

LEGISLATIVE COUNCIL.

FRIDAY, 8TH SEPTEMBER, 1950

The Council met at 2 p.m., the Hon. C. V. Wight, C.B.E., Deputy President, in the Chair.

PRESENT.

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

The Hon. the Colonial Secretary, Mr. J. Gutch, O.B.E.

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

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

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. 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. Mellie (Nominated).

The Hon. F. E. Morrish (Nominated)

The Clerk read prayers.

The minutes of the meeting of the Council held on the 7th of September, 1950, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

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

The Report of the Trotman Trust Fund Committee for the year 1949.

UNOFFICIAL NOTICES**RETAIL SELLING PRICE OF PETROL**

Mr. DEBIDIN gave notice of the following motion:—

WHEREAS the price of gasoline for local consumption is excessive having regard to all circumstances including corresponding prices in other colonies, nearness to oil producing countries and recently the resorting to bulk shortage locally;

AND WHEREAS two factors particularly are responsible for this high price, namely — (a) the imposition by Government of well over 100% duty and (b) the enormous profit which importers are receiving, having regard to the quantity of petrol imported;

AND WHEREAS the high price per gallon of petrol must inevitably affect the transportation cost to business undertakings and even to Government;

AND WHEREAS also the poorer classes of people suffer in increase of fares to be paid, and cheap transportation is a social necessity;

BE IT RESOLVED that this Honourable Council recommends that Government take steps to control the retail selling price of petrol;

BE IT FURTHER RESOLVED that this Council recommends that in no circumstances the retail selling price of petrol shall exceed the sum of 50c. per gallon; and that to achieve this end both the duty imposed by Government and the profits by the importers be made to

carry the reduction of the present selling prices;

BE IT FURTHER RESOLVED that this Council recommends that the Competent Authority under the Motor Vehicles and Road Traffic Ordinances 1940, be requested and be empowered to fix all fare-charges for all types of motor vehicles plying for hire commensurate with the reduction in the retail selling prices of petrol.

ORDER OF THE DAY.

BILLS — FIRST READING

On motions by the ATTORNEY-GENERAL seconded by the FINANCIAL SECRETARY & TREASURER the following Bills were read the first time:—

A Bill intituled "An Ordinance to amend the Town Planning (Georgetown Fire Area) Ordinance, 1945."

A Bill intituled "An Ordinance to confer upon the Consular Officers of Foreign States with which consular conventions are concluded by His Majesty certain powers relating to the administration of the estates and property of deceased nationals of such states; to exempt such officers from the payment of any tax in respect of any land or buildings owned or occupied by any such State for the purpose of a Consular Office; to enable any land or buildings to be conveyed to any such State without the payment of stamp duties; to restrict the powers of constables and other persons to enter the Consular Offices of such States; and for purposes connected with the matters aforesaid."

MITCHELL TRUST (AMENDMENT) BILL

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

"An Ordinance to amend the Mitchell Trust Ordinance, 1937, by extending the time for the submission of accounts by the Trustees; by making provision for notices to be given in the case of a vacancy occurring among the beneficiaries; and by increasing the benefits payable thereunder."

In doing so I desire to point out that the Mitchell Trust Ordinance, No. 30 of 1937, requires under section 5 (1) the trustees to present their accounts for the previous year to the Legislative Council on or before the 31st January in each year. As the Crown Agents' statements are not

available at that date, it is impossible to comply with this provision of the Ordinance, and clause 2 of the Bill seeks to extend the time for the submission of accounts to the 31st May in each year, and also makes provision for notices to be given by the Secretary to the Mitchell Fund Trustees in the case of a vacancy occurring amongst the beneficiaries.

When the Mitchell Trust Fund Ordinance, 1937, was being framed the income of the Fund then could only bear six beneficiaries at \$120 per annum each, as set out in section 12 (1) of the Ordinance. Within the past ten years the income has been increased by a considerable amount and at the same time the sum of \$120 per annum has become inadequate to provide for the care, maintenance, education and welfare of a beneficiary, due to the increased cost of living. In view of the excess of income over expenditure it has been found possible to increase the benefit to \$180 per annum instead of at present \$120. Clause 4 of the Bill seeks to make provision for this increase and to enable the Governor in Council to increase or reduce the sums payable to the beneficiaries.

It will be appreciated that if there is any variation where the expenditure is concerned, when there is no such excess in income the Governor in Council would be able to reduce the payment accordingly. Hon. Members will appreciate the necessity for such a provision otherwise it would mean coming back to this Council for an amendment of the law whenever a variation of the amount was required. I beg to move that this Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clause 4 — Amendment of section 12 of the Principal Ordinance.

The ATTORNEY-GENERAL: I ask leave to delete in paragraph (a) the words "by renumbering the section as subsection (1) and as there is a subsection (1) and it will be subsection (2) really, and to insert after the words "by the substitution" the words "in subsection (1)".

Amendment agreed to.

Council resumed.

The ATTORNEY-GENERAL: With the consent of Council I beg to move that this Bill be now read a third time and passed.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Bill read a third time and passed.

CIVIL AVIATION (BIRTHS, DEATHS AND MISSING PERSONS) BILL

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

"An Ordinance to make provision for the recording of Births, and Deaths and of persons missing by aircraft registered in the Colony; and for other purposes connected therewith."

This Bill provides for the keeping of records of births, deaths, deaths by accidents and of persons missing and believed to have died in consequence of an accident occurring in any part of the world, in or during a journey in any aircraft registered in the Colony. Provision is also made for the preservation of such records by the Registrar General of Births and Deaths. Hon. Members will agree that it is essential that there should be need for a provision of this nature, because we have in this Colony the B.G. Airways, and if there are any births or deaths or persons missing in or during a flight, or as a result of a flight there should be a record in that connection. I beg to move that this Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

First Schedule.

The ATTORNEY-GENERAL: I move the substitution of "Section 3" for "Section 4" in the first line of the Schedule, and in Note (d) the substitution of the words "Male" and "Female" for the words "Boy" and "Girl" respectively, and in Note (e) the deletion of the words "(see (8) above)" in the second line.

Question put, and agreed to.

Schedule passed as amended.

Second Schedule.

The ATTORNEY-GENERAL: I move that "Section 3" be substituted for "Section 4" in the first line of the Schedule.

Question put, and agreed to.

Schedule passed as amended.

Third Schedule.

The ATTORNEY-GENERAL: I move the insertion of "Section 3 (1)" in the right hand corner of the Schedule.

Question put, and agreed to.

Schedule passed as amended.

Fourth Schedule.

The ATTORNEY-GENERAL: I move the insertion of "Section 3 (2)" in the right hand corner of the Schedule.

Question put, and agreed to.

Schedule passed as amended.

Fifth Schedule.

The ATTORNEY-GENERAL: I move the insertion of "Section 3 (3)" in the right hand corner of the Schedule.

Question put, and agreed to.

Schedule passed as amended.

Council resumed.

The ATTORNEY-GENERAL: With the consent of Council I beg to move that the Bill be now read a third time and passed.

The FINANCIAL SECRETARY & TREASURER seconded.

Question put, and agreed to.

Bill read a third time and passed.

**CATTLE STEALING PREVENTION
(AMENDMENT) BILL**

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

“An Ordinance to amend the Cattle Stealing Prevention Ordinance, Chapter 94, with respect to the revision of the Register of Brands, the branding of cattle, and for purposes connected therewith.”

At the present time, it is believed that many brands are no longer in use. Clause 2 of this Bill therefore seeks to provide for the re-registration of brands and the revision of the register of brands kept under the provisions of the Cattle Stealing Prevention Ordinance, Chapter 94. In addition to providing for the revision of register, it is made an offence for any person to brand or mark with any mark likely to be permanent any cattle, unless such brand or mark has been registered with the Commissioner of Police under the provisions of Clause 2.

The amendment sought to be effected by clause 3 is consequential to the amendment sought to be effected by clauses 5 and 6. Clause 4 provides that bovines shall be branded on the neck, shoulders or on the lower parts of the legs. This provision is considered necessary, as experience has shown that many hides are spoilt by the present system of branding on the body. An exception is made in favour of cattle from the Rupununi District, owing to the fact that cattle from that district are passed through a race which will hide brands on the lower parts of the limbs.

Clause 5 (a) provides that twenty-eight days' notice shall be given at a police station by any person intending to brand

cattle, instead of fourteen days as provided in the Principal Ordinance. The original period of fourteen days is considered to be rather short in view of the situation of some police stations. Clause 5 (b) seeks to enable the Commissioner of Police to forbid the use of a brand where he considers it is likely that such brand is likely to cause unnecessary damage to the hide of the animal.

Clause 6 provides that any person, who brands his animal before the expiration of twenty-eight days after he has given notice of his intention to brand such animal, shall be guilty of an offence. This amendment is consequential to the amendment sought to be introduced by Clause 5 (a). If this Bill is passed, it would be necessary that subsection (6) of section 3A of the Ordinance should come into force subsequent to the commencement of the rest of the Ordinance. Clause 7 seeks to effect this.

I think hon. Members will appreciate the desirability for having provisions of this nature, because hides are very valuable and very often they are spoilt by the method of branding the cattle. This provision should commend itself to hon. Members of this Council. I beg to move that the Bill be now read a second time.

The FINANCIAL SECRETARY & TREASURER seconded.

Mr. DEBIDIN: I am against clauses 2 and 4 of this Bill. It seems to me, Sir, that whatever may be the motive of this Bill — and I am to assume the motive is a good one if it is to check-up upon the brands and to eliminate those which are not in use — nevertheless I feel that the manner in which it is to be effected is not, the right one. 3A (1) of clause 2 is a new provision sought to be introduced into the Cattle Stealing Prevention Ordinance. It is in actual effect asking to wipe out all brands at the moment. That is really the effect and to ask people who had been branding their animals to go and make new applications for brands, possibly for the same brands they had before. To give new notice and to present their brands just as though they are new brand-holders, is I think, extremely sweeping, and what is more objectionable is that all

must be done within one month. Further it is to be done following two consecutive publications in the Press. I feel, if in the first instance there is going to be hardship, there is going to be chaos in the end. I fail to see how people in the lower reaches of the rivers, who cannot read some of them and who cannot get a newspaper, are going to be able to comply with this within one month. It seems to be wrong in spirit and in method.

To go back to that first point, on reference to the original section 3A of Chapter 94 you will see in that case, when the Ordinance came into force, a period of six months was given within which the people had to put themselves in order. In those days, I do not know if the population was far more scattered than today, but nevertheless six months had been given for the people to apply for brands afresh, and it seems to me there must be very much more to satisfy me that there should be a departure from that, making it one month. I am thinking of a very large section of our population who are engaged in cattle rearing. Those people have for a long number of years been so engaged. The hon. the Attorney-General reminds me that the Cattle Stealing Prevention Ordinance was passed in 1877. We can then see that from that time they had by a process of applications and revision of applications brought themselves to a particular brand. I happen to know a little of the procedure for obtaining a brand. When an application is made the whole question of the size of the brand, the suitability of the brand and also the question whether it infringes or comes too near another brand are gone into. Some importance is placed upon the question of the initials of the applicant in order to see that the brand comes within what may be regarded as easy identification. In many families not only the father takes out a brand but also the other members of the family in order to have distinct ownership. In that way they evolve a system of brands and the way in which they make their brands, so as to be able to identify the cattle of families over a long number of years.

The whole motive of this Ordinance is to prevent the easy transfer of animals

and the possibility of animals being stolen. I happen to know in the past very great care has been taken with brands. If that is so, it seems to me we have to consider those people who have taken great pains not only in applying for a particular brand but after getting their application granted going to a blacksmith and seeing that he makes their brand in compliance with the requirement of the Commissioner of Police. I do not know what is the motive because there seems to be something in preserving the hides of animals for sale. Personally I have not heard of any great complaint. I am unaware of any demonstration or any protest from any quarter in regard to the destruction of hides through bad branding or unnecessary branding. If there is any serious objection in that respect then I must call the Council's attention to the fact that there is going to be severe cruelty involved in branding animals in future on the neck in order to save the hides. I do not know how much more use is made of the hide on the hip than that on the neck of the animal.

I am in a position to say that very few cattle owners are aware of this Bill for the reason I have given. Very few of them ever read the *Gazette* or the newspapers, otherwise there would have been far more protests than from those with whom I have discussed the matter. The few with whom I have spoken have made it clear to me that not only would it be very difficult to brand an animal on its neck but a rolling motion would have to be employed in doing so. The size of the brand, the age of the animal, and the stretching of the skin play an important part in the branding of an animal. Cattle owners are very much concerned about the amount of pain that will be caused by branding animals on their necks. It is to be assumed that the pain in the neck would be far greater than that on the hip. It is certainly going to create a pain in the neck for the animals. I feel that it is not right that the draughtsman of the Bill should assume that it is only on the Rupununi cattle ranch that the barricade system of branding is employed. In the creek lands of the Colony cattle owners resort to that system of branding. I therefore cannot see why exemption should be made in the case of Rupununi

cattle. Personally I feel that branding should be done on the hips of all animals. I cannot see why, after so many years since 1877, the system of branding animals should be changed now on the flimsy excuse of preservation of the hides. There is no reason for causing this great inconvenience to cattle owners and pain to the animals.

The DEPUTY PRESIDENT: Does any other Member wish to speak?

Mr. DEBIDIN: I do not understand. I was still on my feet.

The DEPUTY PRESIDENT: I am sorry. I thought you had finished.

Mr. DEBIDIN: Some remark was made about a "pain in the neck", but I think there are some "pains in the neck" in this Council.

Mr. ROTH: To a point of order. I think that is an improper remark to make about Members of the Council being "pains in the neck," and I think the hon. Member should withdraw it.

Mr. DEBIDIN: I do not know if the hon. Member thinks I was referring to him.

The DEPUTY PRESIDENT: I think it is referring in a derogatory manner to Members of the Council. It is not correct. I did not know the reference was made. I did not understand it in that way.

Mr. DEBIDIN: This Council is no place for laughing, and no Member should treat what another Member says so very lightly. We are not here for fun. Some Members may earn \$150 per month for saying nothing but "Let the motion be put." I hate to think that the Chair or any Member of this Council should feel that a Member has not a constitutional right to say what he feels. There seems to me to be too much levity around this table, as was displayed a while ago while I was speaking. I resent it and I certainly will show my disfavour.

There is one more point I wish to make, and it is that I do not know what procedure would be adopted by the Com-

missioner of Police if and when this new section 3A is passed, but it seems to me that further inconvenience would be caused the public if sufficient direction is not given as to where brands are to be taken, and where notices are to be sent. I hope that if the new section is passed the public will be given notice as to which points nearest their homes they are to register their brands. I hope there is no intention to make them send their notices to the Commissioner of Police in Georgetown, or that their brands should be presented there or at some main station. In a nutshell my view is that this clause will create a tremendous amount of hardship and inconvenience to a very large section of people. I am not at all in favour of clauses 2 and 4 of the Bill.

Mr. FARNUM: I agree with the last speaker that the period of one month within which persons must register their brands is too short. I would suggest three months, and that the registration should take place at the nearest police station so as to make it as easy as possible for the cattle owners, otherwise there would be a shortage of milk in the City.

Mr. KENDALL: I agree with Government that the mode of branding should be changed, because the most important part of the hide—the portion which is used for sole leather—is found on that part of the body of the animal where brands are now put. The result is that in many cases the hide is spoiled. If the brand is placed on the neck of the animal it would improve the value of the leather. It is true that we should not always copy from other places, but this is one of the things we should copy.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

Clause 2—*New section 3A inserted in the Principal Ordinance.*

The ATTORNEY-GENERAL: This is the clause to which the hon. Member

for Eastern Demerara referred and said that one month was too short a time within which persons should notify the Commissioner of Police of their desire to have their names retained on the register of brands. It does seem that one month is too short, and I suggest that it might be increased to two or three months.

Mr. DEBIDIN: I would suggest six months.

The ATTORNEY-GENERAL: The hon. Member must realize that in the last clause provision is made for the Ordinance to come into operation on the 1st of November, so that cattle owners will have one month after that. Three months would give them over six months. It does not come into operation immediately on the 1st of November but a month after. I think three months would be adequate

Mr. DEBIDIN: I agree that three months would be a reasonable period if adequate notice is given to cattle owners by publication of a notice once every week throughout the entire three months. If publication of the notice is made on two consecutive Sundays in two daily newspapers cattle owners in remote creek lands would only be aware of it by somebody relaying it to them. We must either give more notice and a shorter period for registration, or a certain amount of notice and a longer time to allow information as to what is required to be passed on to the people in the remote districts. If a person is unaware of the law he may continue to use his old brand and thereby commit an offence: It will not be sufficient to publish the notice in the *Gazette* and two newspapers. Public notices should also be put up. I move that the new section 3A (1) be amended by substituting for the words "two consecutive Saturdays in the *Gazette*, and on two consecutive Sundays in two daily newspapers" the words "three consecutive Saturdays in the *Gazette*, and on six consecutive Sundays in the three daily newspapers," and also that the period of one month be increased to six months. After all this is a very drastic change in the existing law.

The ATTORNEY-GENERAL: Hon.

Members will appreciate what I tried to emphasize before, and that is that clause 7 provides:

"7. Subsection (6) of section three A of the Principal Ordinance as enacted by section two of this Ordinance shall come into force on the first day of January, nineteen hundred and fifty-one, but, subject as aforesaid, this Ordinance shall come into force on the first day of November, nineteen hundred and fifty."

Therefore it does not come into operation until November, and then after that there is the period of one month in the Bill as printed. The suggestion is that that period should be extended to three months, which I am prepared to accept. Six months would be going beyond what is really necessary. I think three months is fair and reasonable as Members think more consideration should be given to cattle owners in the remote districts.

Mr. DEBIDIN: The hon. the Attorney-General is computing the time between now and the date when the Bill comes into operation, but I would like to point out that that time is washed out, because he is assuming that when the Bill is passed it will be a form of notice. The Commissioner of Police will publish his notice after November for the first time, therefore the time runs from then. That is all the notice the cattle owners are going to have.

The ATTORNEY-GENERAL: The hon. Member began his comments by saying that many of those who are interested in this matter have not had any notice or indication, and probably have not read the Bill. Consequently I am saying that the publication of this debate on the Bill will to some extent give them notice, and following on that there is the period of three months which will follow from the time of the commencement of the Ordinance.

Mr. FARNUM: I think the widest publicity should be given to this matter. I suggest that the notice should be published in the three daily newspapers, and in addition posters should be put up at every police station and post office in the Colony. The assistance of the Commissioner of Local Government should also be sought so that the District Com-

missioners and various Local Authorities might circulate the notice in the various districts, because quite a large number of cattle owners live in remote areas and supply milk to the City. They hardly ever come to Georgetown or read a newspaper. Further than that, people should be made to register with the Police rather than sending their notification to the Commissioner of Police. They should be able to hand them in to the nearest police station for transmission to the Commissioner.

The ATTORNEY-GENERAL: The hon. Member agrees that that is a matter for administrative arrangement. It is not to be expected that the hon. Member's proposal can be put in the Bill, but it is appreciated that the widest publicity should be given to this in order that those who are interested in cattle rearing should have every opportunity of coming forward and putting up their brands and making the changes required.

Mr. FARNUM: Will the Government in that case inform the Police in that respect?

The ATTORNEY-GENERAL: It is Government's desire that cattle-owners should not be ignorant of what is required. They should not be left in the dark.

Mr. DEBIDIN: What worries me is the effect of clause 4.

The ATTORNEY-GENERAL: I thought we were still on this clause with regard to publicity, because both hon. Members suggested that instead of the publication being in two newspapers it should be in the three dailies and there should be six consecutive publications.

Mr. DEBIDIN: I was referring to clause 4 as it depends on time. The Commissioner has to determine the nature of the brands as well as bulls, cows, oxen, steers and heifers shall be branded on the neck, or shoulders, or on the lower parts of the legs, and asses on the body. That is why I say the clause is very drastic. I heard when the hon. Nominated Member referred to the fact that these notices should be given to the

Police Stations. I am wondering how that can be practical, because the brand has to be looked at by the Commissioner and he has to be able to compare one brand with the other brands to see that there is no question of error, and the way to do that is to collect all the brands. That is a question of time, and it requires the early sending in of notices, etc. It seems to me then, when we are talking about time, that since clause 2 is going to apply this question of time will not be considered under subclause (2). It is automatic, as you will notice. The sub-clause reads:

"Any person who fails to notify the Commissioner as required by subsection (1) of this section shall be deemed to have ceased to use a brand, and his name and brand shall be removed from the register of brands".

In other words, if he fails at the end of the two months that you may give him to notify, he loses his brand and all the money he spent on it just because he heard late, and so someone else may take up that brand. Here again the question of similar brands may arise, and under subclause (4) even if he returns to register he may be told that he has lost the brand because someone has already taken it. It seems to me that the whole question of time is more efficacious when one notices the effect of this clause. It will operate against the individual very hard if he does not come within the time prescribed. I am urging that where such a drastic step is being taken we give the fullest time for the information to go through. I am going to urge that the people concerned with this particular question are nearly all people unable to read and write and are scattered in the pastures. Just a few are able to read what notice is published. They are going to get the information by overhearing what somebody says. I am going to urge upon Members the desirability of safeguarding those people by giving them a full six months within which to do that.

Mr. LEE: I cannot see the argument of my friend as to whether they get six or three months. Let us assume for argument that the procedure is one that the brand is taken to the nearest Police Station with the application. That appli-

cation has to be sent to the Commissioner of Police in Georgetown with the brand, and the brand is recorded in the Head Office and sent back to the station. First the Police takes down the name and address of the applicant and tells him to go and make the brand. He then takes the copy given him by the Police to the blacksmith who makes the brand and he returns with it to the station when the Police checks it. That is the procedure now, but according to this Bill that will be carried out with administrative care according to the hon. the Attorney-General. Notice will be given and the Police will assist the people in sending in their applications. What is the difference between six and three months? The purpose of the Bill is to keep a check of the brands. If my learned friend, the hon. Member for Eastern Demerara (Mr. Debidin) is trying to say that in the outlying districts the people will not have an opportunity within three months to go to the nearest Police Station and make application, that can be considered. There are some districts where the people have cattle in the backland and do not get a newspaper or Official Gazette, but I do not think the law will be so drastic in respect of them.

Mr. FETERS: I do not know if you have passed on to sub-clause (5). As regards that, I feel that if we are going to call upon all brand-holders to bring in their brands and have them registered again, I do not think we ought to leave it open for any charges to be imposed upon these people, because they have already paid for their brands and it is just a checking up on them. In the case of a person coming for a new brand it is to be expected that he will have to pay. If it is just for the purpose of this Ordinance they have to produce their brands, they should not be made to pay again. It must not be made to appear that this legislation has in it any device to collect any new revenue in addition to that already collected. I suggest that some thought be given to sub-clause (5). If a person has already paid for the registration of his brand but has to make changes in accordance with this Bill, he must not be made to pay a second time. I hope the learned the hon. the Attorney-General will give some consideration to that.

Mr. FERNANDES: I thought the hon. Member for Western Berbice (Mr. Peters) was going to make the point that I missed when he touched on the correct clause. That is, if the intention is to charge a fee, I think that should be prescribed by law and not left to the discretion of the Commissioner of Police. If the intention is to charge a fee, I think that should be fixed in the Ordinance. I would be prepared to move an amendment to that effect, if the hon. the Attorney-General would tell me what is the fee at present. The amendment can be made to cover the point of the hon. Member for Western Berbice, and that is, whatever fee is prescribed, it is only to be charged where there is a new registration.

Mr. LEE: As far as I know there is no fee charged for applying for a brand.

The ATTORNEY-GENERAL: Hon. Members will appreciate the fact that there is a considerable number of brands. There are about 80,000, and about half of these are not in use, but the difficulty is that they are there and new brands are being added. This is the time to have the whole matter put in a proper form; in addition to that there is the necessity of the branding of the cattle in a way which does not reduce the value of the hides, as you have heard from the hon. Member. Further, where you have all these brands and the confusion with regard to the numerous brands, then it opens the door to much stealing of cattle and matters of that sort. So hon. Members will appreciate the fact that it is very necessary and essential to the cattle industry itself and to those who are interested and own cattle, that there should be some revision of the legislation and provisions of this nature enacted.

I appreciate the fact that hon. Members desire to see that a reasonable period of time is given to cattle owners, to come forward and register or re-register their brands and make claims to their particular brands. I also appreciate the fact that some of these owners live in remote districts. The point is made of enlarging the time allowed to three months. There can be no doubt that people get to know

things very quickly, even those in remote districts like the Rupununi. It is surprising how soon people get to know things, which concern them. With regard to the proposal for three months I suggest to hon. Members, that that is a fair and reasonable time to be given. With regard to the question of publicity, apart from the proposal that the insertion in the Press should be on six consecutive Sundays and in the three daily papers, hon. Members suggest that steps be taken to give the widest publicity by posting up notices at the Police Stations and other places. I think that is a matter for the Commissioner of Police, and I am sure he will do everything possible to give the fullest possible publicity to this matter.

The other point raised is about the prescribed fee. The proposal is that it be fixed. But it was thought more satisfactory to leave it like this, and in the notice to say that the prescribed fee will be \$2 or whatever it may be. Hon. Members seem to hold the view that the fee should be fixed in this Bill. It was suggested that the fee should be fixed.

Mr. LEE: There is no fee at the present moment.

Mr. FERNANDES: The hon. the Attorney-General should appreciate that I did not speak on the second reading of the Bill to show that I agree with the Bill in principle. No one knows better than I the necessity for brands and their proper registration. No one knows better than I the necessity for getting all the brands, not in use and discarded for a long time, off the register, and the best way to do that is the one Government intends to take in having a complete re-registration. That is perfectly all right. I understand there is no charge or fee. If there is no charge then my point would be exactly the same. If it is Government's intention now to make a charge for the registration of brands, then that charge should be put in the Bill and approved by this Council. I do not think it is fair to Members of this Council to ask them to issue a blank cheque for some Head of Department to fix whatever fee he likes. We have a responsibility to the people whom we

represent. If we think a fee should be charged, I think, that fee should be fixed in the Ordinance and should not be a discretionary matter. I am against discretionary powers of that kind, particularly where it is a question of fixing how much people should pay. I am going to move the deletion of that, except a fee is agreed upon and inserted in this Bill.

The CHAIRMAN: In Chapter 94, the Principal Ordinance, there appears to be no fee charged, and I do not know whether Government has agreed or not, but it is quite easy for one to insert a fee in the new Tax Ordinance. It seems to me the Tax Ordinance in some way must be amended in a small particular. Either you fix the fee by schedule to the Ordinance or by Rule or Regulation.

Mr. LEE: I do not think a fee should be charged. I would ask Members of Council to consider this: Here is a man who has earned sufficient money to buy one heifer. He has to pay to make the brand and to pay for the registration of the brand, and he has to employ other persons to help him brand that animal. It is putting a premium on people trying to increase their worth. I do not think there should be any charge at all for registration.

The ATTORNEY-GENERAL: Hon. Members, who know all about cattle, will probably be able to say whether fees are paid, but in section 12 of the Cattle Stealing Prevention Ordinance, Chapter 94, it is stated.

"(1) On payment of an annual or other fee from time to time prescribed by the Inspector General, anyone entitled to use a brand may have that brand with his name and address entered on a list to be kept by the Inspector General, of which a copy shall be kept at every police station."

Mr. FERNANDES: I quite appreciate that, but that law was passed before my time, and if I remain here for another two or ten years it would make no difference. I shall record my vote against giving any Head of Department any powers as to what tax the people of British Guiana should pay. If it is the

intention of Government because of that provision to put a charge, let Government name the figure.

The ATTORNEY-GENERAL: There was a suggested fee of \$2.

Mr. DEBIDIN: A suggestion is being made to put \$2. I do hope that will never be put into effect, because the effect of that will be in a small measure to raise the price of meat and milk, as far as I can see. Anything that will tend to send up the cost of cattle rearing will tend to send up the price of those two commodities. I feel that those who are already registered must not be made to pay anything, but those who are going to be registered now. If there has been no provision for the payment of fees, there should be no payment in the future either. For that reason I cannot see any other alternative than that sub-clause (5) should be deleted. It will be unfair for us to fix a fee now.

Mr. PETERS: Could not the learned the hon. the Attorney-General assist us by telephoning the Cattle Officer to find out what the practice is?

The ATTORNEY-GENERAL: I understood hon. Members were against giving the Commissioner of Police power to prescribe the fee. There must be a fixed fee if it is to be charged at all.

Mr. FERNANDES: I now move the deletion of sub-clause (5).

The CHAIRMAN: Does the hon. the Fourth Nominated Member desire to move the amendment to three months?

Mr. FARNUM: Yes; the publication in the three papers on three consecutive Sundays.

Question "That 3A (1) be amended by substituting "three" for "two" in the fourth and fifth lines and "one" in the eighth line" put, and agreed to.

The substitution of "six months" was put, and not agreed to.

Sub-clause (1) as amended passed.

Mr. DEBIDIN: I beg to move an amendment to sub-clause (2) to insert the words "save that any applicant will have a further period of six months to lodge his brand with the Commissioner of Police". I think I must explain what I mean. As this sub-clause stands it is automatic. If after a person has lost his right under sub-clause (1) just passed to his brand, I am asking that there should be some saving right to him to apply to have his brand restored. It is merely a saving amendment I am introducing.

Mr. LEE: I cannot follow the hon. Member for Eastern Demerara. If a man loses his brand, that brand is not given to any other person. But if it is given to any other person he cannot get it because it has been already given out. If he loses his brand he has a right to apply and in his application mention it and ask whether he will be given back the brand he had, but to put that in the Ordinance I do not see how it will have any effect at all.

The CHAIRMAN: What is the amendment?

Mr. DEBIDIN: The insertion of the following words after the word "brands" at the end of the sub-clause:

"save that any applicant who has lost his brand will have a further period of three months to lodge his brand with the Commissioner of Police."

The ATTORNEY-GENERAL: In other words he has a period during which he can re-apply. In the meantime that brand may be allocated to somebody else.

Mr. DEBIDIN: In that case he would not get it.

The ATTORNEY-GENERAL: I appreciate what the hon. Member is trying to do — to give him a further opportunity to right himself even if he is deemed to have given up his brand, but it requires a little more than what the hon. Member is putting forward.

The CHAIRMAN: It is a matter for the Attorney-General if he accepts it, but I do not see that the amendment carries it any further. If a person's name is re-

moved from the register he can re-apply. If the clause is left as it is and his name is removed from the register, all he has to do is to re-apply. It seems to me that the amendment does not affect the position at all.

Mr. DEBIDIN: Except that a man may, through some mistake, brand his animal with his old brand. It would give him a further period within which he would be able to remedy that mistake. It would preserve his brand.

The ATTORNEY-GENERAL: I suppose one should rely upon the good sense of those who have to administer the Ordinance. As the Deputy President has pointed out, as soon as the period of three months has expired the registered owner shall be deemed to have ceased to use his brand. His name is then removed from the register, but within a week he applies, and if the brand has not been allocated to another applicant it would be returned to him. If, on the other hand, his brand has been allocated to someone else he cannot get it even though this extra period of time is allowed. From a practical viewpoint the effect is the same.

Mr. FERREIRA: I cannot see how a person's brand can be allocated to another person, because he may still own cattle with that brand.

Mr. DEBIDIN: The applicant may be told that he has to brand his animals on the neck.

The CHAIRMAN: If the hon. Member persists I will put his amendment, but it will not only complicate the drafting but the administration. I will now put the amendment that the words "after a further period of three months" be inserted after the word "brands".

Amendment lost.

Sub-clause (5) —

The FINANCIAL SECRETARY & TREASURER: May I draw the attention of the Council to section 12 of the existing Ordinance to which this amendment applies. It states:

"12 (1) On payment of an annual or other fee from time to time prescribed by the Inspector General, anyone entitled to use a brand may have that brand with his name and address entered on a list to be kept by the Inspector General, of which a copy shall be kept at every police station."

We are now very sensitive about permitting Government officials to prescribe fees. Personally I think it is quite in order that the Administration should prescribe a fee which is not a tax but merely intended to be some small reimbursement of cost incurred. I would like to point out that possibly, if this particular clause in the Bill were removed, the effect of section 12 of the Ordinance would remain. My point is that the removal of this particular sub-clause may not have the effect the mover intends.

Mr. FERNANDES: The hon. the Financial Secretary was not here when we discussed that and had it read to us. The section which the Financial Secretary has just quoted was passed before my time, but I am going to vote against this sub-clause and anything like this which should come up during my term of office. I am not prepared to give any Head of a Department the right to prescribe how much should be paid by the people of British Guiana, whether it is called a fee or a tax. I maintain that if there is an intention to charge a fee it should be prescribed by this Council.

The CHAIRMAN: I agree with the hon. the Financial Secretary. I understand that sub-clause (5) has been inserted in the Bill because, if section 12 of the Ordinance stands, an annual fee would be chargeable. I do not know what the hon. the Attorney-General has to say on the subject, because it does appear to me that this would be redundant, and even if it is in relation to new registration the original section would apply and an annual fee would be charged.

Mr. DEBIDIN: I move as an amendment that no fee be charged. I do so out of abundant caution.

The CHAIRMAN: That would not be an amendment. I could not allow it because it would be a contradiction of the Ordinance as it stands. You will have to move that the section of the Ordinance dealing with fees be repealed.

Mr. DEBIDIN: An amendment to the effect that "No fees shall be charged in connection with this section" would not be a contradiction of section 12.

The CHAIRMAN: Even then I would not allow the amendment, because it is obvious that no citizen can be taxed in any form unless provision is made by Ordinance. So there is no need for that at all. I would be allowing something to be put in, that no fees shall be charged, when it is obvious that no fees can be charged unless it is provided for by Statute.

Mr. DEBIDIN: That is quite good constitutional principle but I am going to ask you to consider that when this section is passed, section 12 of the Ordinance which refers to payment of a fee will apply to section 3A, because section 3A will become part of the Principal Ordinance. If this was new legislation being passed the principle you are enunciating would be quite good.

The CHAIRMAN: I do not think I will allow it, because there would be discrimination in taxation. You cannot have a Statute under which certain persons enjoying the same benefits are not being taxed.

Mr. DEBIDIN: With your permission, Sir, I would like to join issue with you very strongly on this last point. Personally I have never read where the mere discrimination in the way of taxation is a ground for disallowing any particular legislation, because in a great many cases of legislation there are provisions which tax one thing in one way and another thing in another way. The reason for this particular amendment is that the people are not asking for this to be done; it is a matter of public policy. We are now imposing a condition upon them that they must re-register. That is why I am say-

ing that this is not discriminatory legislation but a necessity to exempt those people in the particular circumstances from having to pay any registration fee whatever or any charge for having their names entered in the register.

Mr. SMELLIE: Sir, I do not think the hon. Member should preface his remarks by saying that he wants to join issue very strongly with you on this point. When you are in the chair a mantle descends upon you which you do not wear outside. Having given a ruling I think that should be the end of it.

The CHAIRMAN: That is so.

Mr. PETERS: I raised the question whether we could, with the ease of our conscience, require those people to register anew under this Ordinance and leave the matter open so that a new fee could be charged. I feel that if a person is registered *de novo* then he has to pay a fee under section 12, but a person who is being called upon by this new legislation to register should not be expected to pay a second time. Can't we by some process decide here and now that they should not be required to pay a second time?

The ATTORNEY-GENERAL: I hope hon. Members appreciate the fact that having regard to the time when this Ordinance will come into operation, this provision will not become operative until next year.

Mr. LEE: When I applied for my brand I never paid any fee. There are no prescribed fees.

The CHAIRMAN: I rule the amendment out of order.

Clause 4. — **Substitution of new subsection (1) of section 10 of the Principal Ordinance.**

Mr. DEBIDIN: I move the deletion of 8 (a) for the reason that I have made it clear that I do not think there is sufficient justification in the idea that hides would be preserved, to impose upon the people the necessity of having all their

animals rebranded on the neck, or to have all future branding on the neck. Here is legislation which spells discrimination. In the Rupununi district cattle will be allowed to be branded on the hip. If this is allowed it will give people the right to say again that some people, or some set of people, are anxious to see the cattle industry on the coastlands run out of business in the interests of sugar. That has been said over and over, and it is going to be said again if this particular provision is passed. If hardship is to be placed upon certain people and discrimination is going to be set up it seems to me that the people on the coastlands will say that the cattle business has too much in it, and they are not going to worry with it any more.

Mr. FERNANDES: The hon. Member has just beaten me to it, but I am on the opposite side. I agree entirely that all animals should be branded as specified in this clause but, like him, I am against discrimination. As I happen to know that the Rupununi produces a greater percentage of heavy hides per animal than the Coast produces—approximately one-third of the number of animals marketed in British Guiana—I think it would be a very retrograde step, if it is Government's intention to protect the quality of hides by permitting the Rupununi to brand on the hip because of the particular method used in branding there. I do not know exactly what the method is, but whatever it is, I think, any brand that can reach the hip can reach the neck, and I am going to move the deletion of everything after the word "body".

Mr. MORRISH: I have waited for two or three minutes to try and think. I heard the remark made, that the reason why Rupununi cattle should be allowed to be branded on the hip is to help sugar. I cannot see the connection. I cannot see what on earth the branding of Rupununi cattle on the hip has to do with sugar.

Mr. DEBIDIN: I think the hon. Member has certainly missed the point. I am saying that if discrimination is allowed for the Rupununi cattle in one way and hardships are imposed as the

result of the branding a particular way, those people might have an excuse for saying what they have been saying before.

The FINANCIAL SECRETARY & TREASURER: I have been informed that the reason for the exclusion of the Rupununi is that the rounding up and checking of the animals are of such a nature that the only way they can identify the animals is by branding on the hip. I think some Members have seen a rounding-up in the Rupununi. The animal is thrown on the side to be branded. The process is of such a nature that it is the only way identification of the animals can be obtained. It must be remembered that these animals are very wild.

The ATTORNEY-GENERAL: The Financial Secretary is correct.

Mr. FERNANDES: I have listened to what has been said. If that is so, then I would vote against the whole sub-clause, because I do not see why one lot of people should be given the privilege of rounding-up their cattle and identifying their cattle in a certain way, and that privilege is denied someone else. There is nothing to say that the cattle anywhere else in British Guiana except the Rupununi should not be rounded-up in the same way. That is the point I am making. If you are making it for one to protect the hides you must make it for all. If that is preferable then we would have to wink at the quality of our hides and accept the branding anywhere the people like to brand.

The ATTORNEY-GENERAL: The hon. the Financial Secretary has placed the position before hon. Members in connection with what has been termed discriminatory legislation. There is a difference between cattle on the coastland and those in the Rupununi. The cattle on the coastland are more amenable to discipline; they are quiet and tame. The cattle in the Rupununi are for the most part wild, and because of the expanse of the savannahs in the Rupununi a large number of these cattle, most of them quite wild, are collected for branding. The process, as described by the Financial Secretary, is that they are rounded-

up, then driven by single file through a narrow passage. The rancher stands above to observe the cattle and see which of them have been already branded. The unbranded ones are then driven into a corral, thrown on the ground and the brand is applied. The position is somewhat different elsewhere. I quite appreciate the comment of the hon. Member who says this is discrimination, but we must have regard to the difference in the animals and the procedure. The same procedure is not applied in regard to animals on the coastland as to those in the Rupununi. It will be very difficult for ranchers in the Rupununi to make a change in the procedure they are accustomed to. I may tell hon. Members that it has been tried to do the branding on the neck and hip, but not too successfully. One must have regard to the difference in circumstances and procedure.

The **FINANCIAL SECRETARY & TREASURER**: I have always believed this is a very important provision of this Bill, requiring branding on the neck. It was regarded by the Director of Agriculture as very essential. If the Council wishes I would ask permission for the Director of Agriculture to explain to the Council in greater detail what are the purposes of this particular clause and the reasons for the differentiation in it.

The **CHAIRMAN**: Do hon. Members desire to hear the Director of Agriculture?

Mr. **FERNANDES**: Would we be permitted to ask the Director of Agriculture questions when he is finished?

The **CHAIRMAN**: Yes.

Mr. **H. H. CROUCHER** (Director of Agriculture): The two points I understand are firstly, why it is necessary or desirable to brand on the neck rather than indiscriminately over the rest of the body. The main reason for that is, we have been trying to work up a small hide export industry, and if hides are carelessly branded anywhere their value is reduced and in fact it is possible that they may be valueless. A certain number of them can be absorbed in the local leather industry, and even that is very worthless, but we will have no hides to

export. The neck is the place which is least used in making leather and, consequently, any marks there have very little effect on the value of the hide as such. This matter was very carefully investigated, and it was done over a considerable time. Various opinions of people were taken, and we thought at one time that it might be possible to insist on all animals being branded on the neck, but it was pointed out to us that in the Rupununi there is a peculiar system of ranching there which it is very difficult to control, if you are to keep a proper record of the animals. They do it by rounding-up once a year. They pass the animals through a race, which is a narrow stockade into which the animals are put one by one, and at the end of it is a gate which can be turned one way or the other. The animals are separated—those you want to kill and those which have been branded and the young ones which have not been branded. More than 20,000 cattle are involved, and so it is not something that can be done slowly. The animals go through this race quickly. A man stands on a platform looking on the backs of the animals and at the same time manipulating the gate, sending them into the proper corral.

It was also pointed out to us that it is impossible for that man to see the brand on the neck, and the only place he can see conveniently is on the flank. We did not only take that as so, but it was checked by the Veterinary Officer who agreed that it would be most unreasonable to insist on them changing the system there. There is another factor, There is usually only one brand on the animals in the Rupununi, and it is done carefully and systematically. That is not so on the Coast. The animals there often have three or four brands scattered about the hide, deteriorating it in value. Whereas the one brand done carefully in the Rupununi is least likely to have a devaluating effect on the hide. I would have liked to see it 100 per cent. on the neck, but I feel I must be practical in these things, and for that reason at this stage this exception was made. But the general idea behind it is to try and help the small and useful leather industry in this country.

Mr. FERNANDES: That is all well and good as regards the neck. If the Director look at the clause he would see that the cows are to be branded on the neck, or shoulders, or on the lower parts of the legs. I have been in the Rupununi and have ridden fourteen miles both ways to see the rounding-up and branding in my official capacity as a Member of this Council. I have seen the race. As the animals walk through the track there is nothing whatever to prevent the man from seeing the brand. He has not to read the number. As long as the animal has been branded he has not to brand it again. If it is not branded it is turned into a corral. Particularly those with the big hides, the bullocks, are marked in another way. When they are castrated a "V" is put on the ears. That is done in order to see him and to identify him quickly while he is loose. So there are other means of marking the animals that have been branded.

The Director very wisely confined his remarks to the neck, but the shoulders cannot be seen any lesser than the hips if the brand is on the shoulder. The man can see it even better because the shoulder comes to him first and the hindpart after. They do not back the animals in. He sees the shoulder and the neck long before he sees the hip. But I am going to take another point. Though the Rupununi produces only one-third of the total number of animals, it produces more than one-half of our good quality hides, and if we are to develop an export trade in high quality hides when you cut off that supply of more than one-half you may just as well leave it as it used to be and not have an export trade, because we will not get very far in developing an export trade with coastal cattle. It is known that except something is done the cattle on the coastland will get smaller and smaller. The animals are being moved from areas which make them more docile and more amenable to discipline. In a short time the animals on the coastland will be just as wild because they are kept in pastures where they do not see human beings in months on end, and they have to be herded and branded in the same way as in the Rupununi.

The FINANCIAL SECRETARY & TREASURER: I cannot understand what is the motive in the hon. Member's objection. He uses the word "discrimination". I feel it is our duty to exercise proper discrimination where the circumstances call for it. It seems to be quite right that we should recognize the difference that obtains in the Rupununi and on the coastland. If it is found that we should have these animals marked on the neck, if it is practical, as it certainly is, on the coastland then we should do it. If it is impossible or difficult to be done in the Rupununi let us not do it. Let us discriminate in a due sense of what is right and proper. In this instance I cannot see what is the objection. We are told by the Director that branding on the hip is done sufficiently proper as to make the hide still useful and not spoilt, whereas on the coastland it is done the other way. I do suggest that the clause be left as it is.

Mr. FERNANDES: I did not hear the Director say branding on the hip does not affect the hide. If he had said so I would have denied it. Any branding destroys the hide. I have been eight years as a boy in the leather business, so I am talking with a certain amount of authority. The hon. the Financial Secretary is certainly right that you must discriminate where it is necessary. I do not know whether intentionally or not the Director failed to satisfy me, and I daresay every hon. Member, knows that branding on the shoulder is not practicable in the Rupununi. I maintain that with little commonsense in the method of branding the branding on the shoulder instead of branding on the hip is not only workable, but in my opinion it gives much easier identification. It may be a little harder to brand the animal, but everyone has to go to that trouble. To brand on the neck it may be a bit hard, but if you make it hard for one it must be for all. If the law had omitted to permit the branding of animals on the shoulders it might be different. There is no difference in the identification of a brand placed on the hip or on the shoulders. Therefore there is no reason for the discrimination, I maintain that. If Members fail to see that, they cannot blame me.

Question "That the proviso to Clause 4 be deleted" put, and the Committee divided and voted as follows :—

For—Messrs. Phang, Peters, Fernandes, Farnum and Lee—5.

Against—Messrs. Morrish, Smellie, Raatgever, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—6.

Amendment negatived.

The CHAIRMAN: I now put that clause 4 stand part of the Bill.

Question put, and the Committee divided and voted as follows :—

For—Messrs. Morrish Smellie, Phang, Raatgever, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—7.

Against—Messrs. Peters, Fernandes, Farnum and Lee—4.

Clause 4 passed as printed.

Clause 7—Commencement.

The ATTORNEY - GENERAL: In view of the amendment to clause 3 A (1) in regard to the time — three months — I ask that "the first day of March" be

substituted for "the first day of January".

Question put, and agreed to.

Council resumed.

The ATTORNEY-GENERAL: With the consent of the Council I beg to move that the Bill be now read a third time and passed.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a third time and passed.

DEPUTY PRESIDENT'S DEPARTURE FOR U.K.

Mr. RAATGEVER: Before you close, I would like on behalf of Members, as you are leaving the Colony early next week to represent this Legislative Council at the opening of the new House of Commons, to wish you a very safe and pleasant passage to the United Kingdom, a pleasant stay there and safe return to us to continue your good work on behalf of the people of this Colony.

The DEPUTY PRESIDENT: Hon. Members, I thank you very much. I hope when I return to see every hon. Member in his seat. The Council will be adjourned until Thursday next week at 2 o'clock.