3:

“The City Engineer” includes any fit and proper person authorised in writing by the City Engineer to examine places and give certificates of fitness in respect of such places for the purposes of this section.”

My amendment follows the wording of the definition in respect of the Director of Public Works. The other point made by the hon. Member was that there should be some time limitation. Personally I am not in agreement with that, for the reason that it is the building which is certified, and a certificate is issued on each occasion by the City Engineer or the Director of Public Works. It does not necessarily mean that on each occasion a building

must be inspected, but that on each occasion a certificate must be issued. It would be just a mere formality if the building is within the knowledge of the City Engineer. The law does not compel him to inspect again, but as long as he is satisfied he issues a certificate again in respect of that building. I can see difficulties arising if a time were stated in the certificate, because there may be rapid deterioration in rare cases. I do not think the difficulty anticipated by the hon. Member would arise, because the City Engineer, once he has inspected a particular building, should know whether it is a new or a sound building, and if application is made within a short period he would merely have to issue another certificate. It is the issue of the certificate which is a formality, and not the inspection. Of course, if the person had to pay for the certificate then I would entirely agree with the hon. Member, but as there is no such provision for payment to the City Engineer, I do not see why that should be anticipated. At the moment the City Engineer issues certificates with respect to buildings and no charge is made by him.

Mr. DEBIDIN: I support the hon. Member about the definition of “City Engineer.” On the question of applications I would like to make a comparison between an application made in respect of licensed premises and places used and kept for public dancing, and private houses. In my opinion the Ordinance is well designed to meet certain cases of emergency, and we should not defeat its intention. Where clubs are concerned, and other places where dances are usually held, one would expect that the conditions would continue almost indefinitely, and in such cases there would be no need for any limitation of the period, as the City Engineer or the Director of Public Works would be in a position to know that there has been no alteration of the premises. But where a public dance is to be held in some private home not previously used for dancing,

I imagine that it is absolutely necessary to provide security and safety for those who will attend such a dance. I cannot see how a time-limit can be put into an Ordinance which applies to various types of buildings.

Mr. WIGHT: With regard to the remarks of the hon. Nominated Member, Mr. Luckhoo, I cannot agree to a definition of "City Engineer" on the lines suggested. The whole point is: Do we require the City Engineer to be responsible for the certification of these buildings? If so it must be the City Engineer and no one else. In the absence of the City Engineer the Asst. City Engineer is automatically appointed to act as City Engineer. If "City Engineer" was defined in the same word as "Director of Public Works", as suggested, it would mean that the City Engineer would be entitled to appoint a fit and proper person entirely outside the employ of the Municipality, as a person who would be authorised to issue a certificate, thereby delegating his authority to such a person. We had a similar difficulty on the Town Council quite recently when we called upon the City Engineer to do certain work which was outside the terms of his contract.

The question is whether the City Engineer should himself certify these buildings. I do not think the hon. the Seventh Nominated Member (Mr. Luckhoo) was suggesting that a building envisaged by this Bill should be inspected and certified by one of the Town Council's Building Inspectors. They are concerned with buildings under the Municipal by-laws. In all cases where certificates are issued the inspection and certification is done by the City Engineer himself, or by the Asst. City Engineer if he is a qualified person. Therefore, I suggest that it is not necessary to define "City Engineer". The City Engineer is not entitled to charge fees, except with the consent of the Town Council. If we defined "City Engineer" in the manner suggested, all he

would have to do would be to appoint some person outside to inspect a building and issue a certificate, and the Town Council could not control such a person who would charge a fee, and the City Engineer could not be compelled to do the work because he would say that he was not compelled under the section to do it.

Mr. FERNANDES: I am not a legal man. I would like to ask whether, under this Bill, it would be in order for the Director of Public Works, or someone authorized by him, to certify a building in the City, or whether the City Engineer only would be able to do so?

The ATTORNEY-GENERAL: Sub-clause (b) of clause 3 provides that a certificate in respect of a building in Georgetown is to be issued by the City Engineer, and in the case of New Amsterdam, Bartica and other places, by the Director of Public Works.

Mr. FERNANDES: We are not a Municipal Council; we are a Legislative Council and we have no power to order the City Engineer to inspect any building. In some cases, I understand, even the Town Council cannot order the City Engineer to do anything outside the terms of his contract. As far as I know there is nothing in his contract to compel him to inspect these buildings. What would be the position of an applicant if the City Engineer said he was too busy? We would have to draft another Bill to permit somebody else who is willing to perform this duty. In certain cases the Town Council has the right to prescribe what fees the City Engineer should charge, but it cannot compel him to do the work if he considers the fee too small and the work is outside the terms of his contract. We have no assurance that the City Engineer is prepared to do this work, and that all succeeding City Engineers would be prepared to do it. I cannot agree to the passing of a Bill which provides that a certain person shall do something when this Council has no

assurance that that person would be willing to do it, and particularly where the fees are going to be prescribed by another body and may not meet his approval.

In the case of the Public Works Department, Government can prescribe any reasonable fee and I have no fear about that. I know they would not fix an exorbitant fee, but we in this Council have absolutely no voice where employees of the Town Council are concerned. I want to make sure that there is not going to be any deadlock or any coughing up of large fees in order to get a private house inspected. I would not move an amendment to say what the fees of the City Engineer should be because I am still not satisfied that it is right to make the City Engineer or anybody else authorized by him do a job of this kind, especially when Government has no control whatever over him or anybody he might authorize.

Mr. LEE: I think the argument put forward by the hon. Member for Georgetown Central should be seriously considered. In this case the Council would be making a law but the administration of that law would be in the hands of certain people other than Government, and unless Government take steps to see that it is properly administered it might become a burden to the public. Why can we not appoint the Director of Public Works or someone authorized by him to carry out these inspections? I think that would be very much better than the present proposals.

Mr. DEBIDIN: May I point out that the licence is for a year so that the applications under section 12 would not be frequent? Further, I think that the places at Thomas lands outside the City are all of a permanent nature, while the applications relating to places in the City should not be many. I would like the Attorney-General to tell us, if possible, what is the number of applications received yearly under this Ordinance. They could not be many. I should also like to hear from any Mem-

ber of this Council who is a member of the Town Council whether the City Engineer or anyone authorized by him carried out these inspections.

Dr. JAGAN: I think the situation could be met by the deletion of the words "a certificate from the City Engineer" in clause 3 (b). As we have the term "the Director of Public Works" defined in the clause, if he feels that the City Engineer is a fit and proper person to carry out inspections of these places, then all he has to do is to appoint him to examine places in Georgetown. There is one other point which I feel should be considered at this moment, and it is that while this Bill seeks to give protection to people who might find themselves in these places for the purpose of dancing or other recreation, it only applies to Georgetown, New Amsterdam and Bartica, as well as any other place that the Governor in Council chooses to select.

I feel that in the same way as the Director of Public Works would be able to issue certificates of fitness as regards buildings in any of the places mentioned, the District Engineer of any particular district should be able to issue certificates of fitness as regards buildings in his district. In other words, I do not see why we should leave out other parts of the Colony. If a dance is to be held at Suddie, for instance, I do not see why the people there should not be given as much protection as those at Bartica. As regards the question of protection against fire, the Superintendent of the Fire Brigade would not be able to visit every part of the Colony and therefore the term "Superintendent of the Fire Brigade" should be defined in the same way as the term "the Director of Public Works". That is to say, the Director of Public Works should be empowered to authorise any fit and proper person to examine these places in other parts of the Colony. I feel that every area in the Colony should be included in this Bill and, consequently, clause 3 (2) should be deleted.

Mr. LEE : The reason why the majority of the rural areas have been excluded from the Bill is because many of the Churches get revenue from these dances and it is usual for them to be held in school buildings or community halls. I am sure the hon. Member would not press his amendment because many of these buildings have not got the required protection. I think the law was framed like this so as to give some scope to the Church authorities.

Mr. FERNANDES : I think hardships would arise if the amendment suggested by the hon. Member is adopted. For instance, if anyone wanted to hold a dance in New Amsterdam that person would be faced with the expenditure of getting the Superintendent of the Fire Brigade to go up there and carry out an inspection of the building. On the other hand, it would be unfair to ask the Superintendent of the Fire Brigade to issue a certificate if he has to depend on one of his junior officers to make the inspection. I think it would be much better if we accept a definition for "the Superintendent of the Fire Brigade" similar to that for "the Director of Public Works" in clause 3 (3). That would enable the person who actually inspects the building to issue the certificate as to its safety.

Mr. LEE : It seems to me that the reason why the City Engineer was chosen is because the Municipality deals with housing in Georgetown and the City Engineer is the person who decides whether a closing order should be made in respect of any particular building. I do not think any of the difficulty anticipated would materialise so long as there is an undertaking that the certificate would be free of cost, and I think the City Engineer is in a very good position to determine whether a building within the City is capable of serving the purpose in respect of which it is going to be licensed. With regard to the amendment I have moved, I still feel that the difficulties seen by the hon. Member for Western Essequibo will be met by the Director of Public

Works. We must have confidence in the Heads of Departments and feel that they are not going to authorise persons indiscriminately to carry out inspections. They have only to set up the machinery which should run smoothly and not cause the public unnecessary inconvenience. There may be occasions on which the City Engineer would not be in Georgetown and would, therefore, not be in a position to inspect any building for which a licence is required, but the Council should appoint someone else to act as City Engineer in the meanwhile. If the hon. Member for Western Essequibo moves that the words "or the Assistant City Engineer" be inserted after the words "City Engineer" in clause 3 (b), I think that would meet the case and I would withdraw my amendment.

Mr. FERNANDES : The hon. Member who has just taken his seat has said that if an undertaking is given that the certificate would be free of charge the City Engineer would be the best person to carry out the inspection. I have not seen any such undertaking in the Bill, however, otherwise I would not have taken the trouble to make the points I made a few minutes ago and to express the hope that there would not be any deadlock or coughing up of large fees by owners of private houses when inspections are to be made.

Mr. WIGHT : It seems to me that if we are going to have the City Engineer this Bill should be deferred so that we could get the views of the Municipal Council on it. I agree with the hon. Member for Central Demerara that steps should be taken to take control by the Council out of their hands.

Dr. JAGAN : I have not said that we should take control of the Council. I never said so.

Mr. WIGHT : I thought the hon. Member inferred it.

Dr. JAGAN : Unless the hon. Member feels that he is going to lose his

seat on that Council. That, however, would be a different matter.

Mr. WIGHT: I did not lose it on the last occasion although the hon. Member fought strenuously for it. I speak subject to correction, but the provision does not imply anything which is a loss to the Colony or to the City. It comes within the terms of the law which the City Engineer carries out in other respects. It has been suggested that the City Engineer should be given the power to delegate his authority to inspect buildings to someone else, but I do not think the City Engineer himself would welcome the idea that he need not necessarily inspect any building himself, because that would place more responsibility on him. As a member of the Municipality of Georgetown I would express the opinion that the City Engineer is the correct person to certify buildings in Georgetown. I was very glad to see the hon. Member for Central Demerara so very solicitous of the welfare and interest of the residents of Suddie, but perhaps he might have confined his solicitude to the constituency he represents and made reference to the inhabitants of Buxton. I do not see why he should want to protect the inhabitants of Suddie from any dire consequence and allow the residents of Buxton to be in danger. If it is felt that the City Engineer should carry out the inspections free of charge, then I think the Bill should be deferred so that the views of the Municipal Council may be obtained.

Mr. FERREIRA: It would appear to me that the City Engineer is the correct person provided we have the assurance of the Attorney-General that this Council is prepared to legislate for the necessary control in that respect. Personally, I do not see how this Council can determine the work to be carried out by the City Engineer and unless we can determine what the duty of the City Engineer should be—and I do not see how we can—the only thing I can do is to support the amendment moved by the hon. Member for Central Demerara,

Mr. FERNANDES: I think the suggestion by the hon. Member for Western Essequibo that we should defer consideration of the Bill until we can get an assurance from the Town Council that the City Engineer would be able to do the work, is a good one. If we put the legislation in the Statute Book it should not be only for the period during which we would have Mr. Rattray as City Engineer. Every one of us knows Mr. Rattray and has the highest respect for him, but this law is going to be on the Statute Book for all time. If the hon. Member for Western Essequibo can get the Municipality to agree that Mr. Rattray should do the job and also to agree that in future it would be part of the terms of employment of the City Engineer, that should meet the case.

The ATTORNEY-GENERAL: I think we have wandered quite a bit from what we started out to do, but perhaps it is necessary to have this clause clarified. The object of the Bill, as hon. Members are aware, is to provide a precautionary measure and to protect those people who go into places of public entertainment so that in the event of some thing indifferent happening they would not be injured. In the course of the discussion in Committee several amendments have been suggested with regard to section 12A, the idea being that there should be some provision whereby the Superintendent of the Fire Brigade could authorize any fit and proper person in writing to do the inspection. That varies the suggestion by the hon. Member for Central Demerara that this provision should embrace the whole Colony. As I pointed out during the debate on the Rent Restriction Ordinance, this provision relates to the built-up areas—Georgetown, New Amsterdam and Bartica, and any other determined from time to time by the Governor in Council by Order published in the *Gazette*.

I would suggest that that particular paragraph—(d) of clause 3—empowers the Governor in Council, having regard

to all the circumstances and to the needs and requirements of the particular district, to declare it to be a place to which the provisions of the section should apply. It is to be borne in mind that the Superintendent of the Georgetown Fire Brigade came here only a few years ago and to put the responsibility on someone else authorized in writing would be, for practical purpose, difficult. We wish to ensure that when a certificate is given it would have the hall-mark of one who knows what he is talking about and would receive the fullest respect when an application is made to the Magistrate of the district.

I assumed that the hon. Member's point is — and rightly so—that when the Superintendent of the Fire Brigade authorizes someone he would take into consideration all these factors, but I would still suggest that the clause be left as it is so far as that is concerned. With regard to the other point, it has been suggested that if the Bill is to retain the provision so far as the City Engineer is concerned, then there are certain implications which would have to be clarified before the hon. Members would agree to its remaining in the clause. In other words they wish to be satisfied that the City Engineer, as such, would be prepared to assume the responsibility and give the certificate without any remuneration.

Mr. FERNANDES: To a point of correction: I did not suggest that the City Engineer should do the inspections without any remuneration. I just referred to the remark made by the hon. Nominated Member—that if the certificate is going to be free the City Engineer would be the best person to issue it.

The ATTORNEY-GENERAL: It is held that the City Engineer is the best person to give the certificate of fitness as regards Georgetown, but the hon. Member for Central Demerara moved the deletion of the provision relating to the City Engineer. If the points have not been fully clarified then

the suggestion of the Deputy President would seem to be the best one in the circumstances. I do not think it would be best to put the City Engineer in the Bill unless these factors are cleared up, or to exclude him if some hon. Members feel that he is the best person to issue the certificate.

Mr. FARNUM: I notice that the Bill applies only to certain places — Georgetown, New Amsterdam and Bartica. What would be the position in the rural districts when persons want to hold dances there? The custom is to apply to the Police.

The ATTORNEY-GENERAL: The conditions relating to rural districts are very wide. For example, you will have the Police to apply to, and then there is a general clause empowering the Governor in Council to declare any place to which it is considered desirable that the provision should be applied. There may be rural areas where it may not be necessary if these provisions apply, for the simple reason that certificates have to be issued by the Director of Public Works, or somebody authorised by him; by the City Engineer in Georgetown, and also by the Superintendent of the Fire Brigade. Each has to be taken in conjunction with the other.

The amendment by the hon. Member for Georgetown Central (Mr. Fernandes) embraces the whole Colony. It is suggested that a certificate shall be issued by the Superintendent of the Fire Brigade, or someone authorized by him, because it would be difficult for the Superintendent of the Brigade to travel into the country districts for the purpose. Whereas the Director of Public Works could authorise some Engineer in the rural district to issue a certificate, there is no such provision in the case of the Superintendent of the Fire Brigade.

Dr. JAGAN: As I see it two certificates will be necessary—one from the Superintendent of the Fire Brigade and the other from the Director of

Public Works. A District Engineer could issue the two certificates so long as the power of delegation is given. That is why I suggested that the whole Colony should be included, because the people in the rural areas are in as much need of protection. I do not know how Government can exclude the rural areas. It would be difficult for the Superintendent of the Fire Brigade to go to New Amsterdam or Bartica, or wherever there is an application for a dancing licence. There should be delegation of authority by that officer, otherwise it would be very costly and inconvenient.

Mr. FERNANDES: I entirely agree with the last speaker. I can imagine the Superintendent of the Fire Brigade being called upon to go to New Amsterdam or to Bartica. I cannot see why it should not be applied to the whole Colony. There are places much larger than New Amsterdam and Bartica which have been forgotten.

Mr. PETERS: I speak for the rural areas because I am interested in Mission work in the rural districts. I have spoken about Caria-Caria, which is not a very accessible place in the Essequibo. If there is a desire by people there to have music and dancing for some charitable purpose it would be an imposition upon the District Engineer, or any other official, to insist that he should go there to inspect a building for this purpose. Application is usually made to the Police who visit the district occasionally and are in a position to know the condition of the particular building. I think that the word of the Police should be sufficient. I think it would be unwise and impracticable to make the provision apply to the Colony as a whole. I think the exclusion of the rural areas is quite right, because of the difficulty for the certifying officers to go there.

Dr. JAGAN: I do not think the hon. Member has put the case quite clearly. The whole object of the Bill

is to protect the people who go into those buildings against fire, and from unsafe buildings. So far as the issuing of certificates is concerned, once delegation of power is accepted it can be given to anybody—a police officer or even a constable, for that matter. I feel that it is certainly providing legislation for one set of people and exempting the rural districts where people would not have the same protection. I can foresee that the time will come when Regulations will have to be made under the Factories Ordinance, and I do not hope that Government will seek to exempt certain factories from those Regulations.

Mr. LEE: Perhaps the hon. Member for Central Demerara (Dr. Jagan) has never seen one of the applications. If the law is enforced there would be no building in the rural areas fit enough for dancing, or even for a concert. Even the Community Centres would not be able to hold concerts, because the beams and floor space are not adequate. The rural areas were excluded from this provision so as to give the people there some freedom to hold concerts and dances so as to raise funds for social work.

Mr. WIGHT: The amendment by the hon. Member for Central Demerara (Dr. Jagan) with regard to the extension of sub-clause (2) would have the effect of restricting the activities and pleasures of the people in the rural areas to which he desires to extend the provision. I suppose he has visited the Essequibo Coast. Are we to ask the Superintendent of the Fire Brigade and the Director of Public Works to visit some of the islands in the Essequibo river in order to carry out the provisions of the Ordinance? In my opinion a suggestion of that kind shows, if I may be permitted to say so, absolute ignorance of the conditions obtaining in the rural areas with regard to pleasures of this kind. I think there are about two or three

cinemas in my constituency, to which this provision can be applied, and if all the provisions of the law were carried out they would not receive the support of the public whose interests it is designed to safeguard. If the public feel that a building is unsafe they would not go into it, and they would make representations to the proper quarter. Paragraph (d) of sub-clause (2) could then be brought into force.

The suggestion that one person should issue the two certificates required with respect to a building would defeat the object of the Bill. The City Engineer or his assistant, and the Superintendent of the Fire Brigade should give the required certificates. The fear that the Director of Public Works and the Superintendent of the Fire Brigade would not travel to rural areas is a mere sham. If officers have to carry out certain duties in the interest of the public they must do so even if they are bitten by mosquitoes. Why should those officers be allowed to stay in Georgetown and delegate to a policeman in a country district the duties of issuing a certificate as to the fitness of a building for dancing, and another certificate as regards the fire precautions? If a policeman has to do that why have a Director of Public Works or a Superintendent of the Fire Brigade?

Mr. DEBIDIN: I have listened to some very unrealistic speeches, and it was interesting to hear the divergent views on this subject. I would invite the last speaker to read section 5 of the Principal Ordinance, Chapter 106, which requires an applicant for a dancing licence to give 14 days' notice of his intention, and to advertise his intention in a newspaper on not less than four occasions. As far as I see no attempt is being made to alter that section. It seems to me that the paramount intention of this legislation is to reduce fire hazards in Georgetown, for instance, New Amsterdam and

Bartica, where buildings are so close together as to render the possibility of great destruction in case of fire. In Georgetown one would expect the Superintendent of the Fire Brigade to inspect for fire precautions buildings which are accessible to him. I am sure that if the hon. Nominated Member, Mr. Smellie, were present he would have expressed disagreement with the views expressed by the hon. Member for Western Essequibo (Mr. Wight). I am sure he would not have agreed to the suggestion that the Superintendent of the Fire Brigade should travel to Caria-Caria to inspect a building, I am surprised at the hon. Member advocating something which might put Georgetown in peril when the Fire Chief is away from the City.

There is a great deal in the views expressed by the hon. Member for Central Demerara (Dr. Jagan) to commend itself to this Council. I see no difficulty in the Superintendent of the Fire Brigade giving authority to the Superintendent of Police in any district to inspect a building in a rural district. I have not known of any fire occurring in a rural district as a result of dancing in a building. I recently made application for a dancing licence for a building in Albuoystown and had to obtain certificates from the Director of Public Works, the City Engineer and the Superintendent of the Fire Brigade. I strongly recommend that the Superintendents of Police should deputize for the Superintendent of the Fire Brigade as regards the inspection of buildings for fire precautions. They have experience in such matters. As a matter of fact the Superintendent of the Fire Brigade in New Amsterdam the Superintendent of Police.

As regards the rural areas I disagree with the views expressed by the hon. Member for Essequibo River (Mr. Lee) who seemed in one breath to be very much concerned about the people

there and in another breath appeared to care very little about their safety. Why should he only think of the proprietors of the dance halls and not the safety of the people who attend the dances? I agree that the Bill should apply to the whole Colony.

The ATTORNEY GENERAL: In view of the divergent views expressed by hon. Members I ask leave to defer further consideration of the Bill, which I hope to bring before the Council again very shortly. I formally move that the Council resume with leave to the Committee to sit again.

The CHAIRMAN: I think we are in a position to reach a decision on some of the points raised, but not on the point relating to the City Engineer. For that reason I think a deferment of the Bill would be advisable.

Dr. JAGAN: If the City Engineer is willing to serve I see no reason why this duty cannot be delegated by him to the Director of Public Works, or some other qualified person. We have heard a lot of ignorance from the hon. Member for Western Essequibo (Mr. Wight) who, apparently is ignorant of conditions in his own constituency. I would suggest to him that he pay a few more regular visits so as to know what is going on there. I see no reason why we should defer consideration of the Bill, because most of the points raised have been threshed out. The amendment moved by me would not prevent the City Engineer serving if he is willing to do so. The hon. Member should know that in the rural areas there are cinemas, school halls and friendly society halls, so that there are many buildings in which concerts and dances can be held. The whole object of the Bill is that there should be someone to see that safety devices are installed, and that buildings are fit to accommodate large numbers of people. All that this Bill requires

is that necessary legislation is made for the safety of the public.

Mr. FERREIRA: I am supporting the deferment of the Bill but I wish to stress the necessity for having the rural areas included in its provisions. I know from personal knowledge on the West Coast of Berbice, that within recent years two school buildings in that district which were used for public entertainment, were blown down—one on a Sunday and the other on a public holiday. For that reason I say that the people in the rural areas have every right to be protected, and that buildings required for dancing and public entertainment should be certified fit by someone competent to do so.

Mr. LEE: I would like to tell hon. Members that if the Regulations applicable to Georgetown were applied to the rural areas it would be impossible for any building in a rural area to be licensed for dancing, except perhaps the cinemas. The Regulations applicable to Georgetown are very strict as regards floor space and the number of persons to be accommodated in a building.

Mr. THOMPSON: Are we discussing buildings which are licensed specially for the purpose of music and dancing, or any building in which a dance is to be held? In the rural areas dances are held in school buildings and other halls. Those places are not licensed for such purpose but are rented occasionally for dances. I am not quite clear whether we are dealing with the general licensing of buildings for public dancing. I am quite prepared to support the Bill.

As regards the collapse of the buildings to which the hon. Member for Berbice River (Mr. Ferreira) referred, one incident occurred at No. 28 and the other at Belladrum. A beam gave way during the dancing which continued after the trouble was fixed. I would like to know whether this Bill refers to buildings specially set apart for public dancing.

Mr. LEE: It refers to any building, and that is why I am fighting for the inclusion of buildings in rural areas. Those who come from the rural areas or who live in them would know that neither the school halls nor the community halls have been built to meet the Regulations as they exist in respect of Georgetown. The people concerned could not afford to build them that way.

Mr. WIGHT: I quite agree with the hon. Member for Essequibo River. I am quite satisfied that if this provision is extended to the rural areas it is going to create a great deal of hardship. I am also prepared to raise the question on a public platform and let the people decide for themselves. The views expressed by the hon. the Second Nominated Member are perfectly correct, but as regards those expressed by the hon. Member for Eastern Demerara I do not understand him and I do not think he understood what I said. What would happen to Georgetown when the Superintendent of the Fire Brigade is on leave? Surely we would have a Deputy to act for him.

Mr. LUCKHOO: I would like to support the remarks of the last two speakers. I feel that this clause contains an ideal which is about 100 years ahead of its time. One cannot apply the conditions in the City to the rural areas. The hon. Member for Central Demerara has stated that he has never heard of a fire during a dance being due to overcrowding. If the people are going to have these restrictions placed on them they would be facing a hardship which only they can explain, and they would not be able to enjoy an evening's entertainment without conforming to a lot of difficult legislation. The hon. Member who always espouses the cause of the under-dog and always sponsors their enjoyment should be one of the first persons to support this objection. It is no good saying that the restriction should be Colony wide, because you would not find the same

conditions in the rural areas as you have in the particular places mentioned in the clause. Certain requirements have been laid down for anyone who desires to have an entertainment in the country districts and those requirements still remain. If we approach this matter in a realistic way we would agree that it is in a form which should not be amended.

Mr. DEBIDIN: The last speaker is, apparently, unaware of the fact that on public holidays every public hall on the East Coast, from Georgetown to Mahaicony, is always overcrowded with people from the City enjoying themselves. We are apt to make sententious statements about the rural districts and about upholding the rights and privileges of the people there, but I am afraid that very often we think of them in the reverse and not as we should. I am not urging that this particular clause be extended to the rural districts, but I am supporting the view that it be accepted on the condition that the definition of "the Superintendent of the Fire Brigade" be amended so as to make it possible for him to authorize someone to act for him, and that person might very well be a Superintendent of Police. In that case there should be no difficulty whatever on the part of promoters in getting the buildings inspected. I may point out that most of the places in the rural districts in which public dances are held are licensed annually and that there would be one certification for the whole year, and therefore it is necessary that the inspections be properly carried out. I apply every year practically for a licence in respect of a place at Catherineville, East Coast, Demerara, and I know that if a hall is properly certified it would be to the advantage and security of a large number of people who go for entertainment there. The people who hold entertainments in private homes are in a dif-

ferent position, since those entertainments are usually private dances.

Mr. THOMPSON: I was glad to hear the last speaker say that the licensing of these places would be only for a year. I know that many of the places where dances are held in the rural areas are not halls but schoolrooms and since we want to keep the people in those areas it is obvious that if we cut out such amenities as they have they would rush to the City for entertainment. If the present places of entertainment cannot be used what else would be done with them? I know of no rural district where there is no safety as regards the places of entertainment. The Police know these places and would see that they are kept in fit condition. At Belladrum there were two or three such halls but they have been taken down. Only schoolrooms are being used now for dances and so on. I know Catherineville well, and there is only a small building there. I do not know all the places referred to by the hon. Member for Western Berbice but if what he says is correct it would be a difficult matter to get any place licensed in the rural areas because they would not be able to provide the necessary precautions. If we are going to allow the people in the rural areas to enjoy themselves as they should, we should let the Bill stay as printed.

Mr. DEBIDIN: I do not know by what process of reason the hon. Member can consider my remarks as meaning that the entertainment of the people in the rural areas would be curtailed and therefore they would have to come to the City in search of entertainment. I only suggested that there should be proper certification of the places, and I think it is wrong for the hon. Member to misconstrue what I said. I pointed out that people from Georgetown go into rural areas to find entertainment, and I never suggested anything that would curtail entertainment in those areas. I would ask that we

proceed to vote on the amendment I moved—that the definition of “the Superintendent of the Georgetown Fire Brigade” be enlarged so as to empower him to authorize any fit and proper person to carry out an inspection and issue a certificate with respect to any of these places.

The CHAIRMAN: That amendment has already been suggested.

Mr. DEBIDIN: I think the hon. Member for Central Demerara has gone further and suggested that the provision be made to apply to the whole Colony. I am suggesting that the Director of Public Works be empowered to appoint a fit and proper person to carry out inspections, and that in the case of the City Engineer his Deputy should be also empowered to inspect.

The CHAIRMAN: I will put the suggestion by the Attorney-General that the Bill be deferred to a subsequent meeting of the Council.

Question put and agreed to.

Bill deferred.

Council resumed.

PLN. THOMAS (NONPAREIL PARK)
(ACQUISITION) BILL, 1951

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled—

“An Ordinance to authorize the use by the Colony for the purposes of a Technical Institute of a parcel of land at Nonpareil Park, Plantation Thomas, and to vest the said land in the Colony free from incumbrances.”

The Objects and Reasons relating to this Bill are set out fully in the preamble. As hon. Members are aware, on the 22nd. day of December, 1887, the late Quintin Hogg ceded and transported to the Mayor and Town Council of Georgetown a piece of land containing 15 acres of Pln. Thomas *cum annexis*, known as and called Nonpareil Park, and this piece of land has re-

mained in the possession of the Mayor and Town Council since then. The conditions in the Transport laid it down that the land shall at all times be used as a Public Park or Garden and that no buildings except such as may be necessary for the purposes of such Park or Garden shall be erected thereon. Only the northern portion of the said land has been so used under lease with the permission of the Mayor and Town Council for recreational purposes and buildings in connection therewith erected. It is now expedient that a part of the southern portion of the said land shall be used for educational and other purposes connected therewith, with the consent of the Mayor and Town Council of Georgetown. As hon. Members are aware, a Technical Institute is being erected on that part of the land and is now nearing completion. The Mayor and Town Council have agreed that that portion of the land should be used for the purpose of a Technical Institute, and I am sure hon. Members of this Council will wish to express their appreciation of the concurrence of the Mayor and Town Council of Georgetown in the proposal to use for the purpose of a Technical Institute part of the land of this area which was given to them to be used as a park or garden.

I think it is also fitting that this Council should record its gratitude to the late Lord Hailsham and the other surviving members of the family of the late Mr. Quintin Hogg who kindly gave their consent to the erection of the Technical Institute at Non Pareil Park. I may mention that it is suggested that a memorial tablet or plaque should be placed on the building stating that the land was donated by Mr. Hogg and including some appropriate inscription commemorating his work in connection with technical education. It is interesting to observe that the late Mr. Quintin Hogg who was born in 1845 was a senior partner in the firm of Hogg, Curtis and Campbell, and had interests in this colony which he frequently visited. I

mention these facts, sir, because in these circumstances hon. Members will agree that it is not unfitting that upon those lands which were given to the Mayor and Town Council of this Colony should be erected the Technical Institute in British Guiana, bearing in mind that the late Mr. Quintin Hogg had himself initiated courses in technical education in England, of which he may be held in some measure to be a pioneer. He was also responsible for the founding of the Royal Polytechnic in London. I am sure hon. Members will support the view that this Institute will prove of inestimable benefit to the youth of this Colony and will assist considerably in the advancement and the general development of British Guiana.

Mr. WIGHT seconded.

Mr. DEBIDIN: This is one of those measures which come up to the Legislature as an *ex post facto* question. I feel very badly about this not merely because the Technical Institute has been built, but because I, as a lawyer and one who should respect Equity, feel that this Council has steeped itself in a great moral wrong and has committed a statutory breach of trust by using a statue in this Colony and getting the approval of the Legislature, perhaps because of its composition from time to time. There is no question about it that this is a statutory breach of trust, because the purpose for which this piece of land was ceded was, as stated in the recital of the Bill, was "that the land shall at all times be used as a Public Park or Garden and that no buildings except such as may be necessary for the purpose of such Park or Garden shall be erected thereon." Is the Technical Institute something that can be regarded as an adjunct to a Park or Garden? The answer, obviously, must be "no". I cannot see that it is something which must go with a Park or Garden and I am not going to agree with the use of the land for that purpose. It is a wrong that is going to be accepted by this Council, but I wish it to go down to prosperity

that I raised my voice in protest against it.

The Technical Institute has been built in connection with primary education in this Colony but I do not know whether it would provide any advantages in that respect. There is no question that if a further \$425,000 was allocated to primary education very good use would have been found for it. It has been suggested that we should have Junior Technical Schools so as to give children a bias of their own for their future livelihood, but instead of this being done we find that a Technical Institute has been established while we cannot even find employment for the people who would be turned out from it. When we look at the set-up at this Institute we find that those who would get training there would be apprentices from industrial firms and no one else. At a recent meeting of the Committee the Principal of this Institute made it perfectly clear that he and his staff would not be able to help primary school children in this Colony. Therefore, is it right that we should cheat these children and the public of a substantial sum of money for the benefit of this particular Institute?

I agree that a Technical Institute is a useful institution. I would not stifle my conscience about that, but to my mind it is clearly a wicked act on the part of those who have agreed to it to put up this Institute which should not have been on its present site with Colony funds when we are straining so much to find money for the advancement of primary education in this Colony. There is no doubt that we are not doing first things first, whereas that should be the policy of this Government. If we think calmly we would find that we are pandering to or catering for particular interests in the Colony—the founderies and the sugar plantations particularly—to the detriment of something that is more important to the people of the country—primary education for their

children. I voice the opinion once more that we have perpetrated a statutory breach of trust in using the powers of this Council to legislate against the ceding of land with sacred terms.

Mr. KENDALL: To a point of order: It is now 5 o'clock, Sir, and I ask that the adjournment be taken now.

The PRESIDENT: Has the hon. Member for Eastern Demerara finished his speech?

Mr. DEBIDIN: Is the hon. Member moving that we adjourn now so that I can come again, refreshed, to this task?

The PRESIDENT: Has the hon. Member finished? If not, I think he should do so.

Mr. DEBIDIN: I have no objection, Sir. I am saying that we are not perpetrating one wrong, but a double wrong. A breach of trust has been committed and there has been a wanton misappropriation of funds intended for primary education in this Colony. I think it is also necessary for me to refer to the statement made by the Attorney General to the effect that Mr. Quintin Hogg was keen on education. I know, as a matter of law, that if there is a sacred trust no man or no law has the right to commit a breach of that trust, no matter if it be a relative. According to the law of Equity any consent to interfere with such a trust would be null and void. Sometimes the Town Council act wisely, but sometimes they shock the intelligence of some of us by their actions. When they accepted the Town Planning Regulations *in toto* I was a very shocked man. I said "What a Town Council!"; but after all, we get what we deserve. Now, a sacred deed by the late Mr. Quintin Hogg has been violated by this Council, *willy nilly*. What shocking action!

Some of the members of the Town Council are lawyers and I cannot see how they could have accepted the proposal to join in a breach of trust,

for that is what has been done. We would like to know that this City, however it is built up in the long years ahead would keep fresh and green the very kind and laudable acts of one who, as far as I can see, has been a real benefactor to both the City and Colony of British Guiana. We should respect what really belongs to him—the late Mr. Quintin Hogg. After all, he might have dug a ditch on the land in question or done something else of the kind. What he actually did was to declare that the whole area should be used as a Park or a Garden, and that intention should not be disturbed. When we look to the North of Georgetown we usually enjoy a feeling of salubrity through the fresh air with ozone from the Atlantic blowing across the wide open spaces, and it seems to me a pity that the whole landscape will now be destroyed by this form of desecration or trespass.

I should like to see when I go along Lamaha Street a park or garden stretching across this area of lands as far as the Sea Wall, so that an abundance of fresh air would come into the City and children as well as grown-ups would be able to enjoy it. Since the Town Planning Regulations have been adopted we are going to change the old order of things, and I am sure that those who come after us would probably look back at those who have committed this unjust act—this breach of trust—and also condemn what has been done by those who have probably taken it too lightly. I notice that some of my friends are taking it lightly, but it is not a light matter. If this matter was taken to a Court of Equity because some member of the Quintin Hogg estate took objection to it, this transport would not have been passed. All I can say, in accordance with what was said some 2,000 years ago, “I wash my hands and would have nothing to do with this”.

The ATTORNEY-GENERAL: I desire to point out that Lord Hailsham and the heirs of the late Mr. Quintin Hogg were approached through the

Secretary of State with regard to this Technical Institute, and perhaps I need hardly remind hon. Members that Lord Hailsham is the former Sir Douglas Hogg and was Attorney-General of England at one time. He was also Lord Chancellor. A Bill was published on September 24, 1949, and Lord Hailsham was approached through the Secretary of State for the Colonies for the use of the land for the purpose of which this Bill has now come before the Council. This was agreed to, and the Mayor and Town Council of Georgetown have also expressed agreement with it. I take it that Lord Hailsham who was formerly Attorney-General of the United Kingdom and a Lord Chancellor would not have supported a breach of trust, and I do not understand why the hon. Member for Eastern Demerara should be using such very strong terms to refer to what has been put before this Council as a breach of trust.

All the interested parties, as I have informed hon. Members, were consulted before the Bill actually came before this Council. I therefore suggest that the matter has been properly gone into and that there is no need for any hon. Member including the last hon. speaker to have any qualms. He might wash his hands of the matter, but I am sure that posterity will record this as a step towards the advancement and the training of the youth of this Colony.

Motion put, the Council dividing and voting as follows:

For: Messrs. Peters, Fernandes, Coghlan, Farnum, Thompson, Dr. Singh, Wight, the Acting Financial Secretary and Treasurer, the Attorney-General and the Acting Colonial Secretary—10.

Against: Mr. Debidin—1.

Motion carried.

Bill read a second time.

The PRESIDENT: Council will now adjourn until 2 p.m., on Thursday, May 31.