

## LEGISLATIVE COUNCIL.

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Friday, 19th December, 1947.

The Council met at 2 p.m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

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### PRESENT.

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (acting).

The Hon. the Attorney-General, Mr. E. M. Duke (acting).

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

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

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

The Hon. H. N. Critchlow (Georgetown South).

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

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

The Hon. G. A. C. Farnum (Nominated).

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

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

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves (Eastern Berbice).

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

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

The Hon. C. A. McDoom (Nominated).

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

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

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

The Clerk read prayers.

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

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### ANNOUNCEMENT

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#### Boards and Committees

The COLONIAL SECRETARY: Sir, with reference to your Message, No. 2 of 1947, regarding the appointment of Boards and Committees, which I laid in Council yesterday, I regret to report that there were two unfortunate errors. In the first place, the name of the hon. Member for Central Demerara, Dr. C. Jagan, was omitted from the Advisory Committee on the Medical Department and I apologise to the hon. Member for the omission. Secondly, with respect to the Rice Marketing Board, the name of the hon. the Fourth Nominated Member, Mr. Raatgever, should have appeared instead of the name of the hon. the Sixth Nominated Member, Mr. McDoom. The hon. Mr.

McDoom is, of course, already serving on the Board as a rice producer. The constitution of the Board—under the Rice Marketing Ordinance, 1946,—should include four persons who are officers in the Public Service, eight persons who are rice producers, and four other persons (not being officers in the Public Service or rice producers) of whom two shall be Members of the Legislative Council. It is not therefore possible to appoint the hon. Mr. McDoom as a Member of this Council. I trust both hon. Members would accept my apology for this confusion.

Mr. LEE: May I be permitted to mention a certain point? It seems to me, Sir, that some of us do not agree with the procedure regarding these particular appointments and we would like the Message to be discussed either in Legislative Council or privately so as to be convinced about some of the appointments. We feel we should have this matter discussed.

The PRESIDENT: I think hon. Members should make their wishes known to me—if they have any—and I shall be glad to have them considered.

Mr. LEE: Thank you, Sir.

#### PAPERS LAID.

The COLONIAL SECRETARY laid on the table the following:—

The Report of the Directors of the New Widows and Orphans Fund for the year 1946.

The COLONIAL TREASURER: I beg to lay on the table the Report of the British Guiana Airways Committee. In doing so, I wish to take opportunity to announce that Your Excellency has been pleased to appoint an *ad hoc* Committee to prepare a revised tariff of charges for charter hire, fares and freight rates for the British Guiana Airways. The recommendations of that Committee would, of course, be submitted to Government for approval. The Committee would consist of the hon. Nominated Member, Mr. G. H. Smellie, as Chairman; Mr. S. Bracewell, Director of Geological Surveys; Mr. H. G. Gregory-Smith, Com-

missioner of the Interior; and two representatives of the B.G. Airways, Ltd., Major A. J. Williams, Managing Director of the Coy.; and Major A. B. Way, of Fitzpatrick Graham and Coy. The hon. Nominated Member, Capt. Smellie, has already communicated his acceptance of the post of Chairman of the Committee.

#### UNOFFICIAL NOTICES.

##### RICE MARKETING ORDINANCE, 1946.

Mr. FERNANDES gave notice of the following motion:—

BE IT RESOLVED that the Rice Marketing Board Ordinance No. 5 of 1946 be amended to provide the Board with power to purchase agricultural machinery for use by the industry, and for

- (a) the sale of such machinery to producers for cash and/or on easy payment terms and
- (b) the use of any such machinery that may be available on a hire service, on such terms and conditions as may be fixed by the Board.

To delegate the powers of the Manager and Secretary as stated in the Ordinance to anyone duly appointed by the Board to act for them.

#### NOTICE OF QUESTIONS

##### B.G.—DUTCH GUIANA BOUNDARY.

Mr. ROTH gave notice of the following questions:—

1. For the information of that section of the public concerned, will Government state what is the exact Boundary between British Guiana and Dutch Guiana?
2. What navigational rights, if any, are enjoyed by British subjects in the Dutch waters of the Courantyne River?
3. Does Government consider it desirable that steps be taken to amend the British Guiana—Dutch Guiana Boundary Agreement in order that the said navigational rights, if any, of British subjects be more definitely established?

#### VOTING AT GENERAL ELECTIONS.

1. What action, if any, does Government propose taking against the two hundred and seventy-nine persons who, at the recent General Elections, voted at more Polling Places than one?
2. If none, why?

#### SUGGESTED PUBLIC HOLIDAY.

Mr. LEE: Before the Order of the Day is proceeded with I desire on behalf of certain Trade Unions to ask whether Your Excellency can see your way to

declare Saturday, 27th December, a public holiday, as it would only be a half of the usual working day. I have been asked to make that request of Your Excellency.

Dr. SINGH: I have not heard the hon. Member's remarks.

The PRESIDENT: I think the Hon. Member is suggesting that the Saturday following Boxing Day—December 27—be declared a public holiday. I must say that for myself I do not believe in making Public Holidays lightly because they do cause dislocation of a kind and they affect very many interests. They affect the workman as well as the employer; they affect the Banks, commerce, and so on. The position, so far as the hon. Member has pointed out, is that there would be Christmas Day, then Boxing Day—the Friday—and then Saturday which is a half-day for work, and it is a question whether we should not round off the period by making Saturday a public holiday. As I have already stated, I do not like doing these things lightly—without consideration—and I do not propose to give an answer to the request this afternoon.

Mr. ROTH: We are rather fortunate in this country, Sir, in having 12 statutory holidays spread throughout the year and, frankly, I think that is quite a sufficient number.

Mr. RAATGEVER: I am in favour of the request made by the hon. Member for Essequibo River—that the Saturday following Boxing Day be declared a public holiday. I should like to state that the Chamber of Commerce is in favour of the request and has sent a letter forward to Government asking that the Saturday be declared a public holiday.

Mr. CRITCHLOW: I desire to support the request as long as the Chamber of Commerce is in favour of it. It has already been done in certain colonies in the West Indies and I think it could be done here.

Mr. SMELLIE: I would like to support the view expressed by the hon. Member, Mr. Roth—that we already have

a great number of holidays in this Colony—and I do not see the necessity for another one being declared between the Christmas holidays. There would probably be an accumulation of vessels in port to be discharged during that period and one result would be that overtime would have to be paid if the Saturday is declared a public holiday. For that reason I am against the request.

Dr. NICHOLSON: I am entirely in favour of making Saturday a public holiday. It would make so much difference to the worker to have four days running as holidays or rest days as the case may be, without having them broken into by the Saturday.

#### URGENT LEGISLATION

The PRESIDENT: As I have already stated, I will consider the matter and decide what I think best should be done in the interest of all. Before we proceed to the Order of the Day I should like to remind hon. Members that I have convened this meeting this afternoon because of certain legislation which should be passed before the end of the year. As I stated yesterday, some of it is of a formal nature and some of it is important, but I do not think that any of it is really contentious. As hon. Members may know, only the first reading of Bills is taken as a rule on the first day, and then notice is given that the second and subsequent readings would be taken at some later date, but the Attorney-General proposes this afternoon to move the suspension of the relevant Standing Rules and Orders in the case of some of these Bills, in order that he should take the second and subsequent readings to-day. I do not want to give the Council the impression that there is any intention to rush these Bills through, and when the motion for the suspension of the relevant Standing Rules and Orders is moved it will be entirely for hon. Members to decide whether they will go on with the Bills to-day or adjourn until later. It seems to me, in any event, that we would have to meet on Monday next because I do not think we would finish this afternoon. As I have said, we should get these Bills through before the end of the year and the sooner the better. They are before the Council and if any hon. Member feels he wants more time to consider them he should say

so and then I will take a census on the matter.

There will be a meeting of the Finance Committee at 11 a.m., on Tuesday. It will be a very short and formal one, but the Colonial Treasurer who is the Chairman of the Committee is anxious to have it. I do not know if I am right in saying that he regards it as a christening ceremony, as it will only be a formal meeting. I hope it would be possible for him to introduce the Budget on December 30. If all goes well, I think he should be in a position to introduce the Budget on that day and thereafter, as is customary, the Council will adjourn for a week to enable hon. Members to study the Draft Estimates and consider the various proposals which Government would have to make.

#### ORDER OF THE DAY

##### Bills—First Reading.

On motions moved by the ATTORNEY-GENERAL seconded by the COLONIAL SECRETARY, the following Bills were read the first time:—

A Bill intituled "An Ordinance further to amend the Trading with the Enemy Ordinance, 1939, by the inclusion of the amendments thereto which were effected by Defence Regulations."

A Bill intituled "An Ordinance to regulate the entry of aliens into the colony to make provision for the registration of aliens and for purposes connected with the matters aforesaid."

A Bill intituled "An Ordinance to amend the Workmen's Compensation Ordinance, 1934, with respect to the amount of compensation and the liability of insurers for payment".

A Bill intituled "An Ordinance further to amend the Shops Ordinance, 1944, with respect to the opening and closing hours of shops."

A Bill intituled "An Ordinance further to amend the Transport and Harbours Ordinance, 1931, with respect to tonnage, light and pilotage dues and the power to make regulations."

A Bill intituled "An Ordinance to make provision as to the immunities and capacities of international organisations of which His Majesty's Government in the United Kingdom and foreign governments are members; and to confer immunities and privileges on the staffs of such organisations and representatives

of member governments and in respect of premises and documents of such organisations."

A Bill intituled "An Ordinance to amend the New Building Society Ordinance, 1940, with respect to the powers and accounts of the Society, the appointment of auditors, and unclaimed amounts payable on bond certificates and deferred shares."

A Bill intituled "An Ordinance with respect to immigration and for purposes connected therewith."

#### TRADING WITH THE ENEMY (AMENDMENT) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that the relevant Standing Rule and Order be suspended in order to permit the following Bill to be read the second time and to be taken through all its stages to-day:—

A Bill intituled "An Ordinance further to amend the Trading with the Enemy Ordinance, 1939, by the inclusion of the amendments thereto which were effected by Defence Regulations."

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

The ATTORNEY-GENERAL: The object of this Bill is stated in the long title. The Trading with the Enemy Ordinance, 1939, has been amended by enactment of this Legislature in 1940 — Ordinance No. 2 of 1940. Subsequently, it was found necessary to make further amendments to the Principal Ordinance, but there was insufficient time to come to this Council to have that done and therefore they were made by virtue of Defence Regulations. Those Defence Regulations will come to an end on December 31, this year, but it is desirable that they should be continued and that could only be done by an act of this Legislature. There is nothing new in this Bill: everything in it expresses what is the actual law in existence to-day. I beg to move that this Bill be now read a second time

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the second time.

Council resolved itself into Committee and considered the Bill without amendment.

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

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the third time and passed.

#### ALIENS BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that the relevant Standing Rule and Order be suspended in order to permit the following Bill to be read the second time and to be taken through all its stages to-day:—

A Bill intituled "An Ordinance to regulate the entry of Aliens into the Colony and to make provision for the registration of Aliens and for purposes connected with the matters aforesaid."

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

The ATTORNEY-GENERAL: There were certain Regulations made in 1941 which regulated the entry of aliens into this Colony and provided for their supervision when in the Colony. These Regulations will come to an end on the last day of this year and it is considered desirable that the enactments which are now in force with regard to these subjects, should continue in force after the end of this year. The object of this Bill is to provide for the continuance in force of the Defence Regulations which were made in 1941 and amended in 1943. Enactments to this effect are in force all over the world, and this Council will not be doing anything new or extraordinary in passing legislation providing for Regulations for the entry of aliens in this Colony or their supervision when in

this Colony. I beg to move that the Aliens Bill be read a second time.

The COLONIAL SECRETARY seconded.

Mr. LEE: May I enquire whether this Bill will interfere with the settlement of aliens in the Colony?

The PRESIDENT: If any happen to come here we would make provision for them. This law applies to all aliens whether they are coming for settlement or not.

Question put, and agreed to.

Bill read the second time.

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

Council in Committee.

*Clause II — Power to exempt aliens from the provisions of the Ordinance.*

The COLONIAL SECRETARY: I would like to draw the attention of the hon. Member for Essequibo River to this clause as it answers his question.

#### *Schedule.*

The CHAIRMAN: I think the Schedule should have been taken before clause 10.

The Council resumed.

The ATTORNEY-GENERAL: I move that this Bill be read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the third time and passed.

#### WORKMEN'S COMPENSATION (AMENDMENT NO. 2) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that the Standing Rule and Order of this Council be suspended in order to permit the Workmen's Compen-



37. *Workmen's Compensation.* 19 December, 1947. (Amdt. No. 2) Bill 38.

sation (Amendment No. 2) Bill to be read a second time and taken through all its remaining stages to-day.

The COLONIAL SECRETARY seconded.

Question put, and agreed to

Mr. LEE: I would like to say on behalf of the workers of this Colony that we feel that Government should further consider section 5 (b) of the principal Ordinance—where a workman is injured and only receives 50 per cent. of his earnings as compensation. We feel that that is inadequate and Government should consider an amendment to the Ordinance so that he would receive his full earnings. We ask Government to consider that question and at some future date introduce that amendment in the Council.

Mr. SMELLIE: In the provisions of the Workmen's Compensation (Amendment) Ordinance of 1947, new classes of workmen were brought in. In this Bill in clause 3 reference is made to a Schedule covering lists of injuries affecting the earning capacity of a workman. Among the new classes of workmen covered by the 1947 Amendment Ordinance were forestry workers and those engaged in the balata industry. The question of determining the earning capacity of those engaged in the Balata industry is rather a difficult one. In so far as the clerical workers, boat hands, etc., are concerned, the matter is comparatively simple, as these workers are paid by the day, or the week, or month, or the trip on the river. But with regard to the bleeders their remuneration is according to the quality and quantity of the latex bled during the season and delivered. It seems very difficult if an accident occurs at the beginning of the season to determine what is the earning capacity of a man who is paid by results in that way. Of course, there are other industries in which employees are paid by results, but this particular industry—I will go so far as to say—is rather unique. I would ask the hon. the

Attorney-General to give consideration to that point—determining the earning capacity of a man whose earning capacity you cannot accurately estimate until the expiration of his contract.

The PRESIDENT: I assume hon. Members are speaking on the second reading and, therefore, I will ask the hon. the Attorney-General formally to move the second reading.

The ATTORNEY-GENERAL: I beg to move that the Bill be read a second time. I desire just to make a few remarks. There was a Workmen's Compensation (Amendment) Ordinance passed in the month of March this year. It provided by section 10 of that Ordinance that the Ordinance was to come into force by proclamation. That proclamation has not yet been issued, but it is proposed that it be issued to bring the Ordinance into force on the 1st January, next year. After the Ordinance was passed it was examined afresh, and it was ascertained that there were certain sections in the Ordinance which were not very clear. One of the objects of this Bill is to make those provisions, that are considered as not being clear, clear and beyond all doubt because. I think you will agree with me, in an Ordinance of this description clarity should be the aim of the draughtsman, as it is an Ordinance which affects the working-man and he should be able to tell exactly from the Ordinance what he is entitled to and not entitled to.

There is a clause in the Bill to which I must call attention—clause 4. The object of that clause is this: In relation to the provisions of the Workmen's Compensation (Amendment) Compensation Ordinance regarding compulsory insurance, if an accident occurs the insurer has to pay whether or not the employer has complied with any conditions which may be mentioned in the policy. On further consideration it was felt desirable that in such a case, although the insurer had to pay according to Statute, it was only right and proper that the insurer should have the right to recover from the employer the money paid in respect of any injury to a workman

where the employer had failed to comply with any condition or warranty of the policy of insurance.

Then there is clause 6 of the Bill. Under Ordinance No. 14 of 1947, the Governor-in-Council has power to exempt from the provisions of the Ordinance relating to compulsory insurance any person or body of persons who is or are considered to be good enough in himself or themselves for the payment of any compensation to which a workman may be entitled. The policy of Government is never to insure, so it is considered that a clause should be put into this Bill specifically exempting Government from liability to insure. The Governor in Council has power to exempt, but it is not considered desirable that the Governor in Council should be asked to exempt Government from the provisions of the Ordinance, because the Governor in Council would be exempting itself. There is a provision put in clause 6 exempting Government from the provisions of Ordinance No. 24 of 1947 regarding compulsory insurance. When the Bill is in Committee I propose to move in a clause, a copy of which has been handed to each Member, and that clause relates to subsection (3) of section 6 of Ordinance No. 14 of 1947. I shall read subsection (3):

“Every registered medical practitioner engaged in active practice shall be bound to afford emergency treatment required by or on behalf of an injured workman, and if such a registered medical practitioner without reasonable cause refuses or neglects to proceed to the place of accident or to effect such emergency treatment as may be required by the nature of the injury and the condition of the injured workman he shall be guilty of an offence and upon conviction thereof under the Summary Jurisdiction Ordinances shall be liable to a fine not exceeding two hundred and forty dollars or to imprisonment for a term not exceeding three months.”

That was a very drastic clause, and it is proposed to move in a clause to this Bill repealing that particular subsection. The British Guiana Branch of the British Medical Association in this Colony protested against that clause, and it is considered that the protest was justified and

that it would not be right and proper to have an enactment imposing on a medical practitioner a fine for failure to attend an injured workman. That does not mean that the members of the medical profession do not intend to attend to injured workmen. What they feel is this: The ethics of the medical profession are such that they can very well take care of any medical practitioner who disobeys those ethics, and it would not be right to have a penalty clause imposing a fine or imprisonment on a medical practitioner for such an offence. With these few remarks I beg to move that this Bill be read a second time.

The COLONIAL SECRETARY seconded.

Mr. DEBIDIN: After listening to the hon. and learned Attorney-General and two other hon. Members of this Council who spoke before him I am satisfied that further consideration of this Bill should be deferred. There seems to be far reaching implications especially in respect of clause 4 of the Bill, and it must be borne in mind that we have not had enough opportunity to go into this Bill, especially when it is considered that there is another amendment put before us this afternoon. I feel that such an opportunity, if given, would be made use of by our approaching the members of the various Trade Unions and obtaining their views on some of the percentages allocated in the Schedule. I feel that in the interest of the matters obtaining in the Bill and those to be affected this Bill should be deferred, but I hope not to a very distant date.

Mr. FERREIRA: I think when the hon. the Seventh Nominated Member made, what I consider, such a very considerable point and asked for an explanation we would have had that explanation. I think the hon. the Attorney-General has brushed over that point, and I am inclined to agree with the last speaker that before we proceed any further with this Bill we should have a clear cut case placed before us. This Bill is for the purpose of safeguarding the worker

as well as the employer. I am not satisfied that we are sure in our minds that this Bill explains everything to our satisfaction, and for that reason I say this matter should be deferred and the point made by the hon. the Seventh Nominated Member which applies not only to the balata industry but several other industries I know about. That point should be cleared up. It is a most relevant point. The other point I cannot agree with. The medical practitioners, I do not see why, should be exempted, why that clause should be repealed. I think the Trades Union Council should step in and insist on that clause being retained. I have known a case where a medical practitioner refused to go to a patient until he saw his fee. We hear about the ethics of the medical profession, and I am surprised the Labour Members have not got up and objected to that clause being repealed.

Mr. LEE: I welcome the remark. We were waiting until we got into the Committee stage to object to the amendment of the section. My hon. friend knows procedure.

Mr. CRITCHLOW: During the year we appealed to this Council not to defer this Bill and a promise was made to us that the amendments would come into operation on the 1st January, 1948. If you are going to defer this Bill I hope consideration of it would be finished so that the Ordinance would come into operation on the 1st January, 1948.

The PRESIDENT: I would like to make it clear to the hon. Member who suggested that this Bill be deferred on account of the fact he would like to consider the percentages. Once you do that, you would throw the whole Bill into the melting pot. The hon. the Attorney-General would agree with me that the insurance is based on the actual provisions of the Bill, and if you change them you change the scale of insurance. As hon. Members know this Bill was held up until now so as to give the employers time to insure. I must warn hon. Mem-

bers that if they want these amendments and reconsideration given to particular sections in the Bill, it is impossible for me to say when the Bill could come into operation. We are all very anxious that it should come into operation early, and the Government has assured hon. Members that it will come into operation on the 1st January next. We also told the Insurance Companies that some time ago and the employers, but if you make any radical amendments to this Bill at this stage, this enactment is bound to be deferred. That does not mean to say that having not changed it and this Bill is brought into operation, we cannot then consider any further amendment to it which any hon. Member wishes to propose. I do want hon. Members to remember that point, that we must be careful that we do not in effect shelve this Bill for a considerable time to come.

Question put, and agreed to.

Bill read the second time.

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

Council in Committee.

*Clause 6—Amendment of section 6 of Ordinance No. 14 of 1947.*

The ATTORNEY-GENERAL: I beg to move that a new clause 6 be added immediately after the clause of the Bill as printed, reading as follows:

"6. Section six of the Workmen's Compensation (Amendment) Ordinance, 1947, is hereby amended—

(a) by the repeal of subsection (3);  
and

(b) by re-numbering subsection (4) subsection (3)."

The CHAIRMAN: This clause relates to the medical practitioners. It is proposed to exclude from the Principal Ordinance the penal provision relating to medical practitioners for not attending to injured workmen.

Mr. LEE: There have been several cases in which injured workmen have been refused attention by medical practitioners because they could not pay their



fees at the time. Representations were made to Government in the matter and the section which it is now sought to repeal was inserted in Ordinance 14 of 1947, providing a penalty for a medical practitioner who refuses to attend to an injured workman. It does not affect a medical practitioner who observes the ethics of his profession which impose on him the duty to attend a sick person, and it only applies to practising medical men. I do not think the members of the medical profession have seen the section in its proper light, or they would not have objected to it.

Dr. SINGH: Because one medical man refused to treat an injured person is no reason why this penalty should be provided against all medical practitioners. The matter was fully discussed by the British Guiana Branch of the British Medical Association and it was decided that Government should be asked to repeal the section. A serious situation may arise if this amendment is not carried.

Mr. PETERS: I wish to express my complete agreement with the repeal of this section. We who claim to be members of the Bar have always been proud to speak of our profession as an honourable profession, and there is no reason why we should not accord the same courtesy to the medical profession. I feel that we ought to rely on the medical profession to take care of a situation of that kind. It may be a wise thing, if we are to legislate in this matter, to pass on to the Medical Association any concrete case of neglect on the part of a medical practitioner to attend to an injured person, but I think it borders very closely on a form of legislative tyranny to hold up the medical profession to the scandal of having this penalty provision on the Statute Book of the Colony. I very heartily endorse the remarks and the intention of the Attorney-General to have this section repealed.

Mr. ROTH: It would appear that the hon. Member considers the medical profession to be *sacrosanct*. There are medical men who observe the ethics of their profession but, unfortunately, there are some others of whom that cannot be

said. I am against the repeal of this section.

Mr. FERREIRA: I have already expressed my opinion and I merely repeat that this section should not be repealed. Legislation is made to protect all peoples. Men who are honest or dishonest must be guided by the laws of the Colony. If a Bill of this nature is necessary for the protection of everybody it must cover all. I see no reason why anyone should object to a section which would not be enforced unless someone fails in his duty. If a medical practitioner does not fail in his duty the law does not apply. Why should any section of the community be exempt from legislation?

Mr. WIGHT: I was surprised to hear an hon. Member of the legal profession say that a section of this kind should not be repealed. I think the hon. Member must fully appreciate that if such a section is necessary in regard to the medical profession a similar provision might also be necessary with respect to the legal profession. I feel sure that the hon. Member himself would not agree to such a provision in regard to his profession. It is obvious that if a medical practitioner were compelled by law to do his duty there would be argument as to what is or what is not a failure to perform his duty under that section. I therefore suggest that the deletion of the section, as proposed by the hon. the Attorney-General, should not be opposed by this Council.

The CHAIRMAN: Hon. Members should be aware that this particular section has been the subject of very strong protest by not only the local Branch of the British Medical Association but also by the British Medical Association itself, on the ground, as the Attorney-General has pointed out, that it disregards the ethical relationship which is generally understood to exist between the medical profession and the rest of the community. It is a question whether circumstances are such, or whether it has been shown in British Guiana that their protest, or what they say does not apply here. Personally I am not in a position to say, but I should indeed regret very much if the position in this Colony was such that this

section was rendered necessary. I think the Medical Association, and the medical profession generally should have power to deal with their members, and that they are more jealous than any others can be of the high reputation of the profession itself. We do not say that none of them is capable of neglect of duty, but we do know that their standard is a very high one, and one they are very jealous of. I do not think that by repealing this section we would be relieving them of any duty. They would still have the same duty, but we would be relieving them of what indeed they regard as a stigma, namely, the provision in the law of a penalty. If experience shows that such a clause is necessary in the circumstances in British Guiana then perhaps we could put it in, but I do not know myself that it has been shown that it is necessary in this Colony.

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

For—Messrs. Phang, Peters, McDoom, Kendall, Jagan, Fernandes, Coghlan, Farnum, Thompson, Critchlow, Wight, Drs. Singh and Nicholson, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—16.

Against—Messrs. Smellie, Debidin, Raatgever, Roth, Ferreira and Lee—6.

Did not vote—Dr. Consalves—1

Amendment carried.

Clauses 6 and 7 were re-numbered 7 and 8 respectively.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the third time and passed.

The PRESIDENT: I propose to issue a Proclamation bringing this law into operation on the 1st of January next.

## SHOPS (AMENDMENT) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move the suspension of the Standing Rules in order that the following Bill may be read a second time and taken through all its remaining stages to-day:—

A Bill intituled "An Ordinance further to amend the Shops Ordinance, 1944, with respect to the opening and closing hours of shops".

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

The ATTORNEY-GENERAL: The object of this Bill is to continue in force certain Defence Regulations which will expire on the 31st December this year. Those Regulations, although made under the Emergency Powers Act, are of such a nature that they ought to have their place in the permanent Laws of this Colony. The reason is this: that although the Shops Ordinance prescribes the hours for the opening and closing of shops, and those hours must under ordinary circumstances be strictly complied with, there are circumstances which may arise from time to time, under which it would not be in the public interest to insist upon those hours being complied with. If hon. Members would look at clause 2 of the draft Bill they would see those circumstances described there. In other words the Bill provides that, notwithstanding the provisions of the Shops Ordinance, shops may be opened (a) for the supplying of materials intended to be used for the repair or maintenance, and (b) for the supplying of apparatus fittings and material intended to be used for the repair or maintenance of any plant, machinery, apparatus, line or post which is used in relation to the generation, distribution or supply of electric current for any public or private purpose under the authority of any Order made by the Governor in Council under section five of the Electric Lighting Ordinance, or section five of the Georgetown Electric Supply and Tramways Ordinance.

So that if this Bill is passed the Governor in Council would be able to

make Orders providing that in the case, for instance, of current supplied by the New Amsterdam Town Council, the statutory undertaker at Bartica, or by the Demerara Electric Co., shops may be opened for the purpose of getting materials and so on. I do not think it can be said that the opening of a shop for such a purpose only is something that should not be allowed, because it is for a public purpose. It is to allow and permit of electric current being supplied without interruption, or as little interruption as possible. On the other hand ships may arrive here during long holidays, and may require repairs to be done, and it is necessary that shops should be allowed to be opened for the purpose of supplying materials for the purpose of the repair of such ships. I formally move that the Bill be read a second time.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read the second time.

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

*Clause 2—Amendment of section 3 of the Principal Ordinance.*

Mr. DEBIDIN: I beg to move an amendment for the insertion of a new paragraph (d) which reads as follows:

“(d) by the addition of the following as the third proviso to subsection (1)—

Provided further that where in any rural area it appears necessary or convenient for the purpose of receiving into any shop any merchandise, provisions or other goods at any time outside the hours prescribed in the First Schedule the doors of such shop may be opened for such purpose only or for the purpose of cleaning or airing a shop at any time outside of the hours prescribed in the First Schedule—a window of the said shop may be opened for a reasonable time for such purpose only”.

I consider this amendment necessary in view of my experience on the East Coast of Demerara where there have been many prosecutions against shop owners who were forced to receive goods at their shops during closing hours. The hours

prescribed in the First Schedule of the Ordinance are 6.30 to 10.30 a.m. and 3 to 7 p.m. There is a period of 2½ hours during which no business can be done in shops in the rural areas, but it is common knowledge that shopkeepers have to come to Georgetown to receive goods under their quotas. They come to Georgetown on Wednesdays when almost all shops are closed between 6.30 and 10.30 a.m. Goods frequently arrive in dray carts during closing time, and in cases where shopkeepers have opened their doors to receive their goods they have been prosecuted by the Police. It is a technical offence, and remarking that he did not make the law the Magistrate has recorded convictions against those shopkeepers.

I think this is an appropriate opportunity to make this amendment for the insertion of a third proviso which would not affect either the existing proviso or the second proviso which the hon. the Attorney-General is now seeking to introduce. It would enable shopkeepers in the rural areas to receive their goods immediately on arrival by opening a door for that purpose. I may mention that sometimes rain is falling when the goods arrive, and they would be damaged if they were allowed to remain in the dray in the open. As the law stands at present it is an offence to open a door of a shop to receive goods during closing hours. I feel sure the Council will support the amendment which is designed to remove what is a distinct hardship on shop owners in the rural areas.

Section 19 of the Principal Ordinance sets out the type of persons who are permitted in a shop during closing hours, and that section has been amended by Ordinance 23 of 1944. It has been argued, and it is now my opinion, that it does not cover the case of a cartman who enters a shop for the purpose of delivering goods.

A person may be in a shop with closed doors, and section 19 of the Principal Ordinance would make that an offence unless it comes within one of the exemptions. I feel sure that after careful examination this Council, in the interest of those persons directly affected, sup-

port this amendment along with the others submitted.

Mr. FERREIRA: I desire to associate myself with the remarks made by the last speaker. The suggestion he has made was put forward a year or two ago by the then hon. Member for Central Demerara. I should like to point out that in the Berbice River District the steamer does not arrive in the upper reaches until about 2 a.m., and surely one cannot expect shopkeepers to remain inside their shops until then. This Ordinance was introduced in order to protect employees, but at the same time I think the owners of the shops have a right to be safeguarded also, and provision should be made for their goods to arrive in their shops safely and in circumstances which would not subject them to prosecution.

Mr. PHANG: I desire to support the amendment moved by the hon. Member for Eastern Demerara and to say that we experience the same difficulties he has referred to in the North Western District. If the steamer from Georgetown arrives there late in the day, shopkeepers cannot take delivery of their goods through fear of prosecution. I should therefore like to see this amendment go through.

Mr. C. V. WIGHT: I should also like to see this amendment go through. The position is that travelling is done in many rural areas by small craft and according to the tide, so that it is not always possible for the transportation of goods to be done during the early hours of the day. I would suggest that the Governor in Council be advised to make a special Order exempting those outlying areas like the Berbice and the Pomeroon river districts where steamers arrive late in the day. I would like to refer particularly to the Pomeroon and the Moruca river districts, and I suppose similar conditions obtain in the North West District.

The ATTORNEY-GENERAL: The hon. Members for Berbice River, the North Western District and Western Essequibo have referred to the difficulty in complying with the statutory hours for opening and closing shops in their respective districts. I heartily agree with

what they have said, but in section 3 (5) of the Principal Ordinance—No. 23 of 1944—it is provided that the Governor in Council may provide special hours where convenient and if representations were made in the past with respect to these places, I am sure they would have been listened to and carefully considered.

Mr FERREIRA: To a point of explanation: Representations were made and a promise was given also, but nothing has been done.

The ATTORNEY-GENERAL: An Order under section 3 of the Principal Ordinance was made by the Governor in Council and if representations were made in this Council in this matter, it may be that through an oversight they were not forwarded to the Governor in Council. I can, however, promise the hon. Member for Berbice River that the representations made here this afternoon would be considered by the Governor in Council in due course. The hon. Member for Eastern Demerara has handed in a motion for an addition to clause 2 of this Bill, but it is rather formidable and I am afraid it would need much re-drafting in order that he should obtain what he really wants. I shall read the amendment in full: it says:—

“Provided further that where in any rural area it appears necessary or convenient for the purpose of receiving into any shop any merchandise, provision or other goods at any time outside the hours prescribed in the First Schedule, the doors of such shop may be opened for such purpose only or for the purpose of cleaning or airing a shop at any time outside of the hours prescribed in the First Schedule—a window of the said shop may be opened for a reasonable time for such purpose only.”

This proposed amendment would appear to licence even Sunday trading. The words “necessary or convenient” would not be very easy to determine and I would like to know who is to determine the question of necessity or convenience in any case. Is it to be the owner of the shop? I suggest that perhaps the hon. Member for Eastern Demerara might leave the matter with me and we can go into it at some subsequent stage and see whether we could work out an amend-



ment which would be satisfactory to both sides. I am afraid I cannot sponsor the amendment as it is drafted at present.

Mr. DEBIDIN: In the first place, I disagree with the hon. the Attorney-General most violently when he seems to suggest that the first proviso in the amendment would give a shop-owner power to oppose the Order in Council that has been made because the whole of the proviso is governed by the words "for the purpose of receiving . . . any merchandise", etc. The words "necessary or convenient" do not refer to service to the public and no one should take them as referring to the actual selling or purveying of goods. In other words, the proviso I am asking the hon. the Attorney-General to insert is to permit the taking in and not the taking out of goods, and I am sure it cannot be said that this proviso will enable a shopowner to evade the Order in Council in anyway. There must be an amendment such as the one I have submitted. I pride myself with some ability to draft; I have done it for 10 years. The amendment deals with two aspects of the situation. The first refers to the need for the introduction of goods into a shop, and in such a case only the doors may be opened — it does not require any windows to be opened at all. This is stated clearly in the amendment when it says:—

"Provided further that where in any rural area it appears necessary or convenient for the purpose of receiving into any shop any merchandise, provisions or other goods at any time outside the hours prescribed in the First Schedule the doors of such shop may be opened for such purpose only . . ."

There might be a variety of goods for delivery into a shop. For instance, there might be patent medicines since there are provision shops which stock medical supplies as well as other goods, therefore the amendment should cover every type of goods — making provision for them to be delivered into a shop outside the usual hours, since that is what we are dealing with. The doors only would be opened for that purpose and there is no question of the licensing or introduction of Sunday trading. A policeman could be sent around on such occa-

sions to see that the doors are opened only for the purpose intended. As regards the other aspect—the question of cleaning or airing a shop—it would be admitted that in the country districts shops are not built with the same high standard of ventilation as those in the City and very often when a shop is being cleaned out there it becomes hot, smelly with odours and injurious to health when all the windows are closed. I am therefore asking that a window be allowed to remain open in the meanwhile so that fresh air and sunlight could be admitted into the building. It should be realised that if a person wants to trade illicitly on Sunday or any other time he would not keep any of his shop windows open in order to do so. He would, very probably, carry on such trade at the back of the premises, and so far as this amendment is concerned it would meet the situation I have in mind. Several prosecutions have been brought in cases where a window was found open and the Court held that the shops in question were open. If it is the wish of this Council I will get the case jackets and evidence to prove where that was done. I respectfully submit that this amendment would not afford opportunity for Sunday trading or any other kind of illicit trading as suggested. Legislation of this kind should be clear and capable of easy interpretation in any Court, and I think the amendment I have submitted will meet the case in every respect.

Mr. LEE: I would like to support the hon. Member for Eastern Demerara in this amendment. I remember that he appeared in a case relating to this subject in the Magistrate's Court at Stewartville and gave notice of appeal, but the defendant suddenly decided not to proceed with the appeal. It is rather hard for a man to be convicted because he opens his shop in order to clean it up. The law as it stands says that cleaning must be done behind closed doors and I feel that this amendment is a reasonable one as regards both the receiving of goods and the cleaning of a shop. The law provides that each shop owner must post up the names of his employees on the premises and if anyone of them commits a breach of the trading laws during either of the the two occasions mentioned in the

amendment it would not be difficult to bring a prosecution.

Mr. RAATGEVER: I do feel that the amendment proposed by the hon. Member for Eastern Demerara is a reasonable one. I think some facility should be provided for shop-keepers in the rural areas to receive their goods. These people play a very useful part in supplying goods to people who live in the rural areas and if there were no shops there the residents would suffer considerable hardship and inconvenience. I think the best procedure would be for a Select Committee to be appointed to go into the matter and I suggest that that be considered by them over the motion.

Mr. FERREIRA: We have been given an assurance by the hon. the Attorney-General that the matter will be gone into. I think the amendment is rather loosely worded, and that the words "cleaning or airing a shop" need to be defined. I think we should accept the assurance given by the hon. the Attorney-General and that the hon. mover should not press the amendment to-day. I think it would be injurious to accept it in its present form.

Mr. FARNUM: I do not see the need for the appointment of a Select Committee in this matter. I take it that the Attorney-General is in favour of the amendment in principle because he has suggested that the mover should meet him and let them hammer out something and bring it back before this Council. I think that course should be adopted.

The CHAIRMAN: I suggest that we defer further consideration of this Bill until next Monday. If we do not get through all the legislation this afternoon Government will try to get out a form of amendment which would give effect to the wishes hon. Members have in mind. I think there is something—in fact, a lot—in what has been said on this point. Of course, what we do not want is evasion and it is not very easy to get an amendment which would at the same time prevent evasion in a matter of this kind. We know only too well how easy it is to evade, and that shop-keepers would be willing to get an amendment which would

give them an excuse for trading with the public when they ought not to do so. It is human nature that if the shop-keepers know of such an excuse the customers would also know of it. All we want to see is that they do not evade the law, and we know very well that once there is a loophole how very easy it would be for evasion to take place. We will defer the Bill until Monday next as it is necessary to get it through this year, otherwise there would be no law on the subject.

Bill deferred:

TRANSPORT AND HARBOURS  
(AMENDMENT) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that the relevant Standing Rule and Order be suspended to enable the following Bill to be read the second time and to be taken through all its remaining stages:—

A Bill intituled "An Ordinance further to amend the Transport and Harbours Ordinance, 1931, with respect to tonnage, light and pilotage dues and the power to make Regulations."

The COLONIAL SECRETARY  
seconded.

Question put, and agreed to.

The ATTORNEY-GENERAL: This Bill is one of very great importance, and a very important clause in it is clause 3 (a). It is not possible for hon. Members to know exactly what that clause means unless they refer to the original Ordinance and, therefore, I should point out that the reason for the inclusion of this particular clause in the Bill is that Government is losing a considerable amount of money by reason of the proviso which appears in the Ordinance of 1931. This proviso dates back to sailing ship days and it first appeared in an Ordinance in the year 1866. It is unnecessary for me to go through the whole proviso, but I would mention that it is possible in certain circumstances for a ship which has to bring a package of mails to get rid of the obligation of paying hundreds of dollars in tonnage dues. The object of the repeal of this proviso is to prevent such a thing happening in future. Clause 2 of the

Bill amends the definition of "Harbour of Georgetown" among other things, and in the Committee stage I will move an amendment to the effect that Pln. La Penitence be substituted for Pln. Eccles in the definition, and that Pln. Klien, Pouderoyen, be substituted for Pln. Schoon Ord. Instructions were given to prepare the Bill in one way but those instructions have been amended. Clause 3 (d) provides that vessels entering port solely for repairs should be exempt from the payment of light dues, and that seems to be quite reasonable. Clause 4 provides for compulsory pilotage in pilotage districts. Under the present Ordinance pilotage is compulsory but the harbour of New Amsterdam is not a declared pilotage district and one of the objects of clause 4 is, to provide that the harbour of New Amsterdam shall be a pilotage district. The General Manager of the Transport and Harbours Department will have power, with the approval of the Governor in Council, to declare any area to be a pilotage district and to vary the limits of any pilotage district. Clause 5 provides that any vessel which enters a pilotage district shall be liable for the payment of pilotage dues whether a licensed Pilot is employed on the vessel or not. Those are the main features of this Bill and I move that it be now read the second time.

The COLONIAL SECRETARY seconded.

Question put and agreed to.

Bill read the second time.

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

*Clause 1—Short title.*

Mr. LEE: With respect to the appointment of Committees which Your Excellency has referred to in Message No. 2, Your Excellency has caused to be laid on the table a directive to members and chairman of those Committees.

The CHAIRMAN: I do not think that is relevant to this Bill.

Mr. LEE: I am asking whether I cannot refer to it now

The CHAIRMAN: I am afraid not; we are discussing a Bill.

Mr. LEE: I intended to move a motion in the matter.

The CHAIRMAN: We cannot break Rules like that; there has been no suspension of the Standing Rules and Orders.

Clause 1 passed.

*Clause 2—Amendment to section 2 of the Principal Ordinance.*

Mr. FERREIRA: I would like the Attorney-General to tell us why the definition of "Harbour of Georgetown" has been changed and, secondly, whether the change will affect the harbour dues payable to the Colony.

The ATTORNEY-GENERAL: I will read a Minute from the General Manager of the Transport and Harbours Department, dated November 28, this year, on the subject. It says:—

"In 1933 the southern limit of the Georgetown Harbour was extended to a line drawn across the Demerara River from the southern boundary of Pln. Eccles on the East Bank to the southern boundary of Pln. Schoon Ord on the West Bank: this was done to include the Customs Aerodrome.

"Bauxite vessels are usually taken from an anchorage north of this boundary (i.e. within the Harbour Limits) on proceeding to Mackenzie to load and taken to a similar anchorage on return, by Messrs. Sprostons' Pilots: this is a breach of the law which, owing to shortage of pilots and need for quick turn round of bauxite vessels, we have permitted until recent months.

"Much time and expense are lost in observing the law and in order to secure smooth despatch of Sprostons' vessels the southern boundary of the Harbour should be restored to its original line drawn across the Demerara River from the Southern Boundary of Pln. La Penitence on the East Bank to the Southern Boundary of Pln. Pouderoyen on the West Bank of the river.

"The Comptroller of Customs has been consulted and has no objection..."

Then, the General Manager asks that the Bill as printed be amended. I move that for the word "Eccles" the words "La Penitence" be substituted and for the words "Schcon Ord" the words "Klien, Pouderoyen" be substituted.

Mr. FERREIRA: May I have an answer to the second part of my question—whether harbour dues will be affected?

The CHAIRMAN: I do not think harbour dues will be affected. It has been declared a Pilotage Area and any ship that goes into that area must pay harbour dues even though they did not pay before.

The ATTORNEY-GENERAL: I do not think tonnage dues will be affected, because you have to come from without into the river first. Therefore the change of the southern boundary of the harbour will not affect the dues as those dues will have been already levied before the ships go beyond La Penitence.

The COLONIAL TREASURER: I do not know what is the object of the alteration of the harbour limits, and I must confess that I am not any wiser after hearing that letter read. I give the assurance that the Bill is designed to increase revenue instead of decreasing it. As the hon. the Attorney-General said, the dues are collected on ships coming from without and, therefore, those duties remain unaffected by the proposed change of the southern boundary of the harbour. By clause 3 (a) vessels bringing mails which are now free of tonnage dues will come under the application of the ordinary tonnage dues. I assure Council that quite a considerable sum of money will accrue under this Bill.

Mr. FERREIRA: Will there be any change in the scale of dues?

The COLONIAL TREASURER: There is no change in the scale of dues payable.

Mr. DEBIDIN: A large number of ships are usually anchored south of the amended boundary. I would like to know whether the tonnage or other dues

payable by those ships lying there for a number of days would not be affected. Many ships anchor beyond La Penitence. I have seen them myself.

Mr. FERNANDES: From my knowledge of the working of the harbour and harbour dues, if my memory serves me right, I think the harbour was extended at a time when it was found necessary to include the landing of seaplanes in the Harbour of Georgetown. As they had to land at a point south of the then boundaries of the Harbour of Georgetown, those boundaries were extended a little further up the river so as to include anchorage in the harbour for seaplanes. Now that that does not exist anymore, I dare say that is the reason for returning to the old order of things. I do not think there is anything here that will cause the Colony to lose any revenue whatever, and so I am not going to offer any objection to that clause.

Clause 2 as amended passed.

The Council resumed.

The ATTORNEY-GENERAL: I beg to move that the Transport and Harbours (Amendment) Bill be read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the third time and passed.

#### DIPLOMATIC PRIVILEGES (EXTENSION) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that the Standing Rules and Orders be suspended in order to allow the Diplomatic Privileges (Extension) Bill to be read a second time and taken through all its remaining stages to-day.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Standing Rules and Orders suspended.

The ATTORNEY-GENERAL: The



object of this Bill is to enact provisions similar to those that have been enacted in England with reference to the various international organisations which now exist. Under the ordinary law Ambassadors and people in the status of Ambassadors have certain rights and immunities and privileges, and in the new order of things you will have persons sometimes of a higher status than an Ambassador, but there is no place for him under the law to have those rights and immunities. Therefore, the object of this Bill is to provide for the making of Orders in Council giving persons who have a high position in these international organisations certain rights and immunities and privileges. The international organisations of which I speak are several in number. You have the United Nations and all the different off-shoots of the United Nations. As I said before, this Bill is similar to one already passed in the United Kingdom, and it is well that we should follow suit, because we never know when we may have some member of one of these international organisations in this Colony. I beg to move that this Bill be read a second time —

A Bill intituled "An Ordinance to make provision as to the immunities and capacities of international organisations of which His Majesty's Government in the United Kingdom and Foreign Governments are members; and to confer immunities and privileges on the staffs of such organisations and representatives of member Governments and in respect of premises and documents of such organisations.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

The ATTORNEY-GENERAL: I beg to move that the Diplomatic Privileges (Extension) Bill be read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read the third time and passed.

THE NEW BUILDING SOCIETY, AMENDMENT BILL, 1947.

The PRESIDENT: I rather gather that as far as the New Building Society (Amendment) Bill is concerned there is not the same urgency about it.

The COLONIAL TREASURER: That is so. The Chairman of that Society, who is Mr. Seaford, wishes to be here when it is being taken.

The PRESIDENT: Then I defer consideration of the Bill in the meantime.

Consideration of the Bill deferred.

IMMIGRATION BILL, 1947.

The PRESIDENT: I gather it is felt that hon. Members should have a little more notice with regard to the next Bill with respect to Immigration, and we will proceed with that on Monday.

COST OF LIVING ALLOWANCE TO PENSIONERS.

The COLONIAL TREASURER: I move the following motion standing in my name on the Order Paper:—

"That, with reference to His Excellency the Governor's Message No. 1 dated the 8th of December, 1947, this Council approves of the payment of a cost of living allowance to pensioners of this Government as set out in the Message and authorises the necessary supplementary provision for the current year to give effect thereto."

In doing so, I think, it may perhaps assist the Council if I give something of the background of this matter.—the payment of a cost of living allowance to Government Pensioners. The question was raised as far back as 1943. At that time we were advised by His Majesty's Government that it was their policy not to pay any War Bonus or Allowance to Government Pensioners. In fact they studiously declined to introduce any form of legislation allowing for such relief to Pensioners. There were sound grounds for

that. In the first place Government Pensioners are not in the same position as serving Officers. Their pensions are fixed in relation to their service and salary at retirement, and it might be considered a little inequitable and invidious that Government Pensioners should get an allowance when other persons in other walks of life who have to rely on their savings for their superannuation on retirement cannot get such relief from the public purse. Those were the reasons in principle which led His Majesty's Government to advise that we should not grant relief to Government Pensioners.

There came in 1944 a change of attitude—may I say a change of heart—and the Government of the United Kingdom introduced legislation granting relief for the purpose of mitigating the hardship which was then falling on Government Pensioners. This Colony and several other Colonies felt that the same sort of relief may be put forward, and this Council in 1944 passed a motion which is now Resolution No. XXIV mentioned in Your Excellency's Message. That resolution was passed on the 10th November, 1944, and under it Pensioners received a scale of War Bonus set out in Paragraph 1—

“15% on the first \$240 per annum  
10% on the next \$240 per annum  
5% on the next \$240 per annum.”

The ceiling was pensions of \$60 per month. The scale did not apply beyond that. At that time Government Officers had already obtained an increase in the rates of bonus. I should have said that scale was originally the scale applied to Government Officers. At that time when the Resolution was passed Government Officers had already received an increase, but it was felt by this Council that the scale was proper for Government Pensioners. The ratio between what was being paid serving Officers and employees of Government and what was being paid Pensioners is 3 to 5. That is, the ratio of pension allowance is three-fifths to the pensioner compared with what the Government Officer got. The next step is that in July of this year Government Officers were accorded an increase in their rates. This Council passed a resolu-

tion—those Members who were Members of the Council at the time would remember—by which Government Officers got an increase and, as may be expected, the pensioners petitioned the Government and there has been a steady pressure to grant some additional increase to Pensioners as well.

In August I proposed to the Government that some relief should be given Pensioners and Your Excellency invited the Finance Committee of the old Council to express its views. That Body having considered the matter asked me to report that they were favourable to an increase and were prepared to support it. The time has passed and the old Council was dissolved. No action was taken at the time and that is why I now come forward with this proposal before the end of the year. I mentioned that the ratio between the allowance to Government Officers and Pensioners is 5 to 3, and the present proposal before the Council is designed to maintain that ratio. In other words, the scale which is put before you in the Resolution compared with that which is now current for Public Officers will be in that proportion. The scale, as you will see from the Message is—

“20% on pensions up to \$720 per annum  
Flat rate of \$144 per annum on pensions exceeding \$720 per annum, with a minimum cost of living allowance of \$48 per annum”.

That is to say, there would be no ceiling at all if this motion is accepted. Pensioners who get up to \$60 per month would get 20% addition, and those receiving above that would get a flat rate allowance of \$12 per month. There would be no ceiling. The reason for that is, in the case of Public Officers there is no ceiling also and all Public Officers whose salaries exceed \$120 per month get a flat rate of \$24. This compares in the way I have just said with what is paid Government Officers. The old Finance Committee was very favourably disposed towards this matter and pressed that it should be brought before the Council, but for various reasons it was not. That is why it has come now, and the Council is being asked to approve of the introduction of this scale retrospectively. In other words, these pensioners will get a

certain amount of back pay. It will cost, as set out in the Message, an additional sum of \$35,000 to be provided in the Estimates. I think most pensioners deserve additional relief. It applies not only to ex-Public Officers but also to Pensioners of the Widows and Orphans Fund, Teacher Pensioners, Police Pensioners and all persons receiving superannuation under various Regulations of Government. I beg to move the motion standing in my name.

The COLONIAL SECRETARY seconded.

Dr. JAGAN: To a point of information! I would like the hon. the Colonial Treasurer to give us some information as to how much of this pension is being sent to the United Kingdom.

Mr. FERREIRA: Does the hon. Member mean out of the Colony or specifically in the United Kingdom.

Dr. JAGAN: The United Kingdom. I rather exclude the West Indies. I would like to know if the information is available.

Mr. SMELLIE: I would like to ask the hon. the Colonial Treasurer a question. This Council is being asked to approve of something which the old Council had agreed to, and it is going to cost an extra \$35,000 which will be borne by this year's finances. What I want to know is whether this extra allowance to the pensioners will continue indefinitely, or whether it will come up in the Estimates each year? Will it come up in 1948?

The PRESIDENT: The same as the War Bonus.

The COLONIAL TREASURER: I will answer the hon. Nominated Member first. The Cost of Living Allowance both to Government Officers and Pensioners is an annual feature and will have to be brought before this Council again before it can be paid for 1948. The authorization is supposed to be annual. I give the assurance that the question of the Cost of Living Bonus will come up and

specifically in connection with the Budget for 1948.

Mr. FERNANDES: May I ask one question for information? Are these increased pensions to be given to those persons who receive superannuation benefits as workers of the Transport and Harbours Department?

The COLONIAL TREASURER: Most definitely. As no other Member seems to wish to speak on the motion I will reply to the hon. Member who asked the question about the amount paid out to Pensioners in the United Kingdom. I may state that the hon. Member was courteous to inform me beforehand and so I had the figures prepared for me. I have here a statement from which I find that the total pensions paid by the Crown Agents in England including War Bonus amount approximately to \$50,000 for the period January to June of this year. We can therefore say about \$100,000 a year as a good estimate of what is paid in the United Kingdom as pensions. But may I suggest to the hon. Member, if he really wishes a true comparison, to take the total percentage of the pensions paid out of the Colony altogether. I find from the figures given me here that the percentage for Public Officers, Widows and Orphans, Police, Teachers amounts to 27.6% of our total pensions commitment paid out of the Colony. Curiously enough the pensions paid out of the Colony are much higher relatively in percentage—in the case of Widows and Orphans 68 per cent. is paid out of the Colony and in the case of Public Officers 36 per cent. of the pensions commitments is paid outside the Colony. I hope those figures would help the hon. Member. I am however not quite sure as to the point he is making.

Mr. DEBIDIN: May I be informed as to what is the total pensions commitment?

The COLONIAL TREASURER: Of course the total pension commitment as shown in the estimate is a very large sum. The estimate for 1947 is \$565,000, which has probably been increased by supplementary provision during the year, but the percentages I have given were worked

out on the annual pension commitments. The large figure I mentioned includes lump sum gratuities and so forth paid at one time. The percentages I gave refer to annual pensions quite apart from lump sum gratuities.

Dr. JAGAN: I agree in principle with the motion, but I would like to point out that there are a few pensioners who are re-employed by Government, and I feel that as the proposed increase in the allowance is based on the increased cost of living they should not be included. I further suggest that the proposed new rates should not apply to pensioners resident in the United Kingdom, for the reason that the cost of living there has not gone up to the extent it has in this Colony and in the West Indies, and that the U.K. Government is subsidizing to a very great extent. I therefore suggest that paragraph 1 of Your Excellency's Message be amended by the deletion of the words "wherever resident" with reference to pensioners, and the substitution of the words "who are resident in British Guiana and the West Indies, and who are not re-employed by Government."

Mr. COGHLAN: I would like to ask the hon. the Colonial Treasurer what are the rates paid in Barbados and Trinidad?

The COLONIAL TREASURER: I am sorry I have not the rates with me but I can say that they are very much higher than those proposed here.

Mr. COGHLAN: It is generally understood that a pension is deferred pay. It is therefore only natural to expect that that deferred pay would be increased *pro rata* as the cost of living allowance is increased to Government officers. Therefore I would like to suggest to the Colonial Treasurer that he should first ascertain what rates obtain in Barbados and Trinidad before the proposed rates are passed. The existing war bonus to pensioners is on the scale: 15% on the first \$240 per annum, 10% on the next \$240 per annum, and 5% on the next \$240 per annum. It is now proposed to substitute a scale of 20% on pensions up to \$720 per annum, and a flat rate of \$144 per annum on pensions exceeding

\$720 per annum, with a minimum cost of living allowance of \$48 per annum.

We all know that there are a good many pensioners, postmasters and teachers, who are receiving very small pensions on which they cannot possibly eke out an existence. Therefore I suggest that in respect of those in receipt of pensions of \$20, \$30 and even \$40 per month (and there are many in those categories) the rate of cost of living allowance should be increased to 33 1/3 per cent., which I think is the rate obtaining in Barbados and Trinidad. I therefore suggest that on the first £100 per annum the rate of allowance should be 33 1/3 per cent., and after that it should be reduced gradually. I do not see why there should be a flat rate of \$144 per annum on pensions exceeding \$720 per annum. People in receipt of pensions of \$700 or \$800 per annum cannot suffer to the same extent, or to any appreciable extent, as compared with those in receipt of pensions of \$30 or \$40 per month. I therefore suggest to the Treasurer that he revise the proposed scale and substitute a graded scale as exists at present.

The Colonial Treasurer said it was invidious that Government pensioners should get cost of living allowances. I do not like the word "invidious." I think a pensioner gets that to which he is entitled. I would even go so far as to suggest that Government pensioners, such as postmasters and other junior officers receiving \$20 or \$30 per month as pensions should be given an allowance of 50 per cent. because the cost of living has gone up more than that. Many of those pensioners retired at the age of 60 years, and I know many of them who cannot get any employment. They come to me to recommend them for jobs as night watchmen, but they cannot get employment. I therefore suggest that instead of 20 per cent. the rate of allowance should be at least 33 1/3 per cent. on the first £100, with a graded scale after that.

A gentleman came to this Colony some years ago to fill a post at £1,000 per annum, and when he retired he was granted £200 a year in lieu of a pension to which he was not entitled because he



joined the Service at the age of 50 years. He came on a 3-year contract and drew £600 on that contract. He entered upon a second 3-year contract and drew another £600, and upon a third 3-year contract he drew another £600. In other words he drew £1,800 in lieu of pension rights as a result of an *ad misericordia* plea on his behalf. That gentleman however died within six months of his retirement, leaving an estate of £16,000. I am asking that the proposed scale of allowances be re-considered.

Mr. LEE: I would like to draw my hon. friend's attention to the fact that the proposed new scale of allowances is to be retrospective from the 1st of January, 1947. If Government is going to accept his suggestion right away I would be very glad, but I would not like any delay in reconsidering the matter to deprive the small pensioners of some extra money for the Christmas holidays.

The COLONIAL TREASURER: The hon. Member for Central Demerara (Dr. Jagan) made two points. The first is easy. I take it that what he wants to ensure is that those few Government pensioners who are re-employed do not draw this cost of living allowance on their pensions as well as on their salaries. I can assure him that any pensioner who is re-employed is allowed to get a cost of living allowance on his salary, but he will not get any cost of living allowance on his pension. Normally, I may say that when a pensioner is re-employed it is arranged that his total emoluments do not exceed what he was getting at the time he retired. If a pensioner is re-employed he gets the appropriate cost of living allowance on his salary, but he cannot at the same time get a cost of living allowance on his pension. He gets the higher of the two. That meets the hon. Member's point.

His second point was a very different one. I think he wanted to ensure that pensioners residing in the United Kingdom do not get the benefit of this relief. Of course it is rather late in the day now to bring that point up, but when this matter was being considered H.M. Secretary of State for the Colonies asked us to ensure that our pensioners resident in

the United Kingdom did get that relief, because the British Government for their part were paying allowances to their own pensioners but not to ours, and there was some scheme devised by which, if no relief was to be given to pensioners resident in the United Kingdom, what they got from the Colony in which they served was taken into account in computing. In fact I have the telegram in front of me now. He said that "such colonial pensioners residing in the United Kingdom would have a justifiable grievance if in this matter they received less consideration than is accorded to pensioners of H.M. Government, particularly as assistance to be accorded to pensioners of the latter is restricted to the amelioration of hardship." In other words we would be putting our pensioners in a very uncomfortable position if we deprived them of any relief merely because they are residing in the United Kingdom.

I am not quite sure of the ground on which the hon. Member has made the proposal, but I gathered that he considered the cost of living in England was somewhat lower than it is here. I cannot say. I have heard several tales of what life in England is like, and if I am to believe some, the hardships there are just as great as they are here. However, that is a matter of opinion.

The hon. Member for Demerara River (Mr. Coghlan) referred to the question of deferred pay. He claimed that a pension is deferred pay, and I have heard that said before. On that ground it is claimed that a pensioner is entitled to the same war bonus on his pension as if he were a serving officer. Of course the hon. Member defeats his own argument. If a pension is deferred pay then surely it cannot carry with it a condition more advantageous than it carried at the time at which it was deferred. All that is meant by deferred pay is the accumulated savings from an officer's pay which are paid to him after he retires. He is not now a serving officer. I think myself that that point does not help the hon. Member's argument, but he went on to say that there were a few pensioners who were getting pensions which are below a living wage. A pension is not a living wage and was never intended to be. It

is related to an officer's service and salary, and the conditions at the time of his retirement. If he serves for a short time on a small salary he gets a very small pension. Is there any reason why Government should bring that pension up to a living wage? There is no reason at all. Some officers are fortunate to serve for a long time while others serve for a short time. One must not bring into the argument the question of a living wage.

The hon. Member suggested certain percentages. I heard him suggest that the rate should start at 33 1/3 per cent., and even 50 per cent. If we adopted rates of that magnitude we should have to reconsider the position of the serving officers whose first rate is only 30 per cent. If we give a pensioner 50 per cent., then quite obviously the serving officers would be right in demanding that their 30 per cent. should be advanced to 50 per cent. too, and the cost would be so enormous that we could not face it. I do suggest that this matter has been given very careful consideration. We are trying to mitigate hardship and relieve pensioners,

and it would be certainly of some relief to them if this motion were passed.

The hon. Member made reference to pensions of £800 a year. I can hardly think of any pensioner who gets £800 a year. There are very few serving officers who get that in salary. I do ask hon. Members to pass this motion which, as I have said, will apply to 1947 only. We should have to come back to the Council again for authority to carry it on in 1948 if that is decided upon.

Motion carried.

Mr. ROTH: On behalf of all the pensioners, and particularly on behalf of those drawing \$720 per annum and over who are now for the first time since 1939 to get some extra consideration in view of the hard times, I wish to extend thanks to Government for bringing the matter forward, and to the Council for approving the resolution.

The PRESIDENT: I think it will be possible for Council to re-assemble probably on the 30th December, after the Christmas holidays. I adjourn Council until Monday, December 22, at 2 p.m.