

# LEGISLATIVE COUNCIL

(Constituted under the British Guiana  
(Constitution) (Temporary Provisions)  
Order in Council, 1953).

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THURSDAY, 7TH MARCH, 1957

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The Council met at 2 p.m.

## PRESENT:

*His Honour the Speaker,*  
Sir Eustace Gordon Woolford, O.B.E.  
Q.C.

### *Ex-Officio Members:*

The Hon. the Chief Secretary,  
Mr. F. D. Jakeway, C.M.G., O.B.E.

The Hon. the Attorney General,  
Mr. G. M. Farnum (Ag.)

The Hon. the Financial Secretary,  
Mr. F. W. Essex.

### *Nominated Members of Executive Council:*

The Hon. Sir Frank McDavid,  
C.M.G., C.B.E. (Member for Agriculture,  
Forests, Lands and Mines).

The Hon. P. A. Cummings (Member  
for Labour, Health and Housing).

The Hon. G. A. C. Farnum, O.B.E.  
(Member for Local Government, Social  
Welfare and Co-operative Development).

The Hon. R. B. Gajraj

### *Nominated Unofficials:*

Mr. T. Lee

Mr. L. A. Luckhoo, Q.C.

Rev. D. C. J. Bobb

Mr. H. Rahaman

Miss Gertie H. Collins

Mrs. Esther E. Dey

Dr. H. A. Fraser

Mr. R. B. Jailal

Mr. Sugrim Singh

### *Clerk of the Legislature—*

Mr. I. Crum Ewing.

### *Assistant Clerk of the Legislature—*

Mr. B. M. Viapree (Ag.)

### *Absent:*

The Hon. W. O. R. Kendall (Member  
for Communications and Works).

The Hon. R. C. Tello — on leave.

Mr. J. I. Ramphal —on leave.

Mr. W. A. Phang—on leave.

Mr. C. A. Carter --on leave

Mr. E. F. Correia

Mr. W. T. Lord, I.S.O.—on leave.

The Speaker read prayers.

The Minutes of the meeting of the Council held on Friday, 1st March, 1957, as printed and circulated, were taken as read and confirmed.

#### LEAVE TO MEMBERS

**Mr. Speaker:** There are several absentees; they have asked to be excused from attendance at today's meeting and they include Mr. Tello, Mr. Ramphal, Mr. Carter and Mr. Lord.

#### PAPERS LAID

**Sir Frank McDavid** (Member for Agriculture, Forests, Lands and Mines): On behalf of the Member for Labour, Health and Housing (Mr. Cummings), I beg to lay on the table:

An abstract of the number of births and deaths registered during the year 1955.

**Mr. Farnum** (Member for Local Government, Social Welfare and Co-operative Development): I beg to lay on the table:

Order in Council No. 9 of 1957 made under Section 21 (4) of the Gambling Prevention Ordinance, Chapter 21, on the 6th day of February, 1957, and published in the Gazette on the 2nd of March, 1957.

#### GOVERNMENT NOTICES

##### REMUNERATION OF THE OFFICER ADMINISTERING THE GOVERNMENT

**The Financial Secretary** (Mr. Essex): I beg to give notice of the following motion:

"Be it resolved: That this Council approves of the remuneration of the Officer Administering the Government being payable on the following basis:

- (i) the Governor's salary subject to a token reduction of five per cent; and
- (ii) the full Duty Allowance payable to the Governor."

#### PAYMENT OF COMPANY TAX

Hon. Members will remember that when the Budget Statement was laid I said that Government intended to introduce legislation to make Company tax payable in quarterly instalments instead of one-third after the issue of the assessment notice and two-thirds at the end of October, as now. That reconsideration applies particularly in the light of representations made by commercial and industrial concerns, and Government has decided that legislation is now necessary to enable us to make collection for the year of assessment 1957. I just want Council to give some form of approval to this as it has been already stated that Government would introduce such legislation.

#### WELCOME TO MR. F. KENNEDY

**Mr. Speaker:** Before proceeding with the Order of the Day, I should like to extend a warm welcome on behalf of this Council to Mr. Kennedy of the Colonial Office, who has had long experience with matters affecting various places. I do not know whether he has ever visited British Guiana before, but I hope that his visit will add useful experience to that which he already has. We all know the difficulties which exist in this Colony and of the problems which we have to face from time to time. I think Mr. Kennedy will realize from what he has seen, that there are many problems in this Colony as a whole, and will sympathize with us in dealing with our problems. I hope also that he will have a very pleasant stay in this Colony.

#### ORDER OF THE DAY SALARIES REVISION FOR NURSES

Council resumed consideration of the debate on the following motion by the Chief Secretary:

"Be it resolved: That, with reference to Legislative Council Sessional Paper No. 1/1957 on the proposals of the Salaries Revision Committee for Nursing, Allied and Subordinate Staff of Medical Institutions and The Palms, this Council approves of the recommendations contained therein subject to the modification proposed in paragraph 3 of the report of the Finance Committee, which was laid on the 1st March, and subject to further consideration by the Administration of the suggestions contained in paragraphs 4 to 7 of the Finance Committee's report".

**Mr. Speaker:** I think Mr. Luckhoo was speaking when the debate was last adjourned.

**Mr. Luckhoo:** That's right, Sir. A short interval of time has elapsed, but hon. Members might recall what I said on the last occasion. If I recall correctly, I traced the activities relating to the ward maids and I pointed out that in their case we were actually representing to Government the circumstances under which they work; and that one felt the increment recommended for them in the report was too small. In respect of the ward orderlies, I pointed out that these people who were regarded as nurses, were doing the work of nurses and had borne the heat of the day, were not now being allowed to enjoy the cool of the evening.

They are not being permitted to share the advantages that nurses are going to enjoy by way of salary increases. Although it might be urged that they do not deserve to do so since they had not the requisite certificates, they have been doing a grand job of work with distinction for a great number of years and they deserve further consideration. They were carrying on and they occupied posts ranging from probationers up to Charge Nurses. I am told that they give satisfaction similar

to those who have been otherwise trained and are being called under different names, and that is why they object to being now classed as orderlies.

I also raised the question of the seamstresses and there is one point relating to their work which I feel has all the necessary merit to require reconsideration of their case. Efforts are being made in this salaries revision to bring male and female nurses together, based on the presumption that if they are doing the same type of work they are entitled to receive and merit the same salary or wage. If we are to look at the salaries of these seamstresses, we would see that they are those of mere artisans and that their male counterparts have received some benefits. Why have they not been placed on the same basis as carpenters and other skilled workmen, or artisans who have received these particular increases? It is noteworthy that a genuine effort has been made to place both males and females on the same footing in certain other Departments, and I do ask Government to give the case of these seamstresses some further consideration.

One recalls that the Chief Secretary pointed out that several objections were made when this matter was in Finance Committee and that Government did give an undertaking to give further consideration to certain cases. One of these is the case of the dispensers, and I shall be pleased if the hon. Member (the Chief Secretary), in replying would state whether my recollection is correct. We did ask in Finance Committee that the question of dispensers be brought back before the Committee at the earliest possible time.

There are one or two other increases I would like to deal with

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this afternoon. They include those for the Health Visitors and the Ward Sisters which are being dealt with together. The Health Visitors are now in a higher category than the Ward Sisters, owing to their higher qualifications and wider experience, apart from the fact that they are required to take lecture courses which take up to 18 months, or an examination sponsored by the Royal Sanitary Institute for the benefit of health services. If these two posts are going to be placed side by side and there is no differentiation, there would be no point in sending Health Visitors for training abroad in order to obtain higher qualifications, since both posts would enjoy the same salary. I can see that there would be no inducement given to Health Visitors to secure higher qualifications if a person with the minimum qualification could be appointed to the post of Ward Sister and obtain the same salary as the Health Visitor. This is a matter which, I am convinced, should be given further consideration by Government.

There is one other point I should like to make in respect of the artisans—carpenters, painters, boiler makers, mechanics, and others. Prior to the revision of salaries these workers were on a higher wage scale than porters, attendants and gateman, but they are now on the lowest rung of the scale so far as these increases are concerned. Although they are not even trained as artisans, many of these porters, gatemen and others enter these institutions and after a few years they could be found in posts senior to those of the artisans. I am told that previously they were regarded as individuals who had to undergo some training before they earned the right to be regarded as persons having some status, but now they are being placed on the same scale

as attendants and gatemen. I feel that the case of these people is also one which merits further consideration by Government.

Further, I should like to refer to the case of attendants who do work additional to their duties. There is one case in point, although I am speaking generally and do not propose to mention the name of any individual. There is, in one case, the printer at the Mental Hospital, Berbice, who is regarded as the chief printer. I am reliably informed that the work done by this individual saves Government a large sum of money each year and a person in that position, to my mind, should receive much greater consideration than that which is being afforded him at present. I believe he receives a "token" amount of something like \$5 per month. It is interesting to find that in the Appendix (to this report), under the head of "Apprentices" one finds that some statement has been made to the effect that certain employees of the Mental Hospital will be given certain allowances in cash or kind. I repeat that the case of this individual should receive further consideration. Indeed, there are porters and other persons who have not received any particular benefit in this revision and, as I pointed out on the last occasion when this report was being discussed in this Council, there is a rather broad line between those who have received benefits and those who have not.

The porters feel, it would appear, that they should not receive similar treatment given to porters employed in any commercial concern. They contend that consideration is not given to the fact that incidental to their employment in such institutions there are certain risks. Having accepted employment they naturally accepted the risks, but the point they make—and I think the point which one might well

make on their behalf is that they are not receiving more pay than porters employed outside of those institutions who, for example, are not subject to infectious diseases, and who do not have to handle people who are mentally unstable, with all the risks involved. From that point of view it seems that the position of the porters might well receive some further consideration.

What is rather important (this has nothing to do with the revision of salaries but it is a point worthy of note) is that an effort should be made to promote individuals from one group of employees to another group, provided they have the necessary ability and qualifications. What I mean is that a porter who is in receipt of a salary ranging from \$40 to \$60 per month should aspire and does aspire to be a gateman, in which position he would receive a salary of \$80 to \$100 per month. But there have been instances where when a gateman's post has become vacant an entirely new person has been brought in to fill the post.

There is an extant case which occurred very recently, in which a mason was brought from the Labour Department to fill the post as gateman. I think that as a general principle every effort should be made to see that those who are employed in these institutions are given every opportunity to improve their position, provided, of course, they have the necessary qualifications, strength and ability that are required. What has happened in the past should not be permitted to continue, because it does bring with it a feeling of frustration. I do not like the word because it is very much over-worked, but for want of a better word—frustration!

**Mr. Speaker :** Discontent.

**Mr. Luckhoo:** Thank you, Your Honour. As regards the male nurses, it is rather peculiar that the only recommendation in the omnibus report of the Committee which has not been accepted by Government is the one which endeavours to obtain for the male nurses an additional increment. Where there has been such a wholesale adoption of the report one would have expected that Government would have given further consideration to the case of the male nurses which the Committee went into very closely.

What I have endeavoured to do within these last few minutes, and on the last occasion, is to point out that in any salaries revision there must necessarily be cause for complaint. This report of the Committee is no different from any other report of a like nature, but my point is that many of these people who have not had, perhaps, an opportunity to present their cases, and who feel that they should be permitted to do so, should have that opportunity accorded them. If the matters which have been brought to the attention of Government are new to Government, then I ask that Government should give consideration to those matters which can well be remedied, bringing thereby a sense of satisfaction to those people. At least the consideration of their case would give them the feeling that they are not merely hitting their heads against a brick wall, but that which they desire to be presented is receiving a measure of consideration.

That is the particular appeal which I do make that not only should consideration be given as several categories, the several groups, but that consideration be given as early as is possible to those particular groups, to see whether something can

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be done to provide for them a measure of satisfaction in respect of their particular grievances.

One last word before I take my seat. Those people who are at the bottom of the staffs of the several institutions provide the foundation upon which the whole institution rests, whether it is the Mental Hospital, The Palms, the Public Hospital or the Best Sanatorium. Those are the people who provide the broad base. Those are the people who, I repeat, are the forgotten people of a remembered profession. They feel that in the course of the salaries revision several of them have not been accorded consideration of their particular cases. I think their request is a reasonable one. They do not ask favours; they say that the justice of their case should achieve for them some of the benefits which they seek. I commend to Government's further consideration these several matters which have been raised.

Mr. Jialal: While I am in support of the Committee's report there are a few things which I think ought to be brought to Government's notice in an attempt to get some reconsideration at some early moment. Basically I know that in any salaries revision, whether for teachers, lawyers or doctors, there is bound to be some dissatisfaction, but when one undertakes any revision which involves money it is essential that he must have regard to the ability of the Government or undertaking to pay. In that light I would like to look at this whole matter. A serious attempt has been made, a reasonably good attempt, if I may say so, to equate the salaries of this branch of the Service and to put them on a level with other comparable branches

within the Service. In the Committee's report I see frequent comparisons made between what is being offered in British Guiana and what is being paid in the West Indian territories. I have seen some instances of salaries slightly under, and a number of cases in which we are offering a little more than the salaries being paid in other colonies. Nevertheless there are some "sore thumbs sticking out."

There is one very major case concerning a peculiar branch of colonial service. I have to regard it as such, because we find it peculiar to the British Colonial Empire. I refer to the sicknurse-dispenser service. I think it is a shame, a crying shame, that up to this moment in 1957, and for as long as I have lived and before my time, dispensers have been giving a noble and a full and complete life of service, yet they still remain a small group of completely dissatisfied people. I think it is a disgrace to the country and a shame on the entire Empire. I feel that our dispensers have not been given a fair deal; they have not been treated with dignity or respect. They have been trampled, and if they were a large band of people they would probably cause some political uproar. In a previous debate I said that these men were the standbys of the doctors.

They were the men who held no licentiates but carried the same tools that doctors carried. I heard a man much more experienced than I am refer to them merely as nurses, but my opinion is that although that man may be an experienced medico and administrator, he does not really know the service to which these dispensers have pledged their whole lives. To become a dispenser a man has to undergo the same basic training as a nurse must have. He has to be trained in the wards and in

the dispensary, and he has to sit qualifying examinations. After qualifying he is sent to some place in the interior where he loses touch with new developments in medicine, but some place where, through his skill and training, he becomes more useful.

Some of these men have acquired not only skill but praise. One hears thousands of people in British Guiana say "I don't care to see a doctor as long as I can see Dispenser So-and-So." I can put my head on a block that there are dispensers in this country who can handle tropical diseases, especially with respect to those tropical diseases that are prevalent locally, with much more skill and much more success than some doctors themselves. I know that to be true, though it might seem a scandal to come in a public place like this Council Chamber to make such a statement. But that is a statement of fact and the people of British Guiana know it to be true.

Some people do not want to acclaim it but nonetheless it is quite correct. It is probably only poverty and the lack of opportunity which have not allowed them to become trained and certified doctors. But, be this as it may, they have not the qualification and cannot claim a doctor's pay, but in all fairness to them I feel that Government should think this thing out and think of their housing facilities leaving aside pay. When a man finds himself placed in the wilds of this country, in mosquito infested areas with a wife and growing kids without any opportunity for their education and with no real benefit to himself — nothing he can look to and say "This is what I have benefited for the years of service

I have given to my people". One can go on — a speaker of my calibre — for days enumerating the good that these people have done.

That is not a matter of the moment. I merely wish to draw this Council's attention to the fact that these men have given service and have sacrificed a lot and I feel the entire country owes them this small gratuity for what they have done in the past and will do in the future. I reiterate, if it is not Government's intention to continue their services, let us culminate it now, let us not any more fool them that this is something to which they can aspire, that this is their life's work which they can look forward to and live comfortably within. I have heard that the hon. the Chief Secretary has given the assurance that the matter of the dispensers will be reviewed once more. I am glad to have that assurance, and I hope that the recommendations made and the representations already handed in will be given reasonable consideration. Our efforts here are only meant to help in the second study of this case, and I feel that with what has already gone before Government will do the right thing by these people.

Among the dispensers there are those who are doubly qualified. They are qualified both as dispensers and as chemists and druggists. I am told and I have no reason to doubt that Government has been for some time utilizing their skill as chemists and druggists and not paying these men at the rate of chemists and druggists. This is hardly fair to them. It is similar to the case of nurses who have qualified as midwives. They have a double qualification. In the case of the nurse-midwife at the present time

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she is paid extra when placed in the maternity ward of the hospitals. By similar token I feel that Government should see to it that such men should be given some fee when they are used in capacities other than the one for which they were hired. I cannot view it as fair practice to let a man use his superior skill until such time as the opportunity arises whereby he is finally given the stipend for that qualification. I feel that a man must be paid for whatever skill he is called upon to use in his work. If Government does not do so at present, then efforts should be made at once to make right what I term an unfair practice.

There is another group that I would like to make mention of. I have tried to look at it very realistically. I have been a teacher in the early days of my life. I had to sit the teachers' examinations. I have heard it said in the opening speech when this motion was being introduced, that one cannot regard a nurse in the same light as you will regard a teacher. I cannot view it that way. I feel that a primary school teacher is no more qualified in terms of service than any nurse at our hospitals. I feel that a nurse has to serve the same type of apprenticeship and sit certain qualifying examinations. As a matter of fact, to be a primary school teacher one studies for a certain period and qualifies, and if one does not intend to go any further than the job, one just continues to practise what one has studied. But in the case of nursing a nurse has to continue studying all the time so as to practise the new things that come into the profession. The nurses have to learn every new instrument introduced.

Like the doctors they have to keep reading all the time, because new drugs are coming into use, new methods in surgery. Great development is taking place in medical science and so, I feel, they have to keep on the *qui vive* all the time. They have to do more studying than in the case of the primary school teacher who, at the end of his First Class Certificate examination, knows his studies are ended and has just to practise what he has studied. How well he succeeds depends on what measure of effort he has put into his work.

I feel that the basis on which the whole structure has been built is one of science, and it has not been given serious thought as to whether these nurses are worth the same price as the teachers. I feel that they are worth at least an equivalent price. It may be the practice in England not to so regard them, but that is not a practice that should be adopted in this country. If a man is employed he has a normal vacation period to which he can look forward, but that is not so in the case of our nurses at the hospitals. It can be said that they have leave benefit to look forward to, but they cannot reasonably plan that they will be off this week or next week. They have to fit in their vacation with the whims or fancies of someone else. That is far from understandable; I fail to understand the situation myself.

I am not a medical man, but I have seen service in a concern with many nurses and I have represented them in their cause. We have been able in that other sphere to make it practical for the nurses to work on the same eight hour shift as the other



employees in the plant to which I refer. Also the nurses got the same price as the top mechanics which is a far better price than our teachers are getting. I know also that their vacation benefits were the same — there was nothing that was different — as in the case of the man who had peculiar training in any skill. I say I may be wrong — in terms of the way the British Colonial Possessions and even Britain herself think about a hospital; it is a wrong policy and the quicker we change our policy the more equitable it will be for all.

I feel that a nurse is no less a working person than any working man, and if a working man is required to work 8 hours a day, then a working woman should be subjected to the same thing. I feel that there must come a time when we will be forced to put people on 8-hour shifts, and there is no use anyone saying that conditions are different in a hospital. Is a hospital, from the point of view of employees, different from any other institution such as a prison? I feel that if such a system is practised in one hospital it could be practised in any other. I know that it is employed in the U.S.A. and other places like Curacao, and I see no reason why it cannot be adopted in British Guiana.

I have heard some encomiums showered on seamstresses connected with the P.H.G., but I cannot say that I am willing to do likewise. My view is that we have made some "sights" or laughing stocks out of our nurses through the ill-fitting uniforms they are given to wear — with over-sized collars hanging around their necks and things of that kind, — yet that is one of the things we say they are given as a benefit. I should like to know why can't Government en-

deavour to give them something better? Everyone cannot fit any form or shape of uniform, and I feel that a nurse is someone for whom we should have a higher regard than that being shown at present. After all, she is someone to whom the patient looks up to all the time when he is ill and in low spirits, and I feel somewhat ashamed from what we have seen about the treatment we give our nurses in this respect. A policeman, I think, does very much better. Our volunteers are spick and tidy, but our nurses are often furnished with ill-shaped and ill-fitting clothes — in some cases having to wear a size "16" collar when size "14" should be the proper size. I feel that our nurses should be supplied with the cloth and permitted to have their uniforms made themselves. I think that would produce better results than allowing them to wear the kind of uniforms they wear at present. No one can tell me that the girls at B.H.S., for instance, do not look well in their uniforms although they look after the making themselves. What I have said here would be borne out by the nurses themselves, because they are absolutely ashamed of the uniforms they have to wear. I maintain that it would be better for Government to give the nurses the money equivalent or "take home" pay, rather than giving them uniforms as "benefits" under their present forms of employment.

I feel also, from what I have heard, that very few nurses who have served at the P.H.G. would say they are satisfied with the food they get. The food may have been good and wholesome in its raw state, but it must be remembered that our people are drawn from various types — not like in a country where everyone is accustomed to the same kind of dietary. The people in this Colony are

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descendants of Portuguese, Chinese, Africans and others, and they have various ways of preparing their food, but no matter what is put before them they want to be completely satisfied. This mass feeding of nurses is not being done well, and I think it should be discontinued. The only way I would be satisfied with its continuation at the P.H.G. is if I know that at least once a week the members of a small committee would be permitted to dine with the nurses — without announcing what particular day they would do so — in order to see the kind of food the nurses are given to eat. In that way the nurses might become satisfied.

It seems to me that the \$20 or thereabouts which a nurse "subscribes" for food each month does not serve any useful purpose, because very many of them do not eat it. I know that quite a few of the nurses complain of bad stomachs, because they work through their shift without enjoying the meals they should have had. I do not think Government should complain about changing the present system because I know of a 1,000-bed hospital where the nurses are not given food, but rather provide their own. Under the system prevailing in British Guiana the nurses are given food in place of money, but I do not agree with that.

Colonial peoples are awakening, and I do not think we should be prepared to give these nurses food in place of salary. It is a wrong thing. I rather regret that when representations such as these are made by Floor Members, "Minister" or Members in charge of the particular Bill who may have some opportunity to deal with the matters concerned, absent them-

selves from the sitting or leave while the Bill is being debated. The result is that one becomes a puppet when he gets up to speak here and often feels that he is speaking to an empty forum. Nevertheless, I will endeavour to do my duty to my people; sometimes I feel sorry that I ever had the opportunity to do so.

I want to make one last plea, and I hope the record will find its way to those who have power to deal with these matters. That last plea is that Government and its advisers should begin to give attention to this situation affecting the nurses — an unfortunate little section of the Service. I hope an effort will be made to assist them today and that the problem will not be left for the dim and distant future as that will be wrong tactics on our part. I feel that if a nurse is made to act as a Ward Sister she should receive the financial benefit of the acting appointment immediately. I would prefer to see no chance given at all, than to see the person to whom it is given having to wait for a long time for the few paltry dollars she should get.

My hon. colleague (Mr. Luckhoo) has stated the case for the Health Visitors, and I feel much the same way as he does with respect to their position as compared with that of the nurses. Even if a Health Visitor were to be given the same pay as a nurse she would have to provide her own uniform along with other necessities. Her post calls for a somewhat higher qualification and, as Mr. Luckhoo has stated, she is sometimes required to undergo training abroad for a period as long as 18 months. I feel that all is not well in this particular division, then something is wrong. I feel that the higher qualification of a Health Visitor

should, in common parlance, mean "more money". I therefore recommend very strongly that the case of the Health Visitors be reviewed in this light.

The hon. Mr. Luckhoo also mentioned the position of the artisans at the P.H.G., and while I do not wish to express the same views, I think it is a matter which should be taken up with the Ministry of Labour. The question of setting up prices and wage scales for skilled employees was gone into some time ago and I feel the time has come — and it is inevitable when these men should receive their just reward. The policy being complained about seems to be that a man is given no consideration for the apprenticeship he has served in order to develop his particular skill or trade. It should be remembered that a good carpenter cannot be "developed" or produced in three years — about the same time a lawyer might take. A good carpenter or a good pipe-fitter, as such, has to serve an apprenticeship of at least five years in order to become efficient.

I will not mention any of the higher skills, but I join my friend (Mr. Luckhoo) in his plea for these tradesmen. We must encourage them because the only hope of honest labour is the hope of reward. It may be argued that the duty of a skilled workman at an institution like the P.H.G. might only be limited to small repairs, but he would have to become a skilled man before he could get the job and, probably, if he is put to the test it would be found that he could handle bigger things.

I should once more like to associate myself with my colleague (the hon. Mr. Luckhoo) in his plea for the attendants (at the P.H.G.) and elsewhere. I feel that an

attendant is a man who has to become a part of the organization within which he serves, and that he would not be able to serve well if his conditions of service are very unsatisfactory. One can imagine himself, with a baton in hand, standing in front of an infuriated lunatic; in the face of difficulty, he dare not hit because I know of cases where, as soon as the attendant struck, the inmate ceased being mad and was in a position to give good evidence. He dare not strike back, but if he does he must make sure that there are no marks. He is expected to use persuasion; he must be nice and he must be strong. Those are qualities which many of us would like to have, yet we would not want such jobs. We however treat these men as common labourers; they are worse off than messengers who need not know more than the addresses of some offices.

A messenger can be put into any office immediately, but an attendant cannot be made in one week or even a year. He has to serve an apprenticeship, yet he is regarded in the same light as a messenger. I know of attendants who have served 20 years or more and lived and hoped for the day of a revision of salaries, but today their case is just as bad as it was when I was a boy — nearly 25 years ago. Their case is one which I feel can stand some review, and I recommend that Government should endeavour to do whatever it can to assist these men. Within the Service there are employees who cannot live on what they earn.

**Mr. Speaker:** The hon. Member's reference to what happened to an attendant reminds me of an incident which occurred when a Committee of the Legislature visited the Mental

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Hospital in Berbice some years ago to investigate certain complaints that had been made. During the inquiry the Medical Superintendent rose from his seat and we had great difficulty in preventing him from striking us. I remember the incident quite well.

**Rev Mr. Bobb:** We have spent a good deal of time on this report and I do not wish to prolong the debate unduly, but I think I should take this opportunity to make a few comments of a general nature. May I begin by paying my humble tribute of praise to the Members of the Committee for the very fine work they have done, more especially because I think they had to deal with one of the most difficult categories of workers in respect of the revision of salaries. What I shall say later on will explain that point. I know that they put in a lot of work and heard representations from several people. There is no doubt that the finished product reflects considerable credit on the calibre and patience of the members of the Committee.

When I observed in the Sessional Paper that the total increases recommended was in the vicinity of \$180,000, which multiplied by two years is \$360,000, I was a bit surprised that the revision only resulted in what I regarded then as a small figure. I said to myself that the Financial Secretary should be a happy man to have to provide an additional sum of that order only, because what was said prior to the revision of those salaries led me to expect a much larger sum would have to be provided to implement the revision. I was influenced by the nature of the revision of the teachers' salaries, but one must remember that in their case two things were being

done; new scales were made and a new structure was also introduced. At the same time, when I compare the over-all picture of the revision before us with what has gone before in respect of the teachers and others, I cannot help confessing to a measure of disappointment. I thought that, generally speaking, the Committee would have produced scales of salaries which were a bit higher—the maximum at any rate — than they did produce.

My reason for coming to that conclusion is very simple. I think this is one category of workers in which there are the least promotional opportunities. Among the teachers and other categories there are many opportunities for promotion. But that is not the case with the group which is engaging our attention. An attendant starts as an attendant, and there he stops. A nurse can go on to a Ward Sister or a Health Visitor, but beyond a Ward Sister and Health Visitor we have just a very small number of persons who will ever get any further. When I began to look at it from that angle I asked myself whether the maximum salaries offered to those different types of workers were really commensurate with the cost of living?

An attendant is expected to live decently and honestly on \$100 per month. I am puzzled, because what is \$100 per month in these days? We all know how, when we were much younger, how we looked forward to being able to earn \$100 per month, but what is that worth in these days? The average carpenter—and I am thinking not so much of the seasoned carpenter but young men between 19 and 21 years of age, several of whom I know by name — with two or three years' experience earn between \$25 and \$30 per week.

Admitted that they may be casual, but there are several of them who are well placed, because of the measure of pay their skill can command.

It is in that respect that I am disappointed that the Committee's report does not reflect an increase of salary of a much higher level. Take the case of the untrained nurses, as they are called, and the ward orderlies. I wonder if it is seriously contended that those people who have practically no further convenient opportunities in that particular field, could be reasonably expected to finish up with \$100 per month, male and female, and be expected to do satisfactory work? It is true that there are other benefits which they enjoy, and reference has been made to some of them, but I think there is some justification for what the hon. Member, Mr. Jailal, said in respect of the food supplied. I do not share all his comment with respect to dietetics, and I will have to add "dietician" to his qualifications in the future. I know that there are complaints against the food, and that part of the benefits they enjoy is provided because of the very nature of their work. I do not think I would change my position and subscribe to the view that the nurses should be deprived of opportunities of being fed on the spot. Whilst it is true that there are some places where nurses are permitted to feed themselves, there are many other places where the reverse is the position. There is something to be said for providing for them in that way, having regard to the abnormal life they have to live. Whilst I do appreciate the increased level of salaries recommended by the Committee, I do not think they have gone far enough, in the light of the fact that those people

in that particular category can look forward to very few promotional opportunities, and will have to stay for many years at what I consider a comparatively low rate of remuneration.

I would like to refer to one other group of workers, the dispensers. I am very happy that the recommendations made by Finance Committee have not been turned down, and that some review is going to be made, which I trust will be favourable to the opinions expressed. I feel that the dispensers are not only in the category of people who cannot look forward to promotion, but that they are doing an important piece of work in the health field. There are quite a number of them who are in close contact with doctors and therefore do not have to rely in the same measure upon their own resources. But the case of the dispenser at Atkinson Field is an exception.

I have repeatedly made the error of asking people there when did the doctor go there, and when I got their reply I recollected that no doctor goes there. For a long time no doctor has gone to Atkinson Field, so that the dispenser is spoken of as "the doctor". I asked the reason why and I was told by people that they do not see a doctor. Atkinson Field is only 25 miles from Georgetown. I think the responsibilities which such dispensers have to carry in that respect merit very sympathetic consideration, not only because of the fact of the responsibility but the status which such responsibility carries with it, and the fact that, like everybody else, he has to live.

I am not saying these things in disparagement of the Committee's work. I fully appreciate their diffi-

[Rev. Mr. Bobb]

culty, but I read their report over and over again, and I have been looking particularly for that aspect which I think was the aspect to dominate the whole report. I am sure regard has been paid to it. It is not one of the underlying principles, and I think in that respect, as the report stands we can hardly hope to see an increased level of salaries here and there unless the whole thing is put out of gear. I would have very much liked to see a much higher maximum and incentives provided by that means for a group of workers, who, as I said before, are not fortunate to be in a position where they can look forward to promotion.

I would like to refer to paragraph 10.6 on page 14 of the Committee's report in which reference is made to the proposal to attach a personal allowance of \$240 per annum to the post of Untrained Charge Nurse which was abolished in 1955 on the retirement of the holder. I trust that the Administration will pay attention to that recommendation, because no reference is made to it either in the Sessional Paper or the Finance Committee's report, but I am going to assume that it is going to be implemented. The principle that an acting Untrained Charge Nurse is entitled to the same emoluments supports the view that the retired holder of the post which has been abolished should be given that sum of money, and since there is going to be a change of designation we are to assume that by means of that change the trained nurse who will be ward sister will enjoy comparable emoluments.

Passing from that I would refer to the happy prospect of the untrained nurses at The Palms being still designated as nurses, and while I do

not support the idea of their successors being called ward orderlies, it is a concession in a way that the present holders of those posts will continue to be designated as nurses. I have always looked upon that institution with a certain amount of sympathy. I do not regard it as a hospital. I am one of those who are very pleased that the name has been changed from that objectionable name "Alms House," but I am not by any means flattered with the name "The Palms" which it now bears. But be that as it may, it is a better name than "Alms House".

The male and female nurses working there are, to my way of thinking, carrying out duties which are more than the duties of nurses. They are social welfare officers and, unless my observation is quite wrong, the choice of workers for that institution must be largely governed by their ability to give the social touch as well as necessary care to the sick and infirmed. I have been through the wards of that institution on several occasions and have been more concerned about seeing how they rendered service to the aged people there than actually looking for the things nurses are expected to do. I say that in order to say this. More and more gratitude should be given to people working in the social welfare field. It is a fact that additional instruction is given to these nurses to become more equipped. They are being trained for the job. I think the care of the sick, aged and infirmed so vital indeed for all kinds of reasons which hon. Members do not expect me to go into now that the choice of the people to serve them should be a matter of great care, and the status they carry and the salary they get should be related somewhat to the essential service they render.

I am glad to see in the sister Colony of Trinidad and Tobago, especially in Tobago where I have worked and seen conditions which I will not like to recall, that they have decided that the infirmed and aged are to be taken and given more care, which they deserve in their declining years. I am obliged to say that these people who are working at The Palms should be looked at in a different way. There is need for a different approach. More consideration should be given to the quality of the people employed, the manner of choice, giving of instructions on the job and the salaries they earn to make their services worthwhile. I know that the Public Hospital, Georgetown, is not going to take nurses from The Palms to qualify them to provide them with employment. I think in the long run the principle is right. They are carrying out an important function and ought to be encouraged to do it as efficiently as possible. This leads to the conclusion I came to actually that these people should not be despised. They are doing a wonderful job, and it takes a good heart to be able to undertake the kind of attention that many of these people — male and female — are required to shoulder in that institution. I hope that when the Administration goes over these figures all these things are going to be taken into consideration and the utmost done in order to give to these workers a real sense of satisfaction.

I do not believe they are going to be frustrated. I believe there is something that makes one feel that one is achieving. When one is reminded comparably of the work done a sense of achievement is built up.

My last point, and that is with regard to the general situation of the artisan class. I feel that if the time

has not come, in the mind of the Administration, it will come soon when our artisans working in these institutions will in no uncertain terms express their minds with regard to the emoluments and other working conditions so repelling to the posts they occupy, and I feel that we should strive to relate the salaries of those in the artisan class to the salaries that are being paid outside the service. It is true that in our country we have not a wonderful army of artisans. As a matter of fact it is, perhaps, to our discredit that the number of people in the skilled class is correspondingly diminishing in terms of the growing population. There were days when the sugar estates turned out artisans in great numbers, but so many of those sugar estates are now closed down, and so a source of supply is stopped. We want to encourage these people otherwise our technical education structure is not going to be very strong. How are we going to attract people in the technical field? I think even at that level we may do something for those who are there by means of offering remuneration suitable to the posts they occupy.

I would like to express here my personal appreciation of the manner in which these workers have sought to bring these ideas to the attention of Members of this honourable Council—by peaceful, constitutional methods—and I believe that is one evidence of the frame of their minds, evidence which has given me a great deal of satisfaction. I trust we will take note of all these things and in our final analysis not be found wanting in doing our duty by them.

**Mr. Sugrim Singh:** I wish to associate myself with the appropriate remarks and points made by my colleagues who have spoken before with respect to this Report.

[Mr. Sugrim Singh]

The hon. Member, Rev. Mr. Bobb, who has just spoken, made as his last point that these workers have taken their case to the proper quarters in a constitutional way. I look upon it as a challenge to this Council to show its appreciation of the manner in which they have placed their grievances for consideration and to try as far as possible, possibly with some sacrifice, to see that their claims, their legitimate requests, the anomalies to which they refer, the hardships they have suffered are rectified to their entire satisfaction. I am pleased to learn that the hon. the Chief Secretary early in this debate in very promising terms said that consideration will be given to these paragraphs. I refer to the Report of Finance Committee. I must join in praising this Committee for the work they have put in.

I want to say that today our young women and even our young men are turning away from the nursing profession, and it is not without reason. In this country today, there are private medical practitioners setting up hospitals and nursing homes — a very laudable enterprise—and Government will have to step up and be in consonance with the requirements of the times. These private enterprises stand out prominently. They give efficient service and provide an attractive scale of salaries for their employees. In short, we can no longer have new wine in old bottles. In every department there has been an upward revision of salaries and I am indeed very glad that some effort is being made in this direction, and I trust, though we have no undertaking from Government, but our reliance on the good sense of Government, the legitimate claims of these people who have been inarticulate all along will be gone into to see how far Government will be able

to meet their just demands. My hon. friends have put forward a very convincing case to Government on behalf of this unfortunate group of workers. We trust that this unanimous voice on their behalf will not go like water on a duck's back, but in the future we will be able to see tangible results to the mutual satisfaction of everyone.

Right now within these institutions, in spite of all that has been expressed in the Press and by the public utterances of Members of this Council, oppressive and irregular occurrences continue to happen. At The Palms—it is not the policy of this Council to refer to individual cases—I have been reliably informed, the porters, who are bearing the brunt of all the hard work and are doing all the donkey and spade work in that institution, are not given the incentive of appointment as gateman when such vacancy occurs in that institution.

**Mr. Speaker:** That has been mentioned already.

**Mr. Sugrim Singh:** I am sorry I was not here when it was mentioned. I do hope that such occurrences will not be allowed to continue. The people must be told and made to understand that they are working for something to come, that there is some possibility for promotion. My colleagues have put forward the case convincingly and it needs no repetition of mine. I can say no more, but that I trust Government will deal with this matter expeditiously and there will be tangible results in the near future.

**Mr. Lee:** I must apologize for sending Your Honour a telegram asking for leave. I thought it best to attend and the reason for that, Sir, is some years ago I made representation



on behalf of the wardmaids, laundresses, gatemens and porters of the several institutions. I think some of the older wardmaids can testify that I forwarded their recommendations to the Secretary of State for consideration. Since that was done, I have noticed that they have built a new laundry at the Public Hospital, Georgetown, but that is not the only institution. The same facilities given to that hospital should also be given to the other hospitals of which Government has full control. I ask Government to consider that. Not because facilities are asked for the Public Hospital, Georgetown that the same facilities should not be given to the Public Hospitals at New Amsterdam, Berbice, Suddie, Bartica and Mabaruma. I ask that immediate consideration be given to making them all modern and up-to-date.

Many of them, so far as I know, fell ill because of the congestion and the kind of work they were asked to do. That is why they follow the political party that promises them everything—including many things they are not able to fulfil. Unless we have a contented Civil Service we will never be able to get the benefit of full cooperation from its employees. I think Government should compare conditions in this Colony with similar institutions in Trinidad and other places taking the question of salaries and other things into account. I must reiterate the suggestion made (by Mr. Jailal) to the effect that a Committee should be appointed by Government to hear the views of the various persons affected in this matter so as to enable Government to remedy them.

I am in a position to say that at one time many of the employees of these institutions were afraid to join a particular Union, because if it became known they might have been called up and dismissed. I do not

know whether such an atmosphere still prevails, but I feel that there should be security of employment on the part of these subordinate employees. Long ago, the manager of a Sugar Estate, for instance, did not know or did not care what the workers of the estate did, but it was found that such a policy of unconcern often caused discontent. Similarly, the heads of Government Departments do not know what the subordinate officers suffer, or how their grievances should be remedied, but if some human feeling could be extended to them it would be a good thing.

I should like to correct one statement made here, and it relates to the question of the uniforms worn at The Palms. These uniforms, according to my information, are not made by the seamstresses; therefore any unfavourable comment made about the uniforms should not reflect against the seamstresses. I accept the view, however, that no porter or wardmaid (at The Palms) should be made to scrub the floor, but that this should be done by other human means. Government has accepted the view that no form of employment should result in increased emoluments for these employees. So far as my memory serves me, there were only two occasions on which complaints were brought at The Palms about the treatment of nurses, and on both occasions Government made inquiries and remedied the matter. If we go into the question of salaries and find that nurses have to be trained for a considerable time before they could qualify as Health Visitors, then I think such qualification should be considered in the light of higher salaries. In every profession, the need for higher qualification usually means a demand for higher salaries.

I do not know what the hon. the Chief Secretary will do, but I sin-

[Mr. Lee]

cerely hope that the recommendations made with regard to these nurses will be accepted by Finance Committee. I think if he returns to Finance Committee the members will welcome it and try to see what could be done. I think it would be difficult to group certain new grades of employees together but, so far as I know, Government's policy is that if anyone is deserving of consideration an allowance could be added to his (or her) salary. Therefore, I think allowances could be given to some of these people to let them see that Government has considered their case in relation to the position they occupy. Owing to the fact that certain employees are heads of their respective families and have to work in outlying districts, they have to keep two homes as it were, one near the place where they have to perform their duties and the other where their children have to be educated.

It is also known that some of the dispensers cannot keep their families where they are stationed, and in such circumstances they are given a station allowance. I know from my own experience that the dispenser in the Essequibo river has to travel extensively, but the allowance being given to him is not sufficient to feed him properly.

There are other cases, and I think Your Honour will remember that when the question of appointing a properly qualified dispenser to serve in the Rupununi district was being considered some time ago, Sir Gordon Lethem pointed out that a man going there would have to travel in all sorts of weather to perform his duties and should therefore be given some consideration. I suggest that such consideration should be given not only

to the dispenser in the Rupununi district, but to those in other out-lying areas. It should be remembered that British Guiana is a big country, and I sincerely hope that it could be developed in such a manner as to make us proud of it.

If it is the intention of Government to have qualified and experienced seamstresses attached to their institutions, that qualification and experience would not have to be considered in the case of persons who have just qualified. I know that it would be very difficult for the Chief Secretary to adjust all the anomalies existing but, so far as I know, the people concerned were not asked to state their grievances very definitely. Further, some of them had to be very careful about airing their grievances because they were afraid of reports and so on. I should like Government to understand that the people are afraid of certain things and cannot say all they would like to say. That is why they are putting confidence in certain people who are promising them many things which they are unable to fulfil.

Lastly, I should like to refer to the girls who are taking this honourable profession of nursing. I think their situation needs improvement if we are to make the profession more attractive to certain people. If girls feel that they should join the honourable profession, there should be some means of assisting them. I know of a case where a certain Guianese girl desired to become a nurse but could not obtain employment at a local hospital. She left the Colony and went to England, and there she was admitted at a branch of a prominent hospital in London. The latest information is that she is qualifying successfully as a nurse.

**Mr. Speaker:** In England it is possible for almost anybody to qualify as a nurse, but the question is to find living accommodation.

**Mrs. Day:** It was not my intention to speak, for the simple reason that it might be thought I am trying to justify what the Committee has stated in its report, as indeed I ought. The Committee (of which I was a member) sat on 31 occasions, and I know that each and every one of us made the best possible effort to solve the problems that came before us, according to the dictate of our consciences. There seem to be one misunderstanding which I should like to refer to, and it is that representatives were not given an opportunity to state their case on behalf of the persons they represented. That is not the case, and I would like my hon. colleagues to know that we sent back certain representatives as often as four times in order to be able to consider their representations carefully. It appears, however, that there has been some erroneous idea that because a memorandum was sent in, it was felt that whatever was asked for should have been given by the Committee.

On the last day of the sitting, before the signing of the report, we arrived in that room at 9.30 in the morning and never left until 2.45 p.m., one reason being that the representatives were told that that was the last day for the signing of the report, and that if they wanted to go back and make certain changes it was not too late. Moreover, if those representatives were not in favour of what was recommended, no one was compelling them to sign the report. They were given every opportunity at that meeting either to sign or to state why they would not sign the report. They were also given opportunity to consult those

persons affected, and I am most surprised to hear now that complaints are being made that the people affected have not been properly consulted. I am amazed to hear that statement made by some of my hon. colleagues who have so ably stated cases on behalf of these employees—for further consideration from Government—but I have no quarrel with any of them.

It was impossible for all the persons affected to agree on everything, but I am satisfied that we took all the facts into account. These deserving people have not had any consideration by Government for an exceptionally long time; now that something has been attempted I hope my fellow Members will appreciate the fact that at no time did we fail to embrace any opportunity to assist them.

My hon. Friend (Mr. Jialal) has made reference to the question of seamstresses and uniforms. Hon. Members will pardon me, but as an ex-matron I could not sit in this Chamber and hear these remarks without attempting to say something. I should like to tell this hon. Council that I am a woman and that when I was young I always respected a uniform. I do not know if it is because I am Victorian born and Edwardian trained, but I remember looking on at ceremonial parades and wondering at the deportment, Sir, of members of your sex in their ceremonial attire; and what is more, I sometimes imagined that they wore foundation garments. My hon. Friend has complained that the seamstresses at the two institutions do not measure the nurses before making their uniforms. This statement is far from being true. These ladies must realize that uniforms were not meant to be worn as they would "beach outfits"; they must appreciate the dignity attached to the wearing

[Mrs. Dey]

of a uniform and all the department it carries along with it, and then there would be no need for the caustic and in some cases justifiable comments made by the hon. Mr. Jailal.

As regards dispensers with over 28 years of service being allowed to retire at their maximum, the hon. the Chief Secretary has promised to look into that part of the recommendation. Knowing that he would keep his promise, Sir, I am proud to support the report.

I know that the hon. the Chief Secretary gave us several undertakings in Finance Committee, therefore I shall not go over those again, because he will no doubt make those undertakings public this afternoon, and I am quite sure they will be carried out.

I regret that we were unable to recommend higher maximum salaries, as the hon. Member, Mr. Bobb, has suggested, and I am sure he will appreciate what that would have meant in terms of dollars and cents to the Colony as a whole. We were not out to do any harm to any particular branch of the Medical Service, but to do our very best.

**The Chief Secretary:** I think no one can say that this Council has failed to give this important matter its full share of time and attention. The motion for the adoption of the report of the D'Andrade Committee was referred to Finance Committee where the report was examined in great detail, paragraph by paragraph, over a period of two days, I think, and the report of Finance Committee was submitted to this Council and is now incorporated in the motion for adoption.

Nevertheless, some hon. Members have found it necessary to express

their opinions on the floor—some relevant to the motion, some irrelevant; some of the facts produced accurate, some inaccurate. In so far as new points have been produced which were not examined in Finance Committee, I give the assurance that they will be considered by Government. I think it is better that they should be considered at leisure with the *Hansard* report of the debate, rather than that I should give an off-the-cuff reply at this moment. But I can give an assurance that those points will be considered.

I do not think it is necessary for me to say any more at this stage, except to move formally that the motion, as amended, be adopted.

Motion put, and agreed to.

#### DOMICILE IN MATRIMONIAL CAUSES

**Mr. Luckhoo:** I beg to move the first of the two motions standing in my name on the Order Paper. It reads:

“Be it resolved: That this Council respectfully recommends to Government that legislation be enacted similar to the Matrimonial Causes Act, 1950, Section 18, as to additional jurisdiction in proceedings by a wife.”

I am happy to feel that we, “floor” Members, can, in addition to taking part in matters political, also perhaps give some indication as to the type of legislation which should be enacted in a progressive State. In this particular motion, in order that hon. Members may appreciate what is sought, I think it is necessary to give a little of the background as to what the law is at the present time. In this Colony the jurisdiction of the Court to entertain a petition for divorce depends upon the domicile of the petitioner in the Colony, and a wife acquires the domicile of her husband. Cases of hardship

have arisen from time to time, as Your Honour is only too well aware, where one has not been able to establish the domicile of the petitioner, and although there is great sympathy by the Court, the petition has had to be rejected.

These things when viewed objectively, perhaps do not carry the weight and impact as they do on the individual concerned, because to the individual it means life; it means everything. When the bonds of matrimony no longer exists, but because of some weakness in our local formula one is precluded from being given the opportunity, perhaps of starting life anew, such a position should be remedied. That is the difficulty with which women especially have been faced. In this Colony the grounds for divorce are adultery, malicious desertion, cruelty, incurable unsound mind, rape, sodomy or bestiality committed by the husband since marriage.

I have discussed this matter with the hon. the Attorney General who showed me his notes on the subject after considering the motion since notice was given of it, and I think he is prepared, on behalf of the Government, to support the particular recommendation which is before the Council today. An attempt was made in 1951 to amend the law so as to bring it into line with the English enactment, but it has proceeded so far but not far enough. What happened is that in 1951 our law was amended to enable the Court to entertain a petition for divorce presented by a wife on the ground of malicious desertion where immediately before her marriage she was domiciled in the Colony, but the other categories were not affected. Adultery, for instance, which is often regarded as a more serious issue than mere desertion, was not taken into consideration, nor were the other grounds for divorce.

What is being sought by the motion is this: A British Guiana girl married to an American or someone outside the Colony takes the domicile of her husband when they go abroad. If, unfortunately, she is faced with the fact that she would like to have a dissolution of the marriage and the husband is not here, she cannot rely on any of those other grounds because she is faced with the difficulty of domicile. Section 18 of the Matrimonial Causes Act, 1950, in England says that notwithstanding that a husband is not domiciled in England the Court shall have jurisdiction to entertain proceedings by a wife, and gives two instances in which it can be done. They are:

“(a) In the case of any proceedings under this Act other than proceedings for presumption of death and dissolution of marriage, if the wife has been deserted by her husband, or the husband has been deported from the United Kingdom under any law for the time being in force relating to the deportation of aliens, and the husband was immediately before the desertion or deportation domiciled in England;

“(b) In the case of proceedings for divorce or nullity of marriage, if the wife is resident in England and has been ordinarily resident there for a period of three years immediately preceding the commencement of the proceedings, and the husband is not domiciled in any other part of the United Kingdom or in the Channel Islands or the Isle of Man.”

All that is sought in this motion is that Government should put itself in line with the progressive modern legislation in England, to give the women folk of this country who may be faced with the particular misfortune, an opportunity of going to the Court and having their petitions for divorce entertained. I beg to move the motion.

Mr. Lee: I beg to second the motion.

**The Attorney General** (Mr. G. M. Farnum, acting): Possibly as a result of my good friend having had a discussion with me on the matter, I am in complete agreement with his statement of the law relating to divorce in this Colony, and with his statement of what section 18 of the English Act of 1950 provides. It is a fact that this motion seeks to do no more than to bring the Laws of this Colony which relate to divorce more into line with the law of England. In the circumstances Government does not oppose the motion.

**Mr. Sugrim Singh:** I must congratulate the hon. Member for bringing this much desired motion and also Government for accepting the proposal to bring our divorce law into line with what obtains in England at the present time. The world is getting smaller today. We have foreigners, some of them Europeans, coming to fortify our defences, and some experts for our Development Schemes, and even officers of Government. We have a beautiful country and a beautiful climate, and in that same trend we have beautiful girls. They get married, and we should not wait until the occasion arises; we must put our laws in order. This law became necessary in England as a result of the war. American soldiers treked to the Mother Country and mixed freely. The result was a very substantial divorce list and this desirable legislation was passed. We are living in a changing world, in changing times, and we must change our laws accordingly.

**Mr. Speaker:** I would suggest that in amending the law the word "malicious" be deleted before the word "desertion".

**The Attorney General:** Up to now I have been unable to persuade practitioners to agree with me on that point.

**Mr. Luckhoo:** I think that in the case of *Matthews vs. Matthews* Chief Justice Crean made a pronouncement on that point.

**The Attorney General:** To a point of correction, it was Mr. Justice Verity.

Motion put and carried.

#### GOVERNMENT'S LIABILITIES IN TORT

**Mr. Luckhoo:** I beg to move the second motion which reads:

"Be it resolved: That this Council respectfully recommends that Government enacts legislation to provide that the Government shall be subject to all those liabilities in tort in respect of which; if it were a private person of full age and capacity, it would be liable if committed by its servants or agents as is provided for under the provisions of the Crown Proceedings Act, 1947."

I feel that a very signal and progressive step would be taken if this motion is accepted by the Council and if Government also accepts it. I trust Your Honour will forgive me if I were to go somewhat into the history of the position in England, because I think it is appropriate that one should know what was the position in England and what is the position now when we, as a young country, aspire and wish to improve the pattern of our legal standards, rights and obligations.

Under the Crown Proceedings Act—and the Word "Crown" is very important because it has two distinct connotations—the Crown relates to the King as the person and the Government, and it is interesting to observe how "the Crown" became the name both for the King and the Government. This came about from the old days of the Norman Kings when the King was a person who held his own courts, and as such it was the King's courts, and the Crown thus became a symbol not only the King but the courts which he controlled.

As Your Honour knows, the Secretaries of State in those days were not as they are now, they were merely confidential secretaries to H. M. the King. The Ministers were in the same position; they were just merely secretaries to His Majesty, but after a period of years they have obtained a state of independence.

It is from that state that we have the association of the King and the Administration by the King and by his courts having the same title—the Crown. In 1561 there was the Duchy of Lancaster case, of which Your Honour is well aware. It is one of those classic textbook cases on Constitutional Law. The Judges said in that case:

“The King has in him two bodies—the body natural and the body political . . .”

That was the pronouncement in 1561 in that rather famous case.

In the 18th and 19th century differentiation of the two meanings of the Crown became reflected in the law—the Crown in the sense of the Government acquiring a legal possession originally created by the law in respect of the King as factual monarch. By this you had the King and his Court. It was the King's Court and you could not sue or proceed against the King. Consequently, as the offices of the King were also referred to as his government and the Crown and although separate from the King's person the same legal formality took effect, and you could not sue or proceed against the Crown as the Government. That being so, the state of affairs which arose was one which presented great difficulties. It can be stated this way—the King cannot be sued in tort under the British Statute as the King can do no wrong; therefore the Government cannot commit a wrong. That

was the state of affairs. In order to be able to provide a means for people to proceed against the Crown they had to go by way of a petition. When that petition was received it was placed before a Board of Commissioners, and that Board reporting on the case it would be taken to the Court of the King's Bench Division for determination.

The earliest claims against the State in England I can trace, were claims for the recovery of land wrongfully in the hands of the Crown, and the procedure followed was by means of petition. The Crown itself formulated by Statute the Petition of Right Act of 1806. In all cases the *fiat* of the Crown had to be obtained. Without that a petition could not proceed to trial—the Commissioners may refuse permission for the matter to be taken to trial. This went on to the year 1894 when under the Merchant Shipping Act the Board of Trade was held to be liable for wrongful detention of shipping. It was the first time that a body was made to accept responsibility for ships' wrongful detention, and so one could proceed against the Board of Trade. This was confirmed by the Ministry of Transport Act of 1919. The rule was that the subject who was injured by a servant of the Crown had to notify that particular servant who did the act and proceed against that servant.

That was all well and good in those days, but when the war came on they found out servants of the Crown were performing functions in the course of which hardship and loss resulted to private individuals of the country and there was no redress except they proceeded against the individuals concerned. As the result of these several cases coming up during the war years the Government adopted a dictum. They presented an individual

[Mr. Luckhoo]

and said to the public "You sue him and let the matter go before the Court and should the Court decide he is wrong we would be responsible." This dictum was used in legal practice during the war years. It is interesting to find what the views of eminent jurists were as to this effort on the part of the Crown not to relinquish the right to be sued as an individual by setting up this dictum.

The case of *Adams vs. Taylor* was followed by another case—one by the the Minister of Supply in which Lord Justice McKinnon said:

"I think the difficulty in getting justice done against a Minister of Government is thoroughly discreditable to the English Constitution."

What the Lord Justice has said I specially say in respect of our position in this country. It is very disgraceful that one cannot proceed and get one's legal rights against the Government for any act or acts. In the Food Controller's case the Lord Chief Justice said:

"As time proceeds the Government does increasingly enter into commercial and industrial spheres, as the sphere of Government action widens the prerogatives of the Crown grow larger and larger."

Government is now going into business and enlarging the field of its operation. Why should it have this immunity that one cannot proceed against it in tort? The L.C.J. summed it up when he said:

"It will be wrong if the Crown Proceedings Bill, which has been in preparation so long a time is not introduced immediately".

These were not politicians but eminent jurists in the House of Lords who made those remarks in various cases. The result was the Crown Proceedings Act of 1947 was passed in England. What did this Act do? The Act removed and abolished the absolute immunity of the Crown from liability

in tort. The Crown is to be liable as a private individual in respect of three things — (1) torts committed by servants or agents of the Crown; (2) breach of any Common Law duty by the Crown as employer and its servants or agents and (3) breach of any Common Law duty arising from the ownership, possession or control of property. In other words, the Act renders the Crown subject to the liabilities in tort to which a private individual of full age and capacity especially is subjected in respect of tort.

It is trite law but nevertheless I should state the principal is liable for the torts committed by the servant if the torts were committed in the course of his employment. One can see how out of that will flow the responsibility of Government for the wrong-doings of its servants in so many respects and so many ways. Breach of Common Law duties for example — liabilities to invitees or licensees injured on dangerous premises liability for nuisance or escape of noxious things from property, liability arising out of negligence or even conversion as a bailee.

All these things were embraced by the Crown Proceedings Act. There was only one exception in that Act and it related to the Post Office. Why it is necessary to exempt the Post Office from that particular enactment will come readily to one. The fundamental privilege relinquished by the Crown under the Act is the right which it had formerly, the right of immunity of institution against it as a matter of course. There was no doubt you could have only proceeded against the Crown as a matter of grace. You had to get your petition of right and the Crown would put forward somebody as a mere dictum, and the Crown would stand behind that person.

I want to point out that, although in 1947 the Act was passed, the Crown reserved for itself certain rights and



those rights are rather peculiar. It shows an innate sense of conservatism and a desire not to effect changes too drastically but to hang on to a few of the old rights. We find that the Crown reserved for itself certain privileges as plaintiff or defendant laches cannot be implied to the Crown — one can see the wisdom in that, where one knows the tremendous haste with which Government does any act; interim injunction without notification; interrogatories served by the Crown without leave of the Crown. There are certain other reliefs such as no injunctions against the Crown and immunity from execution.

The whole purpose of this motion is, we want to bring our law to the highest possible plane of progressive legislation. I know within my knowledge as a lawyer and I have no doubt in Your Honour's infinite experience you can cite dozens of cases where people have given up their right to compensation because you could not proceed against the Government for the unlawful acts of servants or agents of Government for any one of the several remedies we now can proceed against the Crown. We would like to feel that what the Lord Chief Justice said as long ago as 1945 — "the difficulty in getting justice done against the Government is thoroughly discreditable to the English Constitution". What they said in respect of England holds good in respect of this far out place thousands of miles from England.

I feel that this motion should not only be accepted by Government but also implemented at the earliest possible time. It is time that we put our house in order, and enacting legislation of this kind is not only a credit to the country itself but to the people as the Government does not hold the right of protection, but likens itself

to any individual and as such leaves it to the Courts of Justice to dispense justice rightly between one individual and another.

**Mr. Lee:** In seconding this motion, I would like to draw attention to two incidents in support of it. A man while travelling in his car on the public road crossed over a bridge which was being repaired by a Government contractor and had his car damaged by one of the planks kicking up. When he made representations to the Director of Public Works in the matter, he was told that the subject could not recover damages from the Government. The other incident concerns the loss of an animal at Vergenoegen Settlement. The animal was lost and the owner sued the Superintendent of the Settlement who pleaded that it was a loss committed by the Crown as the loss was due to the negligence of the people employed at the pasture. Therefore, the man could not recover damages from the Superintendent of the estate. Those two cases will indicate to this Council that it is necessary to pass legislation as sought by the motion.

**The Attorney General:** I think it is convenient at this stage that I should intervene, as it may possibly shorten the debate.

**Mr. Speaker:** It is already five o'clock. If hon. Members shorten their remarks we may conclude the debate.

**The Attorney General:** My hon. Friend (Mr. Luckhoo) in moving this motion, described the Crown Proceedings Act as a piece of progressive legislation. I am in complete agreement with him in that respect and I should like to say that Government agrees in principle with the motion and also agrees that any such legislation is progressive and desirable.

[The Attorney General]

It may not be amiss, however, if at this stage I deal somewhat briefly with the legal rights of the individual in this Colony in so far as proceedings against Government are concerned. My friend has, obviously, devoted some considerable time and indulged in some research in going into the historical origin of proceedings by way of petition of right. I propose to ignore the historical origin — the origin of this procedure — and, in fact, to address this Council very briefly on the position as it is today.

As stated by my friend (Mr. Luckhoo), actions can be brought against the Government of this Colony where those actions are of such a nature that they may be brought against the Crown in the United Kingdom by way of petition of right. In other words, with the *fiat* of the Governor an individual can bring proceedings against the Government in actions such as those in which the individual is claiming damages for breach of contract, for the recovery of land, compensation for land, or the recovery of any chattel or land. In such cases, there is no danger of the individual being deprived of his right of action, because the Governor's *fiat* is given where any such proceedings come within the ambit of a petition of right in the United Kingdom.

Arising from the maxim that "The King can do no wrong," no action lies against Government in respect of a tort; that is, a wrongful act which has caused harm to an individual. It does not, however, follow that in every such case the individual is deprived of a remedy. It is a fact that any claim against Government is examined, and compensation paid in a proper case. Secondly, there is nothing to preclude any person who claims to be injured

as a result of such act, from taking proceedings against the individual and in an appropriate case Government will agree to be bound by the result.

I mention this because of what has been said by my learned friend (Mr. Luckhoo), that in this Colony great hardship is caused because we have not got legislation on the lines of the Crown Proceedings Act. There is also one feature which has not been dealt with. It appears that this motion may involve certain implications which are not very apparent at first blush, and I feel sure that this Council, as a responsible body, would not wish to make a firm recommendation to Government that Government should take certain action, unless the Council feels that it has examined the question thoroughly and that it is aware of all the possible implications involved. I feel sure that as a responsible body this Council cannot feel otherwise.

Now it does seem to me that when one considers the motion, there are certain implications which ought to be borne in mind before it is passed. One should consider the possibility of collusive actions resulting perhaps in a multiplicity of proceedings before the court as to necessitate the appointment of more Judges, Magistrates and Law Officers. I can assure this Council that the Law Officers of the Colony are very fully occupied as it is. I should not like Members to misunderstand me however; I am not suggesting that because the implementation of this motion might result in added expenditure that the idea of enacting this admittedly progressive piece of legislation should be abandoned. I am merely putting forward the view that this Council should examine this proposition carefully be-

fore recommending to Government that a certain course of action should be pursued.

The motion says—

“That this Council respectfully recommends that Government enacts legislation to provide . . .”

It recommends positive action. I am merely suggesting that this Council should be completely *au fait* with all aspects of the matter before any such definite recommendation is made. Legislation on the lines suggested in the motion has been enacted in Montserrat and Antigua, and at the moment is under consideration in Trinidad. It is not without some significance that when the question was mooted in Trinidad a Committee was appointed to go into the whole matter, and I feel sure that that is the wisest procedure for this Council to adopt. Accordingly, I beg to move by way of an amendment, that a Select Committee be appointed to examine the question and to make recommendations thereon to the Council.

**The Financial Secretary:** I beg to second the amendment.

**Mr. Sugrim Singh:** I think this is one of the most historic motions that has ever been presented to this Council, I have one regret—that Your Honour is not on this side of the Council, but I hope we will not be denied the benefit of your wealth of experience on this very important matter. I happened to have been in England in 1947, just about the time when the subject of this motion was the talk of the day in legal circles. It was the culmination of a very long and picturesque evolution when the well known principle “The King can do no wrong” was eventually absorbed by that very historic Bill.

The hon. the Attorney General in view of the very weighty implications of this

motion, has suggested the appointment of a Select Committee to examine this important matter. From my little research I find that the introduction of this legislation has done no harm in England, and I do not think it can do any harm in this country. We have from time to time lapped up legal principles and legal trends in England and there is no reason why we should not adopt the principle of the Crown Proceedings Act which, I think, came into operation in England on the 1st January, 1948. I was in England in 1947 when the Bill was passed, but it did not come into operation until 1948.

I think such legislation is not only progressive but very timely, as it would bring our legal system up to date. I am grateful to the hon. the Attorney General for informing us that small islands like Montserrat and Antigua have adopted this legislation. My Federation colleagues, so numerous and so strongly represented in this Council, have always been vociferous in reminding us that a Caribbean nation is what we are striving for, and I am using their own argument this afternoon, that if this legislation is good for Montserrat and Antigua—

**The Attorney General:** I beg your pardon. I should have said Dominica and Montserrat.

**Mr. Sugrim Singh:** Thank you. British Guiana has been described as a mainland Caribbean territory. It is a subtle move. My point is that if those small islands, with their small economy and small population, have stepped out and accepted this progressive bit of legislation, I think we in British Guiana, even on that ground alone, have every justification in re-

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questing that this historic legislation be placed in our Statute Book.

I think the Government, the Mover of this motion and every Member of this Council are all agreed on the one principle that the Bill is a necessity. The hon. the Attorney General has pleaded for consideration of the matter by a Select Committee of this Council and has moved an amendment to the effect. I do not know, Sir, if the implications he referred to are so voluminous and weighty that he would be able to influence us. I must confess that I would like to see this legislation come into operation as soon as possible, and cannot help feeling that this proposed Select Committee may put this laudable Bill in cold storage indefinitely. I do not believe that the hon. the Attorney General intends that. I think he means well. I must give this motion my full support.

**Mr. Speaker:** If hon. Members are anxious that this matter be gone into, I am prepared to appoint the personnel of the Committee immediately, but I cannot do it without the amendment being carried and the hon. Member withdraw his motion.

**Mr. Luckhoo:** May I be given an opportunity to reply?

**Mr. Speaker:** We cannot sit after 5.30. There is one point. The law gives everybody the right to sue Government without a fiat with respect to the Transport and Harbours Department but limits the recovery of damage to only \$25:--

**Mr. Luckhoo:** I would like to say that I cannot and will never agree to

accept the amendment put forward. I listened to the hon. the Attorney General and on several occasions he stated about the implications which are there and which must be considered. He repeated that four times. Are our standards of public morality so low that we fear the possibility of collusive action? Is our public integrity so low that we fear to have done here what is done in England? Set up our outlook on as high a level and the people will live up to it and set it on a low level and they will live down to it.

If Government wishes to accept this motion, let it do so. It is only a recommendation. Let Government if it wishes, have a Committee to find out what the implications will be, but the voice of the "Floor" Members of this Council will have spoken. I cannot accept the amendment when I know from past experience this is what will result — next year this time we will be awaiting with bated breath the findings of that Committee. I say that without any harm meant. I cannot accept the amendment. If hon. Members do not wish to accept the motion as it is, they can reject it.

**Mr. Speaker:** Hon. Members can agree to the original motion. You need not have the Committee unless you especially want it.

**The Attorney General:** I had intended to suggest to the hon. Member, Mr. Luckhoo, to put the matter to the vote.

**Mr. Speaker:** I will put the amendment first.

Question put, and amendment  
negatived.

**Mr. Speaker:** I now put the  
motion.

Question put, and agreed to.

Motion adopted.

**Mr. Speaker:** I hope it will be  
possible to implement it. I propose to  
adjourn until next Thursday.

Council adjourned to 2 p.m. on  
Thursday, 14th March, 1957.