

LEGISLATIVE COUNCIL**FRIDAY, 14th MARCH, 1947.**

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

PRESENT :

The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.

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

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

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

The Hon. E. G. Woolford, O.B.E., K.C. (New Amsterdam).

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

The Hon. H. N. Critchlow (Nominated).

The Hon. Peer Bacchus (Western Berbice).

The Hon. C. R. Jacob (North Western District).

The Hon. T. Lee (Essequibo River).

The Hon. A. M. Edun (Nominated).

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. B. Singh, O.B.E. (Demerara-Essequibo).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 13th March, 1947, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS.**RESIGNATION OF GOVERNMENT MEDICAL OFFICERS**

The PRESIDENT : Hon. Members, in reply to the request of the hon. Member for Essequibo River (Mr. Lee) made yesterday, I have an announcement to make. It is of some length, and I will read it :

"Hon. Members will have read in today's papers the Government Medical Officers' own statement of their case. I felt that in this case it was most desirable that all cards should be placed on the table, and I therefore requested the Publicity Officer to give these officers full opportunity to make their own case known to the public.

"The position is as follows: Six Government Medical Officers have tendered their resignations to take effect from the 31st of March. Government in reply has stated that it is prepared to accept their resignations and will grant them all leave due to them, provided that they continue in the Service until they can be replaced which will be carried out as soon as possible. Government feels that this is an entirely reasonable reply, because it is anxious not to retain officers who are not contented; but all officers when they join the Service have an obligation to Government and if these officers decide to walk out on the 31st of March, I consider that their action will be deplorable, and the conclusion is inescapable, that they are endeavouring to compel Government to continue their employment in the Service on their own terms. I have seen the officers myself, and they have given me no indication that they are prepared to withdraw from the attitude they have seen fit to adopt.

"Government appreciates that the care of the patients in the hospital is its primary responsibility, and every possible action will be taken by Government to ensure that the hospital services are properly maintained.

"I have the following comments to make on the points raised in the Medical Officers' letter : —

"The petition by the four Officers was sent by me to the Secretary of State on the 10th of January, 1947.

"It is not correct to say that the Government Medical Officers of the Public Hospital are the only doctors in the Service who receive no house allowance or quarters. The position

is that for various reasons the following other posts do not carry either free quarters or allowances in lieu :—

The Director of Medical Services,
The Deputy Director of Medical Services,
The Health Officer,
The School Medical Officer,
The Mosquito Control Officer;

and the following District Medical Officers are living in their own quarters : Dr. Ramdeholl, Dr. Mearns. Some other District Medical Officers are provided with quarters for which they pay rent, and some have free quarters if they are also employed in an institution. When the decision to abolish private practices is implemented all District Medical Officers will be given free quarters.

"I have considerable sympathy with all officers working in Georgetown in the matter of finding quarters. The position is far from satisfactory, but it cannot be changed overnight. The Specialist Officers are entitled by virtue of their appointment to free quarters and there are four bachelor quarters provided at the Public Hospital for Government Medical Officers. Two of the officers are now occupying Government quarters, rent free : Dr. Ferdinand, in his post of Assistant to the Mental Superintendent at New Amsterdam, and Dr. R. Singh in the bachelor quarters at the hospital.

"As regards the increase granted to Dr. Dunlop on arrival here, it is the general policy of Government that when an officer is transferred in the Public Service the terms of his new appointment should not be less favourable than those of his previous appointment. Dr. Dunlop satisfied Government that in the circumstances obtaining on his arrival in British Guiana, he was substantially worse off financially than he was in the Falkland Islands. The only alternative before Government was accordingly either to pay him the maximum of the scale of his appointment, or to support his request to the Secretary of State to be permitted to return immediately to the Falkland Islands. If we had sent Dr. Dunlop back to the Falkland Islands, we would have had to pay his passage. If we had asked the Secretary of State to replace him we could not get an Officer under £1,000 a year. It was obvious that we had to act immediately, and I took the responsibility and did it.

"As regards the part-time Government Medical Officers, they were employed by Government in the in-

terest of these officers in order to relieve the pressure of work on them. It is perfectly true to say that they are paid substantially higher salaries, but they are only temporary and of course, have no pension or leave rights, and their appointments are subject to termination at short notice.

"As regards the request for study leave, Government was compelled to refuse applications for study leave because it was unable to permit the Medical Officers to go on leave at all. Government has never refused study leave in principle, and as soon as officers can be replaced, study leave will of course be granted whenever possible in accordance with the declared policy of Government.

"As regards racial discrimination, I leave it to the good judgment of Members of Council to make their own decision on that point.

"I leave also to the good judgment of Council whether these officials have in fact delivered an ultimatum to Government. It is a question of interpretation of their actions.

"The offer of the Government Medical Officers to provide part-time service has been noted. Whether this offer will relieve any embarrassment of Government depends on what the officers are prepared to do and what are the terms they are prepared to accept.

"Members will also judge whether the appreciation of the Director of Medical Services which the officers have expressed in their letter is consistent with the action which they propose to take. I need only say that it seems to me to be just as inconsistent as the expression of appreciation which four of them sent to me on the 7th of November, 1946. Dr. Hardutt Singh, Dr. Hugh, Dr. Georges and Dr. R. Singh then wrote to me as Officer Administering the Government that *inter alia* they were grateful for my sincere interest in their difficulties, and that they wished to assure me of their earnest desire to co-operate."

ORDER OF THE DAY

ITEMS DEFERRED

The PRESIDENT : I think the hon. the Attorney-General, subject to the approval of Members, will continue the debate on the second reading of the Landlord and Tenant Bill.

The ATTORNEY-GENERAL (Mr. Holder) : I would like to take the first reading of Bills first.

The PRESIDENT : All right.

With the consent of Council, items 1 and 2 on the Order Paper were deferred.

BILLS—FIRST READING

The ATTORNEY-GENERAL : With the approval of Members I beg to move that the following Bills be read a first time :—

A Bill intituled "An Ordinance to provide for the registration and regulation of factories, and for purposes connected with the matters aforesaid."

A Bill intituled "An Ordinance to amend the Workmen's Compensation Ordinance, 1934, for the purpose of extending its application and in respect of miscellaneous matters connected therewith."

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bills read a first time.

LANDLORD AND TENANT BILL, 1947

The Council resumed the debate on the second reading of the following Bill intituled :—

"An Ordinance to regulate the relationship between Landlord and Tenant and to amend the existing law with respect thereto."

The ATTORNEY-GENERAL : The hon. Member for Essequibo River (Mr. Lee) was speaking at the time when the Council adjourned. I presume he will continue his speech.

Mr. LEE : Your Excellency, as I have said before, I am supporting the view that a Committee of this Council should be appointed to enquire into this Bill. It is a very comprehensive Bill and requires very careful study, and Your Excellency can direct that the Committee with the hon. the Attorney-General as Chairman should report to this Council within a short time. If that is done, it would save much comments and remarks in the consideration of this Bill, because those comments and remarks can be put in writing and sent to the Committee. I would only like to remark that the Trades Union Council of which I am Deputy President now has asked that the period of three years in Clause 6 of the Bill and wherever else it appears in the Bill should be deleted and

ten years substituted therefor. They consider that the poor man will be burdened by the landlord, as the tenant is always the one who has to bear the cost of agreements of lease, and to turn it now into a deed he will have to pay all the expenses. In certain districts of this Colony there are agricultural leases which the tenants are anxious to get and the landlords will burden them further with the preparation of agreements of lease plus the fees chargeable. It is asked that there should be added to clause 6, subclause (1) these words :

"All necessary expenses in the preparation, execution and registration of the deed shall be borne in equal proportion by the landlord and lessee."

That will make it quite clear to the tenant and to the landlord that in the leasing of land and preparation of the deed both parties will have to pay the charges equally between them. Your Excellency and Members of this Council would realize, although we are asking that after three years there should be a deed, there is always in the law of property in this Colony the right of any party to oppose the conveyance of immovable property on the ground that he holds an interest in it. A monthly tenant who wants to oppose it can do so on the ground that he desires to be always a tenant. A yearly tenant can do the same. So you see the changing of the period does not in any way affect any of the rights of the landlord, but it will to a certain extent protect the rights of the tenant in that he will not have to pay the charges alone.

Under clause 14 (a) if a tenant owes rent, after seven days the landlord can swear to a warrant of distress and levy on the property of the tenant, save and except what is mentioned here. I will support the amendment that the bed of the tenant or of his family should also be privileged from distress, since it will be noticed that only "bedding" and not "bed" is privileged in the clause as it stands. Of course, certain bailiffs in the execution of their duty may allow a bed to remain, but I would like it to be specifically stated that a bed should not be levied on. As regards the question of tools, a certain section of the Trade Unions feel that their tools

cost more than \$30 per man and that there should be an exemption of at least \$30—instead of \$10 as provided in clause 14 (a)—in that respect. They are, therefore, asking that the words “*thirty dollars*” be substituted for the words “*ten dollars*” in clause 14 (a). They would also like it to be pointed out that in clause 21 provision is made for the payment of rent in advance, but the great majority of employers do not pay wages in advance and the workers do not have sufficient money to pay rent in advance. They would therefore like to have an amendment to the effect that where the rent does not exceed \$20 per month it should not be payable in advance.

The ATTORNEY-GENERAL: May I just interrupt the hon. Member to say that in the clause to which he refers it is a question of agreement. It says:—

“21. Where it has been agreed between the tenant and the landlord...”

Mr. Lee: I agree with the hon. the Attorney-General, but I know that there are cases where if the rent is not payable in advance it would be refused. In other cases tenants are compelled to take premises in a certain condition otherwise they will not get them. The workers are therefore asking that there should be no provision for payment in advance where the rent does not exceed \$20 per month. They want to pay their rent when they get their wages at the end of the month, and they also say that if they do not pay their rent the landlord has a right of distress and can levy on their furniture, etc. I think the request is a reasonable one, and if the matter is going to be referred to a Select Committee there are one or two other things which I would like to mention. I will not, however, delay the Council any longer at this stage. I hope the Committee will be appointed and that an early date will be fixed for the submission of its report, since the Trade Union

Council is asking that the Bill be made law as early as possible.

Mr. ROTH: I should like to know whether this Bill affects the rights of the Crown as a landlord. I see nothing exempting the Crown from the requirements placed on an ordinary lessor and, if that is so, I think there will be some complication with regard to lessees of Crown land.

The ATTORNEY-GENERAL: That matter will be taken care of.

The CHAIRMAN: Does any other Member wish to speak on the principle of the Bill? Mr. Attorney-General, would you like to comment on any of the speeches made? What about the question of a Select Committee?

The ATTORNEY-GENERAL: I have no objection to the appointment of a Committee. The points would be dealt with if a Committee is appointed. The hon. Member for Essequibo River has indicated that he would like to have a deadline fixed for the report of the Committee so as to expedite matters.

The CHAIRMAN: I take it then, that the consensus is that a Select Committee should be appointed to consider the Bill. I agree. The Attorney-General will be the Chairman, and the other members will be the Deputy President, and Messrs. Thompson, Gonsalves, Edun, Seaford and Lee—a total of seven members. Should we proceed any further, Mr. Attorney-General, with the Order of the Day today?

The ATTORNEY-GENERAL: No, sir.

The CHAIRMAN: I am sorry there is nothing further we can take. I adjourn Council until Thursday, March 20, at 2 p.m. when the first item on the Order Paper will be the motion by the hon. Nominated Member, Mr. Raatgever.

Council adjourned accordingly.