

## LEGISLATIVE COUNCIL.

*Tuesday, 4th December, 1928.*

*The Council met pursuant to adjournment, HIS EXCELLENCY THE GOVERNOR, BRIGADIER-GENERAL SIR GORDON GUGGISBERG, K.C.M.G., D.S.O., President, in the Chair.*

### ABSENT:—

Hon. R. V. Evan Wong, B.Sc., (Elected Unofficial Senior Member for South-East Essequibo).

Hon. E. G. Woolford, K.C., (Elected Unofficial Senior Member for New Amsterdam).

Hon. E. A. Luckhoo, (Elected Unofficial Senior Member for Berbice).

Hon. A. R. F. Webber, (Elected Unofficial Junior Member for Berbice).

Hon. A. E. Seeram, (Elected Unofficial Member for Demerara).

### MINUTES.

The minutes of the previous meeting of the 30th November, having been printed and circulated, were taken as read and confirmed.

### ANNOUNCEMENTS.

#### MESSAGES.

**The COLONIAL SECRETARY (Mr. Douglas-Jones):** I beg to announce by direction of the President the scheme of District Administration suggested by Sir Harry Moorhouse, and give notice that on Thursday, 6th December, I shall move that, with reference to the Governor's Message No. 17 of 1928, this Council approves of the scheme set out in the memorandum annexed thereto.

### MESSAGE No. 17 of 1928.

Honourable Members of  
the Legislative Council,

The Governor-in-Council having decided to recommend the scheme of District Administration suggested by Sir H. C. Moorhouse, I have the honour to invite the Council to consider proposals to give effect thereto as set out in the accompanying Memorandum.

F. G. GUGGISBERG,  
Governor.

Government House,  
Georgetown,  
28th November, 1928.

**The COLONIAL SECRETARY:** With your permission, sir, I beg to draw hon. members' attention to the re-numbering of the Governor's Messages in the minutes. That has been done in order that the Messages should appear in the minutes in numerical order. I draw attention to this because the numbers of the Messages in the minutes will not correspond with the numbers on the printed Messages, but they will do so in future.

### PAPERS LAID.

The following reports and other documents were laid on the table:—

Report of the Directors of the Public Officers' Guarantee Fund for the year 1927.

Report of the Commissioners of Currency for the year 1927.

A list of articles not ordinarily exempt from the payment of duty but which were exempted by order of the Governor-in-Council under authority of item 2 of the 3rd Schedule to the Customs Duties Ordinance, 1928. (*Mr. Millard, Colonial Treasurer*).

Report on the recent Geological investigations in the Potaro River District by H. J. C. Conolly, A.R.S.M., B.Sc., late Government Geologist, and Smith Brucewell, D.I.C., A.R.C.S., B.Sc., Assistant Geologist, 1927-1928 (*Mr. Mullin, Commissioner of Lands and Mines*).

### GOVERNMENT NOTICES.

#### BILLS.

Notice was given that the following Government Bills would be introduced and read a first time at the next meeting of the Council:—

Bill to make provision for giving statutory effect for a limited period to Bills imposing or varying taxation.

Bill to amend the Statute Law Revision Ordinance, 1926.

Bill to extend until the 31st day of March, 1929, the duration of licences for liquor stores, hotels, taverns and retail spirit shops issued for the year 1926, under the Wine, etc., Licences Ordinance, 1868, and to authorise the Chief Commissary to grant applications for liquor store licences and for transfers of licences.

Bill to make provision for the granting of licences for the sale of intoxicating liquor and for the regulation of such sale and the control of licensed premises. (*Attorney General*).

### QUESTIONS.

#### ARTESIAN WELLS.

**Mr. CRANE** gave notice that he proposed to ask the Director of Public Works:—

(a.) How many artesian wells, the boring of which was commenced since the 28th December, 1927, have been completed by the Director of Public Works since the 28th December, 1927?

(b.) In what districts have those wells been sunk, and what have been the estimated and the actual costs of sinking each such well?

(c.) Has the Director of Public Works realised his expectation, which he confided to the Combined Court on the 28th December, 1927, to complete one well per month from January to June, 1928?

(d.) How many wells, is it estimated, will have been sunk during the whole year 1928, for which the additional sum of \$30,000 is required?

(e.) Will the Director of Public Works, during this Session, place before this House a statement of the number of artesian wells completed and estimated to be completed from the inception of the scheme to the end of December, 1928, the funds expended thereupon (showing estimated and actual costs), the number of wells left to be sunk and the districts in which they are to be sunk, and the balance of the amount of \$473,000 allocated in respect of the pure water supply scheme?

**Mr. GONSALVES** gave notice of his intention to ask the Inspector-General of Police:—

#### POLICE PROTECTION.

1. How many Policemen are kept on patrol duty in Wortmanville District and what is the area they cover?

2. Have complaints at any time reached the Inspector General of Police as to the lack of Police supervision and protection in the said District?

3. If no complaints have reached the Inspector General of Police, will he say whether he is satisfied with the Police protection now afforded residents in the said district? If not satisfied will he take steps to improve it?

### \* PETITION.

**Mr. FREDERICKS** laid on the table a petition from Janki, female East Indian, praying that she be granted a portion or the whole of the estate of her deceased brother, Shivprasad.

### ORDER OF THE DAY.

### GOVERNMENT BILLS.

#### SHOPS REGULATION BILL.

**The COLONIAL SECRETARY:** I beg to move that "A Bill to amend the Shops Regulation Ordinance, 1925, with respect to the opening of certain shops in Georgetown and New Amsterdam," be read the first time.

**Mr. SMELLIE:** I beg to second the motion.

Question put, and agreed to.

Bill read the first time.

Motion made, and question "That the Standing Rules and Orders be suspended to enable this Bill to be taken through all its stages to-day" put, and agreed to.

**The COLONIAL SECRETARY:** In moving the second reading of this Bill I desire to point out that it is not a Government measure but that it has been introduced at the instance of the Georgetown Chamber of Commerce. Its object is to allow shops to be kept open after the statutory hour of four o'clock on days prior to Christmas, the idea being to enable people to complete their Christmas shopping before Christmas holidays. The law as it stands at present allows these shops to be opened between the 15th and the 31st December, and it has been pointed out by the Chamber of Commerce that all the Christmas trade is done before Christmas day and practically no trade is done between Christmas day and the end of the year. It is therefore proposed to amend the schedule to the Ordinance so that these days should read "the 8th December to the 24th December, inclusive."

A further amendment which has been suggested is that in respect of small shops paying a licence under \$50 per annum the hour of 10 o'clock at which they close on these days should be extended to 11.30 o'clock. There is no suggestion that the large stores or shops should be kept open until that hour. The small shops to which reference has been made are those which normally conduct what is known as "the back street trade." I should imagine that a good many of these shops employ a certain number of shop assistants, and the question has to be considered whether some injustice would not be done to these shop assistants by enabling their employers to keep the shops open an hour later. Of course, where a shop is run entirely by a family that does not apply quite so much; but I think this Council should consider the position in which these shop assistants will be placed. As I said, this is not a Government measure but it has been introduced on the suggestion of the Chamber of Commerce, and I submit, sir, that you will permit the vote on this Ordinance to be an open vote. I move the second reading of the Bill.

**Mr. SMELLIE:** I beg to second that.

Question put, and agreed to.

Bill read the second time.

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

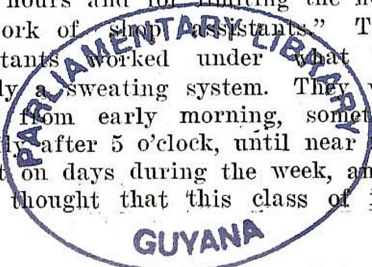
Clause 2.—Amendment to Schedule B. to Ordinance 24 of 1925.

**Mr. ELEAZAR:** I am opposed to this amendment. The Ordinance which it is sought to amend, as its title implies, was designed "to regulate the closing of certain licensed places within certain hours and for limiting the hours of work of shop assistants." These assistants worked under what was purely a sweating system. They were kept from early morning, sometimes shortly after 5 o'clock, until near midnight on days during the week, and it was thought that this class of indi-

viduals should be protected. Ever since the passing of the Ordinance of 1925 the employers of this class of people have been encroaching on what the law sought to impose up till now when by this amendment it is sought to give them permission to open until 11.30 o'clock on Christmas Eve.

**The CHAIRMAN:** The hon. Attorney-General has drawn my attention to the fact that there ought to be two clauses in this amending Bill. Clause 1 is the short title. The clause under discussion will be numbered clause 2. Will the hon. the junior Member for New Amsterdam confine his remarks strictly to the suggested change of the dates from the 15th to the 8th and from the 31st to the 24th. That is the first point. The second point is whether the hour should be changed to 11.30.

**Mr. ELEAZAR:** Dealing with the first point, Your Excellency, it seems to me that when the Ordinance was framed the intention of the Legislature was that these shop assistants should be considered as entitled to enjoy the festive season, and therefore they were to give their employers longer hours in the early part of the month. There are three sets of parties to be considered, namely, the employers, the employees and the general public. From the point of view of the general public they would go in at any time fixed and make their purchases. They have never complained and they will never complain. As regards the shop assistants, who have had to complain, their case will have to be considered as against that of the merchants, who have no cause to complain and who had they treated their assistants in the way they should have done there would have been no need for the Legislature to step in and limit their hours. It is true that when it is getting near Christmas those people who are late will be hurrying up, but there is no reason why they should not make their purchases between the 8th and the 24th, and they have been doing it all this while. This is an encroachment



which has been perpetually made by the merchants themselves without any reference to the public or any consideration for the unfortunate assistants. I think we need not go on tinkering with this Ordinance, and this Council ought to cry "Halt."

The second point does not want much argument to show the hardship that will be brought upon these people. You are asked, sir, to permit employers to keep assistants in their shops until 11.30 on Christmas Eve. Assuming that an assistant had only a dozen sales for the whole day he has to account before he leaves the premises; he also has to clean and to close up and when he gets to his home it is long after midnight. I think I have said sufficient to indicate to Your Excellency the appellation by which these merchants should be designated. I ask Your Excellency and the Council not to disturb the Ordinance, especially as regards the hour.

**Mr. GONSALVES:** I am sorry that I have to differ to a great extent from what the hon. member has said. He seems to lose sight of the fact that in this life of ours somebody has to serve another. If the labouring classes and domestics are to provide themselves and their families with Christmas goods then there must be somebody available to serve them at the late hour they would be released by those who employ them. The suggestion to extend the hour to 11.30 is one which even those who have to sell the goods will tell Your Excellency they are not against. Though the Ordinance says that the shops must be closed at 10 o'clock it is an admitted fact that they are on the premises until 11.30, and I think the law permits them to be on the premises half-an-hour after the closing hour.

With regard to the change of date from the 15th to the 8th, I should like to know whether, when the Chamber of Commerce was discussing the question, the primary object was not to meet the desire of large stores in Water

Street. My recollection is that the movement was brought about by a merchant who owns one of the large stores. That suggestion is not unreasonable because it must be admitted that the people who shop in these stores are quite able to get there before 6 o'clock between the dates of the 8th and the 24th. It is the smaller class of shops, where the poor people have to go in the evening to get the necessaries of life for the Christmas holidays, that it is desirable to keep open for longer hours. If any amendment is necessary the hon. the Attorney General might devise some provision by which these shops can be opened until a later hour from the 15th to the 31st December.

**The ATTORNEY GENERAL (Mr. Hector Josephs):** I should like to say that the Attorney General is not prepared to draft an amendment to the Bill in the manner suggested by the hon. member. If the hon. member thinks that an amendment ought to be moved with an effect which would be better for the community I have no doubt that he will draft the amendment and move it. One difficulty that the Attorney General feels is that he is not aware of any complaint on the part of the public who buy from these small shops that they have not succeeded, or that they will not succeed, in getting their requirements as late as 10 p.m. With regard to the small shopkeepers, there is not either before us any evidence which suggests that they will do a larger trade by keeping open until 11.30 p.m. The shop assistants who are employed in those places have not suggested that it is better for their health and the health of their families if with additional profit to their employers they are kept for an hour and a half later at night. Those being the facts, I do not feel, without strong evidence, that I ought to obtrude amendments on the House which might not be acceptable to the public.

**Mr. CANNON:** So far as my constituents are concerned, I offer no ob-



jections to the dates being changed as suggested in the Bill, but I do offer objection to the hour being changed from 10 to 11.30. It is true that I have not seen many of them, but those who have called on me this morning told me they saw no reason why I should acquiesce in any change. I think every assistance should be extended to the merchants, but I see no reason why the hour should be extended.

**Mr. DIAS:** This clause in the Bill, sir, divides itself into two parts, the first dealing with the extension of the period in December when the large business places might be opened until 6 o'clock in the afternoon, which is simply a change from the 15th to the 8th and the 31st to the 24th. Anyone who considers the welfare of the shop assistants would realise that it must be to their advantage that this change should be made. From every standpoint I think the change should be encouraged. First of all, from the standpoint of trade it is very desirable that tradesmen should get the full benefit of whatever business they can do, and the Government consequently benefits from any extension of trade. But supposing that is regarded as a minor matter and we were to focus attention on the shop assistants, they would tell you, as many have told me, that they would prefer to work from the 8th to the 24th when there is something to do rather than from the 15th to the 31st doing nothing at all. As long as the law permits shops to be kept open, whether business is being done or not, they would be kept open. From that standpoint, I submit to the House, it is in the interest of trade, and particularly in the interest of the shop assistants themselves, that this amendment should be made.

I agree with the hon. the junior Member for New Amsterdam (Mr. Eleazar) that during the festive season shop assistants should be given a rest. The amendment will not produce that result because the festive season will be between the 24th and the 31st. The second

part of the clause I also confess I am not in favour of. I think that 10 p.m. is quite late enough for small business places to be kept open, especially when one considers that the majority of employees in these places are young girls. The law allows an extension of half-an-hour, so that by the time they leave the premises it would be about 11 o'clock, and if they happen to live far away it could be imagined at what hour they get home. I suggest that the House would be well advised to adopt the first part of the clause and not to disturb the law as it stands with respect to the second part.

**Mr. SMELLIE:** As a member of the Chamber of Commerce I think it is right to say that this proposal did not emanate from any large firm. It was brought forward by an East Indian trader in Water Street and was discussed at some length, and these are the proposals that the Chamber has put up. I am strongly in favour of the first part of the clause but I am against the second part.

**Mr. CRANE:** For my part I do not object to the first amendment, namely, that the period of opening should be from the 8th instead of the 15th December. It is a little difficult to follow exactly what is going to be the effect of the second amendment. The extension of the closing hour to 11.30 p.m. would only affect country shops. Whether that was intended or not I do not know, but it seems to me that is the construction of this amendment. The amendment therefore would affect only a very small section of the community. The very reasonable argument put forward by the hon. the junior Member for New Amsterdam would not therefore apply, as well as the suggestion of the hon. member of the Executive Council (Mr. Dias) that the amendment would affect a large number of girls, as girls are not in my experience employed in country shops. The argument was based on the assumption that the amendment applied to Georgetown shops.

The **CHAIRMAN**: Will the hon. member confine his remarks on the amendment to the basis that it does apply to Georgetown and New Amsterdam and that it is to keep the shops open until 11.30 instead of 10 p.m. We will take the opinion of the hon. Attorney General afterwards.

Mr. **CRANE**: I am not in favour of the extension of the hour until 11.30. From 7.30 a.m. to 11.30 p.m. is 16½ hours. No "shifts" are employed in these shops as is done in other parts of the world, and I think the Council would be well advised to leave the hour as it stands in the present law.

The **CHAIRMAN**: Perhaps while the hon. Attorney General is studying the point raised by the hon. Member for West Demerara other members might express their views as to the desirability of the extension.

The **COLONIAL SECRETARY**: I am very glad to hear the views expressed by the majority of hon. members who have spoken with regard to the hour. When I asked you, sir, to put the question to the open vote I felt that hon. members would have opinions in regard to the employment of assistants and the long hours which they will have to work if this amendment was passed. As regards the alteration of the days I see some considerable force in that. I move the deletion of the words in clause 2 after the word "thereof" in the third line. That will have the effect of leaving the hours as in the principal Ordinance.

Mr. **SMELLIE**: I beg to second the amendment.

Question put, and agreed to.

The **ATTORNEY GENERAL**: I have not had any occasion to consider the last part of this clause dealing with the hours before now, Your Excellency, therefore the remarks of the hon. Member for West Demerara (Mr. Crane) came to me as a surprise, but I think he is right in his interpretation of the

schedule. It is now, of course, immaterial.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

The Council resumed.

Question put, "That this Bill be now read a third time and passed."

Bill read the third time and passed.

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IMPERIAL WAR GRAVES COMMISSION  
BILL.

The **COLONIAL SECRETARY**: I move that "A Bill to make provision for granting to the Imperial War Graves Commission, of London, England, the exclusive right and title to the graves of members of His Majesty's Forces who died in the Great War" be read the second time. I will explain to the Council, sir, the origin and the reasons for this Bill. Early in January, 1925, a letter was received from the Imperial War Graves Commission, dated the 19th December, 1924, stating that they were charged with the duty of caring for and the erection of permanent memorial on all war graves, and they informed us that they had had reports of eight war graves in this Colony and requested that these reports may be verified. Five of these graves were in Le Repentir Cemetery, Georgetown, and the other three were on private property. In December, 1925, the Secretary of the War Graves Commission was informed that exclusive rights of burial in perpetuity had been granted by the Town Council of Georgetown in respect of the five graves in the Cemetery. Some doubt, however, was raised as to the legal aspect and it seemed doubtful whether under the local law the Town Council had the power to transfer the graves, and a suggestion was made that a Bill be introduced into the Legislative Council and passed empowering various bodies concerned to convey the rights desired in an appropriate form.

The Bill in its draft form was sent to the Secretary of the War Graves Commission for their observations and it was returned by them with certain minor suggestions which have been adopted. The War Graves Commission have asked to be informed when this Bill has been enacted and the instruments of transfer, for which provision has been made in the Bill, have been executed. I may mention that one of these graves is on private property. In respect of this grave the Commission did not want a transfer as they are satisfied that permanent maintenance of this grave has been assured. The recital of the Bill needs no observations. Clause 2 merely interprets certain terms used in the Bill. Clause 3 provides for the owner of any land in which there is a war grave to cede and transfer to the Commission all his right and title to a specified portion of such land containing the grave to be held by the Commission or their successors in perpetuity. Each transfer is made in a form of a schedule set out in the Bill. Clause 4 provides for the registration of title, and in the schedule is set out the instrument of transfer.

**Mr. SMELLIE:** I second this motion.

Question put, and agreed to.

Bill read the second time.

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

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Colonial Secretary.*)

#### PAWNBROKERS BILL.

**The COLONIAL SECRETARY:** I move that "A Bill to amend the law relating to Pawnbrokers by declaring the punishment for making separate loans in respect of different parts of the same pledge" be read the second

time. Early in 1927 my attention was drawn to certain undesirable practices which were common amongst pawnbrokers. There are two forms of pledges, namely, a white pawn ticket for \$5 and under and a blue pawn ticket for any sum over \$5. Under the white pawn ticket articles pledged must be redeemed within twelve months, plus a number of days of grace, and if not then redeemed become the absolute property of the pawnbroker. Under the blue pawn ticket if the article is not redeemed within twelve months it does not become the property of the pawnbroker and he can only dispose of it after advertising it for sale at public auction. The date of sale; the amount realised; and the name of the purchaser have to be stated, and within three years the pawner can, on paying a small fee, demand access to the pawnbroker's books in order to ascertain whether he is entitled to any difference which there may be between the amount which was advanced to him on the article and the price it fetched at public auction, less interest.

The complaint is that pawnbrokers are in the habit of giving for amounts over \$5 not a blue ticket but a number of white tickets for \$5 each up to an amount, which we shall say is \$20, and if for instance the article is a ring the pawnbroker will note on the ticket "for part of a ring." The object of that obviously is that if an article is not redeemed in the statutory period of twelve months he takes possession of the article and no one can challenge him. Pawnbrokers also are in the habit of obtaining the written consent of pawners to this method. I think it must be agreed, sir, that this is an objectionable practice and should be stopped. A letter has been received from a pawnbroker protesting against the Bill. In this letter he admits that the practice referred to is illegal, and asks that the practice may be legalised instead of prohibited. If such a suggestion were acceded to I feel sure, sir, it would be entirely against the interest of the public, and

the object of this Bill is to put a stop to this objectionable practice by imposing a penalty for practising it. The penalty under section 36 of the Pawnbrokers Ordinance of 1884 for an offence against that Ordinance is a fine of \$50. Clause 2 of this Bill makes it an offence for a pawnbroker to take a pledge in pawn and to make or purport to make separate loans in respect of different parts of the pledge or to give to the pawner one or more tickets for such different parts.

**Mr. SMELLIE:** I second this motion. Question put, and agreed to.

Bill read, the second time.

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

Clause 2.—Giving of pawn ticket for pledge.

**Mr. CRANE:** I am quite in accord with the effort that is being made to carry out this amendment, but it seems to me that clause 2 merely re-enacts section 10 (1) of the Pawnbrokers Ordinance. While I cannot plead guilty to having personal transactions with pawnbroking establishments, I happen to know that a pledge is taken and then a ticket is given. My complaint is to the words that a pawnbroker "shall not take a pledge in pawn unless the pawner takes the pawn ticket." It is imposing on the pawnbroker a duty which it is impossible for him to carry out. I beg to move that the words "unless the pawner takes the pawn ticket" be deleted and the words "unless he issues to the pawner a pawn ticket therefor" be substituted.

**The ATTORNEY GENERAL:** Sub-clause (1) is a reproduction of the original section of the Pawnbrokers Ordinance, 1884. Those words are exactly the words in the English Pawnbrokers Act, which dates back to 1870, and in drafting the Bill I took a great deal of pains to find out whether there has been any change in the Act for nearly sixty years. There has not been any, and I therefore thought it would

be well to reproduce the words of the existing Ordinance, which correspond also with the words in the English Act. The advantage of that is that when questions arise we shall get the benefit of decisions of the Courts of Justice in England. There is not likely then to be any clashing of judicial opinion of English Judges and the Judges of the Supreme Court and the law would be very well ascertained. The whole point of the original section 10 is that if the pawner does not go away with the pawn ticket the deal is off. It prevents any excuse being put forward, such as "Oh, I made a bargain and gave him the ticket and he put it down and left it." The point is that to complete the deal the pawner has to go away with the ticket. I venture to submit that the House would be well advised to retain the original words, which were very carefully put in by the draftsman. I say it with regret, with rather more skill than the Attorney General.

**The CHAIRMAN:** After the remarks of the hon. Attorney General does the hon. member want to press the amendment? It seems to be a well recognised practice.

**Mr. CRANE:** I am not pressing the amendment.

**Mr. CANNON:** I appreciate that wine improves with age, but the hon. member has explained to the Council exactly how the matter has worked, and I think that now we have an opportunity of putting a wrong right we should do so. I urge that some consideration be given to the suggestion of the hon. member.

**Mr. GONSALVES:** In order to meet the views both of the hon. the Attorney General and of the hon. Member for West Demerara the clause might be amended to read "unless the pawnbroker issues a ticket." A person making a pledge might take the money but leave the pawn ticket, and the amendment I suggest would meet the case.



**The ATTORNEY GENERAL:** I should like to say a word on the amendment suggested by the hon. member. It seems perfectly clear that this kind of transaction does take place. Somebody who represents the pawnbrokers points out that this illegal state of affairs should be legalised, not in the interest of the unfortunate individual who goes to pawn something but in the interest of the pawnbroker, and the suggestion of the hon. member if adopted would perpetuate the illegality.

**The COLONIAL SECRETARY:** I move "That the question be now put." Question "That this clause stand part of the Bill" put, and agreed to.

The Council resumed.

Notice given that at the meeting of the Council on the 6th December it would be moved that the Bill be read the third time and passed.—(*Colonial Secretary.*)

GEORGETOWN TOWN COUNCIL (SECURITY OF OFFICERS, &c.) BILL.

**The ATTORNEY GENERAL:** I move that "A Bill to amend the Georgetown Town Council Ordinance, 1918, with respect to the giving of security by officers of the Council and to the making of By-laws by the Council" be read the second time. The Bill amends section 98 of the Ordinance. Under the law as it stands the only provision for giving security by the officers named therein is by that of having sureties. The object of the amendment is to fall into line with modern practice of public officers, and security may be given by a bond from any Insurance Company approved by the Council. The next amendment is with reference to section 209 of the Ordinance. That section gives to the Council power to make by-laws. Unfortunately there is no general power, the power being limited, and difficulties have arisen. The new clause gives general powers,

**Mr. DIAS:** I second this motion.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Attorney General.*)

WIDOWS AND ORPHANS PENSIONS (DIRECTORS, &c.) BILL.

**Mr. MILLARD (Colonial Treasurer):** I move that "A Bill to amend the Widows and Orphans' Pensions Ordinance, 1928, with respect to the Directors of the Fund, to contributions, and to enable officers of the Harbour Board to become contributors" be read the second time. In explaining this Bill I will just explain the main features. Clause 2 is a reproduction of the terms governing the management and control of the Fund by the Directors. The purpose of this provision is to make it clear that the two Directors to be elected by the contributors shall be elected members of this Council. Under the existing law if an officer is definitely rejected either after the first or second medical examination his salary is still subject to the same monthly abatements as if he was a contributor to the Fund, and all abatements are deposited in the Post Office Savings Bank and there they remain at compound interest. It has been felt that this is rather a hardship on the officer, who may be able to secure insurance and thereby make better provision for his widow and children, and clause 4 is introduced to enable an officer who has been definitely rejected after the first or second medical examination to insure his life. This provision does not in any way affect the Fund and the Directors simply act in this respect as agents of the officer. Clause 5 makes it quite clear that a contributor shall contribute at

the annual rate of 5 per cent of the maximum salary of his office. Clause 6 is proposed in order to enable certain officers of the Harbour Board to become contributors to the Fund. This clause will apply to officers on the Fixed Establishment whose annual salary amounts to \$480 and upwards.

**Mr. BRASSINGTON:** I beg to second the motion.

Question put, and agreed to.

Bill read the second time.

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

Clause 4.—Payment of premiums of life policies out of abatements of officers medically rejected.

**Mr. CRANE:** I rise to express the hope that the case which has been the occasion for recommending this change does not come within the purview of clause 4. The case was that of an officer—

**The CHAIRMAN:** I am afraid I am going to call the hon. member to a point of order. It is not relevant. The question is whether clause 4 shall form part of the law to be made and the clause does not relate to any particular officer.

**Mr. CRANE:** I only wanted to find out whether the amendment is wide enough to include an officer—

**The CHAIRMAN:** The point is whether the hon. member is going to speak against clause 4 or not.

**Mr. CRANE:** I am merely going to suggest that the word "existing" be inserted before the word "policies."

**The ATTORNEY GENERAL:** The point the hon. member raises is whether the clause will operate as from the date of this enactment or earlier.

**Mr. CRANE:** I wanted to know whether a person who has a policy would be affected.

**The ATTORNEY GENERAL:** It might well be that a person might have a policy before he is rejected by a Medical Board. When the time arrives for him to become a contributor to the Fund if he is rejected by medical examination it might then be difficult for him to obtain a policy. It seems to me that the privilege in this clause can well refer not merely to any policy he may obtain at any future time but to any policy that he may be possessed of because the object is to protect the widows and orphans.

Question "That this clause stand part of the Bill" put, and agreed to.

The Council resumed.

Notice given that at the meeting of the Council on Thursday it would be moved that the Bill be read the third time and passed. (*Mr. Millard*).

**The PRESIDENT:** The hon. the Attorney General has just pointed out to me that there may be occasions when Unofficial Bills may not take up much time on Wednesday, in which case the Council will find itself listed amongst "the unemployed" on that day. The Attorney General advises that the notice for the third reading of a Bill should be in the word "to-morrow" and if time does not permit they will automatically be proceeded with on the following day.

#### MISCELLANEOUS LICENCES BILL.

**Mr. MILLARD:** I move the second reading of "A Bill to amend the Miscellaneous Licences Ordinance, 1861, with respect to the duties on transfers of Licences." The provision of this Bill is necessitated by the introduction of a tax of 50 cents on transfer of trade licences.

**Mr. BRASSINGTON:** I beg to second the motion.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the meeting of the Council to-morrow it would be moved that the Bill be read the third time and passed. (*Mr. Millard*).

#### PENSIONS (INCREASES) BILL.

**Mr. MILLARD:** I move the second reading of "A Bill to amend the Pensions (Increases of Pensions) Ordinance, 1924." The object of this Bill is to give full effect to the recommendations in paragraph 21 of the report of the Civil Service Commission dated 20th July, 1923 (printed as Combined Court Sessional Paper No. 18 of 1923), which were by Ordinance No. 28 of 1924 restricted to widows and/or orphans who were at the time of the commencement of that Ordinance in receipt of pensions computed on contributions made to the Widows and Orphans' Pensions Fund on the rates of salary existing prior to the coming into force of the revised scale of salaries, and did not include widows and/or orphans who would thereafter become entitled to pensions computed on the same basis.

**Mr. BRASSINGTON** seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the meeting of the Council to-morrow it would be moved that the Bill be read the third time and passed. (*Mr. Millard*).

#### GENERAL LOAN AND INSCRIBED STOCK BILL.

**Mr. MILLARD:** I move the second reading of "A Bill to amend the General Loan and Inscribed Stock Ordinance, 1913, by giving power to suspend con-

tributions to the Sinking Fund of any loan where it appears that the value of the Fund will be sufficient to redeem the loan, and also to confer similar power in the case of inscribed stock created and outstanding under the Inscribed Stock Ordinances 1886 and 1897." The intention of this Bill, sir, is to give the right, which does not now exist, to discontinue contributions to the Sinking Fund when the contributions at any time appear to be sufficient to cover repayment of the loan. The Bill also gives power to change the contribution to the Sinking Fund should at any time it be found that the contribution for any reason is not likely to be sufficient.

**Mr. BRASSINGTON:** I beg to second the motion.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the meeting of the Council to-morrow it would be moved that the Bill be read the third time and passed. (*Mr. Millard*).

#### PUBLIC FREE LIBRARY BILL.

**MAJOR GRAY (Director of Education):** I move that "A Bill to amend the Georgetown Public Free Library Ordinance, 1908" be read a second time. This Bill gives the Committee power (1) to make rules for the conduct of its business and the regulation of its proceedings; (2) to let to any person or body of persons on such terms as the Committee may think fit and to charge rent therefor, the upper floor of the Library building for the purpose of lectures, or holding classes or exhibitions.

**Mr. Dias** seconded the motion.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Major Gray*).

#### RURAL CONSTABLES BILL.

**COLONEL BRADBURN (Inspector General of Police):** I move that "A Bill to restrict the privileges and immunities of Rural Constables" be read the second time. As a result of being a rural constable, by the combined effect of section 17 of Ordinance 11 of 1891 and section 65 (2) and (3), no pay or allowance of a rural constable is liable to be taken in execution, and no constable shall be liable to be imprisoned for non-payment of any debt. A rural constable receives pay only for such service as he performs, and he is very often a servant in the employ of some private person. The immunity works considerable hardship on persons to whom a rural constable becomes indebted, as many as nine judgments being outstanding against one constable, and the object of this Bill is to impose restrictions to the exemption from liability to imprisonment for non-payment of any debt.

Mr. Wood seconded the motion.

Question put, and agreed to.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Colonel Bradburn*).

#### IDENTIFICATION OF PRISONERS BILL.

**COLONEL BRADBURN:** I move that "A Bill to facilitate the identification of Prisoners" be read a second time. In the detection and suppression of crime a necessary adjunct to the work of the Police is the identification of prisoners. Photography is of great assistance, but it is essential from the Police point of view that measurements and finger prints should be taken of prisoners. Ordinance 1 of 1885 provides that the Inspector of Prisons shall make regulations, but unfortunately regulations were not so made. In future it is proposed that the Governor-in-Council shall exercise the power to make regulations.

Mr. Wood seconded the motion.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—Regulations as to measuring and photographing prisoners.

**Mr. ELEAZAR:** It seems to me not quite clear whether it is intended that every person confined to a prison should be treated in this manner. Very often there are persons in these prisons who are not convicted but are merely under remand. It is not fair to a man who is merely accused to be photographed and put in the category of a convicted prisoner. I think the clause does not sufficiently exclude these persons, and it may be made more explicit.

**Mr. FREDERICKS:** I rise to support the opinion of the hon. member. It seems to be an invasion of the personal liberty of a man who is awaiting trial on some charge that he should be subject to photographing and taking of his finger prints.

**COLONEL BRADBURN:** It is in actual practice in England.



**The ATTORNEY GENERAL:** If hon. members would look at section 5 of Ordinance 1 of 1885 they will find the powers which are given with regard to the identification of prisoners. There is no power to take finger prints and proper measurements, and to do so statutory power is required. This enactment follows exactly what is done in England. Persons awaiting trial do not come within the class of persons who would be photographed or their finger prints taken. Regulations will be made, which will follow the regulations in England, whereby it would be stated specifically what persons these things should be done in respect of. The regulations would only be applied to persons who are convicted of felony or certain offences involving dishonesty and never to any person who has not been convicted.

Clause 2 agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Colonel Bradburn*).

#### TRADE MARKS BILL.

**Mr. WOOD (Conservator of Forests):** I move that "A Bill to amend the Trade Marks Ordinance, 1914," be read the second time.

Mr. Bayley seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read a third time and passed. (*Mr. Wood*).

#### EUROPEAN NURSES (RETIRING ALLOWANCES) BILL.

**Dr. BOASE (Acting Surgeon General):** I beg to move the second reading of "A Bill to make provision for granting retiring allowances to European Nurses who have served in the Colony." We have five European Nurses. They come here under contract for three years and then are appointed to other Colonies by the Overseas Nursing Association. They get no pension at present and the object of this Bill is to join this Colony with the other Colonies in paying a portion of their pension.

**Mr. BRASSINGTON:** I second the motion.

Question put, and agreed to.

Bill read the second time.

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

Clause 1.—Short title.

**Mr. CRANE:** I think I would be only performing my duty in saying that I do not think that the scope of this Bill should be restricted to European Nurses. Nurses of some other nationality may be selected by the Overseas Nursing Association and sent to this Colony, and it is only fair to put them on the same plane. There are also others than European Nurses, and equally capable, who are called upon as occasion arises to perform the duties, but these Nurses are not in the happy position to receive a retiring allowance after 15 years' service. It seems to me that if the term "European" were eliminated and the Bill is made to apply to all Nurses the objectionable feature will be eliminated. European Nurses were introduced on the distinct understanding that they should train local Nurses, but I regret to say, although more than 15 years have elapsed, that not a single Nurse seems to be qualified in spite of the fact that a local person served for three years when no European Nurse was available. Another

served for a considerable time in a similar capacity and trained several local Nurses to the satisfaction of the Medical Department, also when there was no European Nurse available.

**The ATTORNEY GENERAL:** Only a year ago a despatch was sent out to this Colony with reference to the status of Nurses who were sent out by the Overseas Nursing Association. It was pointed out that no provision was made in any of the Colonies in which they serve whereby these Nurses would be entitled to pension, and the despatch invited the Legislature of this and other Colonies to make special provision for them, because they did not come within the ordinary pension law by reason of the fact that they were under special agreements for a limited time. The matter came before the Legislature and a resolution was passed adopting the principle, and that principle is now accurately set out in the Bill before the House.

**The CHAIRMAN:** Has the hon. the acting Surgeon General any objection to the omission of the word "European"? Does it make any difference to the Ordinance?

**Dr. BOASE:** I should say not, Your Excellency.

**The COLONIAL SECRETARY:** I understand that if the word "European" is omitted the main point by the hon. Member for West Demerara will be met. The omission of the word will not affect the Ordinance, and I think, sir, we might delete the word wherever it appears in the Bill.

**The ATTORNEY GENERAL:** The proposal of the hon. member is that it should include any Nurse, European or otherwise, who has received an appointment through the Overseas Nursing Association. That being so the title of the Bill might be amended to the Nurses Retiring Allowances Ordinance, but in clause

2 "Nurse" will have to be defined as a person "who has received an appointment in the Public Service or in a Public Hospital through the Overseas Nursing Association."

**The CHAIRMAN:** Government is quite prepared to accept the amendment to clause 1.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

Clause 2.—Definition.

**The ATTORNEY GENERAL:** The amendment to clause 2 will be to strike out the word "European" and to add at the end of the clause the words "who has received an appointment in the Public Service or in a Public Hospital through the Overseas Nursing Association."

**Mr. ELEAZAR:** I am not sure that the amendment will meet the case. There are two classes of Nurses who may be employed: those who may be employed by the Association and those who may be employed outside the Association.

**The CHAIRMAN:** I am afraid the hon. member is under a misapprehension. This Bill is to deal with Nurses appointed through the agency of the Overseas Nursing Association. Other Nurses come under other Pension Ordinances.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read a third time and passed. (*Dr. Boase.*)

#### PHARMACY AND POISONS BILL.

**Dr. BOASE:** I beg to move the second reading of "A Bill to amend the Pharmacy and Poisons Ordinance,

1899.' By this Bill "the Board may direct the removal from the register for such time as it thinks fit or permanently of the name of any registered chemist and druggist who is convicted of any offence against this or any other Ordinance, or who is convicted of a felony or misdemeanour or who is shown to the satisfaction of the Board to be incompetent, addicted to intemperance, or negligent in his duties, or guilty of any misconduct in connexion therewith." Clause 5 provides that no registered chemist and druggist shall have, permit, or cause his name to be posted over, or shall control, manage or supervise, more than one shop.

**Mr. MULLIN** seconded the motion.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—Removal of name from Register.

**Mr. CRANE:** I desire to move that the words "or any other" be deleted. It is possible for the Board to call upon a chemist and druggist—who becomes qualified only after passing a highly technical examination—for any offence committed, apart from this Ordinance, and it would seem that these words make the provision too wide. The corresponding provision of the Medical (Consolidation) Ordinance, 1924 (section 37) is:

If any registered medical practitioner is convicted of any felony or misdemeanour before the Supreme Court of British Guiana, or, after due inquiry, is adjudged by the Board to have been guilty of infamous conduct in any professional respect, the Board, with the sanction of the Governor, may cause the name of such medical practitioner to be erased from the register.

The application of this provision in the Bill to an offence against any other Ordinance is not necessary for the purpose of controlling chemists and druggists, and I therefore move that the words "or any other" be struck out.

**Mr. FREDERICKS:** I wish to support what has fallen from the hon. member. I would not call it an extraneous provision but a hard and rigid one. The draftsman had in his mind something that should not ordinarily have been there. My submission is that if a man is convicted of, say, disorderly behaviour, which has no correlation to the Chemists and Druggists Ordinance, this provision can be used to deprive him of his means of livelihood.

**The ATTORNEY GENERAL:** It does appear that the clause is rather too wide for the purpose which we meant to achieve, and it can be modified so as to meet what is really required. An offence against "any other Ordinance" might mean anything. The clause might be amended by striking out the words "or any other;" by inserting after the word "misdemeanour" the words "before the Supreme Court"; by inserting the word "professional" between the words "any" and "misconduct;" and by deleting the words "in connection therewith" at the end of the clause.

**The CHAIRMAN:** Perhaps the hon. the Surgeon General should say if these amendments would meet the case.

**Dr. BOASE:** Yes, Your Excellency.

Question put, "That this clause as amended stand apart of the Bill."

Agreed to.

Clause 4 (1).—Restriction on sale of Poison.

**Mr. CRANE:** This clause repeals and re-enacts section 21 (1) of the principal Ordinance. The objectionable point is the words "the quantity of such poison in each dose of the preparation." There are preparations containing poisonous ingredients which are not administered in doses at all. It seems to me that the clause requires recasting.

**The ATTORNEY GENERAL:** Obviously where you take a poison internally the quantity is stated, but where you use it externally and do not take it in doses there is no necessity to state the quantity.

**The CHAIRMAN:** If there is no dose there can be no statement.

**Mr. ELEAZAR:** I should like to crave Your Excellency's indulgence to recommit clause 3 (Prohibition of sale of drugs by unregistered person).

**The CHAIRMAN:** The hon. member must wait until the end of the Bill.

**Mr. CRANE:** May I point out that by the second proviso of clause 4 a chemist or druggist, in cases of emergency, may supply poison on the requisition of a registered medical practitioner, veterinary surgeon or dentist, on an undertaking to furnish a signed order therefor within twenty-four hours. That medical practitioner, veterinary surgeon or dentist may not produce his order within twenty-four hours, and as there is nothing to compel him to give the order there ought to be some provision making it an offence if he does not.

**The CHAIRMAN:** Has the Surgeon General anything to say on that point?

**Dr. BOASE:** I don't think it wants anything further than is there, sir.

**The CHAIRMAN:** Perhaps the hon. Attorney General will tell us the legal aspect. The hon. member's contention is that there is nothing to compel a registered medical practitioner, veterinary surgeon or dentist to give the order. Is that so?

**Mr. CRANE:** Which he promises to give within twenty-four hours.

**The ATTORNEY GENERAL:** Section 29 of the Pharmacy and Poisons Ordinance says—

Every person who infringes any of the provisions of this Ordinance for the breach of which no penalty is hereinbefore provided shall be liable to a penalty not exceeding twenty-five dollars.

A breach of the undertaking is a breach of the Ordinance.

**Mr. CRANE:** There is nothing in this Bill which says that failure to give the order is a breach of the Ordinance.

All it says is that on an undertaking to give an order the chemist and druggist may deliver these poisons without a written order.

**The ATTORNEY GENERAL:** The ground for permitting the sale is the undertaking to furnish a signed order within twenty-four hours. He has procured the poison by giving the undertaking, which it is his duty to fulfil. It follows, therefore, that if he does not fulfil the undertaking the Ordinance authorises him to give he would be guilty of an infringement of the provision of the Ordinance.

**The CHAIRMAN:** Does that satisfy the hon. member?

**Mr. CRANE:** I do not agree with the opinion but I must bow to the advice which Government has received.

Clause 7.—Sale of drugs and medicines in remote areas.

**Mr. CRANE:** The word "coastlands" seems a little wide. One does not know what it means. Some definite meaning ought to be given to the word. I think the words "in areas remote from the coastlands" are too indefinite.

**The ATTORNEY GENERAL:** It does appear true that there is no specific definition of that part of the Colony which is frequently termed "the coastlands." The expression may be more or less elastic according to circumstances. Why the expression has been used I do not know, but there is one thing about it, that it does exclude to a certain extent some parts of the Colony. It will have to be left to the Governor-in-Council in each case that comes forward to say whether the request to give authority in a particular area is one which comes within the spirit of the law. It seems to me the first question that will have to be considered by the Governor-in-Council is the locality, and where it can really be said to be remote from the coastlands and not readily accessible I have no doubt that no hardship will be inflicted.



**Mr. ELEAZAR:** In the Ordinance there is a provision which precludes a person from selling or dealing in poisons but at Kitty that same person can deal with all the poisons mentioned.

**The CHAIRMAN:** May I draw the hon. member's attention to the fact that we are discussing a clause referring to areas remote from the coastlands? Kitty is hardly remote from the coastlands. (Laughter).

**Mr. ELEAZAR:** What I am saying, Your Excellency, is that it seems to me that a person who can deal with poisons in a remote district, like the North-West District or the Berbice or Essequibo Rivers, is incompetent to deal with such poisons if he comes to Georgetown, but if he remains at Morawhanna or the other places named he is licensed to kill and can kill at leisure. Something ought to be done to ensure that men who are competent to deal with poisons at Morawhanna or in Essequibo are also competent to deal with them in Georgetown. The anomaly ought to be removed.

**The ATTORNEY GENERAL:** The hon. member omitted to observe that this particular clause, unlike some clauses in other laws, deals with incompetent persons. The object of this provision is to give some concession to competent people in remote districts so that they may not suffer any ill effect; but it is necessarily hedged around with restrictions on the individual who by the necessity of things is going to deal with poisonous drugs.

Question "That this clause stand part of the Bill" put, and agreed to.

**The CHAIRMAN:** The hon. junior Member for New Amsterdam wanted to bring up something about clause 3.

**Mr. ELEAZAR:** Yes, Your Excellency: I thank you for the indulgence. I desired to suggest that sicknurses and dispensers should now be included in the list of chemists and druggists. The

Ordinance protects one set of individuals against another who are equally trained. My point is that we should make the Ordinance equitable for all parties concerned.

**The CHAIRMAN:** Government is not prepared to accept an amendment to that effect. Clause 3 distinctly prohibits the selling, dispensing or compounding of drugs or poisons except under the supervision of a registered chemist and druggist. I may say I am very much obliged to the hon. Member for West Demerara for bringing that point in clause 2 to my notice.

The Council resumed.

Notice given that at to-morrow's meeting of the Council it would be moved that the Bill be read the third time and passed.—(*Dr. Boase*).

#### QUARANTINE BILL.

**Dr. BOASE:** I beg to move the second reading of "A Bill to make provision for giving effect to the recommendations of a Conference made with regard to Quarantine in the West Indies." This Bill is the result of a conference in Barbados a short time ago. Smallpox and Typhus Fever are included in the list of special diseases and constitute the principal features. There are no alterations that affect merchants or shipping in any way.

**Mr. MULLIN** seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read a third time and passed.—(*Dr. Boase*)

## MOTIONS.

## COMPASSIONATE ALLOWANCE.

**The COLONIAL SECRETARY:** I beg, sir, to move:—

That, with reference to the Governor's Message No. 2 of 1928, this Council authorises the payment to J. Rose, Wireman in the Engineering Branch of the Post Office Department, of a compassionate allowance at the rate of \$150 per annum as from 16th February, 1928.

**Mr. SMELLIE** seconded.

Motion put, and agreed to.

## PETITIONS.

**The COLONIAL SECRETARY:** I beg to move:—

That, with reference to the Governor's Message No. 3 of 1928, this Council hereby gives to the Executive Council power to consider and deal with petitions addressed to the Legislative Council.

All petitions in the past were addressed to the Governor, the Court of Policy or the Combined Court, and have usually been submitted to the Petitions Committee to be considered. That Committee met periodically, although it was very difficult to get it together, and considered these petitions. It has been decided that in future petitions addressed to the Governor and to the Governor-in-Council will be considered, as they are received, by the Executive Council. This Council is invited to give to the Executive power to consider and deal with petitions addressed to the Legislative Council. In case any expenditure is involved the matter will be brought before this Council to vote the money, but in any case petitions will be laid before the Council with the decision of the Governor-in-Council, and that would give any member an opportunity to draw attention to the decision if he considers it does not go far enough and to ask that the matter be further considered. If this plan is adopted it will enable petitions to be considered and dealt with much more rapidly and much more efficiently than has been possible in the past.

**Mr. SMELLIE:** I beg to second the motion. *2/28*

**Mr. CRANE:** The reason given for the proposal that petitions addressed to this House be considered and dealt with by the Governor-in-Council is the delay caused by the present system. I do not think that is a substantial reason. Up to the present time it has been in the hands of Government to summon that Committee when it thinks fit. The practice was to wait until the Legislature was about to sit and then elective members were required to attend from day to day until the accumulated business was disposed of. If the Committee sat regularly during the whole year there would be no accumulation or no delay such as is complained of. There are many matters that come within the purview of Government and should go to Government, but there are others which come to this Council because the petitioners think their case should be ventilated, and I think it would be a sorry day when the need of ventilating certain matters in public is withheld.

I am aware that the petitions will still be laid on the table of the House, but mere lays on the table do not receive any serious consideration of members. If Government had proposed that the Executive Council would consider the petitions and a report of the decisions drawn up and made known to the House it might have been a different proposition, but merely to say that a petition addressed to this House would be considered by the Executive Council who would decide the matter and merely lay the petition on the table of this House with the decision of the Executive Council does not recommend itself. The unofficial side of the Council lay claim to some small share in the consideration of these petitions, and that is my only objection to this motion. It is that kind of openness that will remove any suspicion and give the unofficial side of the House some interest in these matters.

**Mr. GONSALVES:** The suggestion of delay of the Petitions Committee to deal with petitions casts some reflection on the elected members of that Committee. I desire to say that if the Petitions Committee had been transformed in name to the Governor-in-Council the despatch of business would have been the same because the elected members had nothing to do with the summoning of meetings or arranging of the agendas of the business to be put before the Committee. Thirty-eight petitions were dealt with by the Committee on the last occasion they sat. If these petitions were under the control of elected members I am sure they would have preferred to sit five or six times or at different intervals to get through the work rather than sit for two or three days. The delay is not a reflection on the elected members of the Committee but on the officials who had to arrange the meetings. Having regard to the expedition with which work has been done in this Council, I take it that it is not the intention to have work delayed, and I submit that if that procedure is observed with regard to petitions there will be no delay in dealing with them in future.

**Mr. FREDERICKS:** I congratulate Government on discovering that expediency is needed in the handling of petitions, but I cannot agree with the remedy which has been suggested to avoid delay in dealing with them in future. It is the privilege of this House that petitions should be sent to it, and an invasion of that privilege members ought to be jealous of. The second point is that this House is the Parliament of this Colony and those who address petitions to it have a right to come to the House with their petition. One result of the change is to place in other hands what may be considered to be the right of the subject, and I submit that expediency alone is no sufficient justification for taking from the subject that right to present petitions to this House.

**The COLONIAL SECRETARY:** I think I can explain the matter and cut short the discussion. To deal

first of all with the Petitions Committee. The usual procedure was that pressure had to be brought on members a few days before the Court met to get through with the work. I could not get the Committee together regularly or often enough to deal with a few petitions each day, and I think that was probably the experience of my predecessors as long as that Committee was in existence. There seems to be some fear in the minds of some hon. members that there is something underlying the proposal which is not intended at all. A petition intended for the Legislature will be presented by a member of the Legislature and will be considered by the Governor-in-Council. It might be a petition requiring some action prior to a meeting of the Legislature, and it is hardly likely that the Governor-in-Council would arrive at a decision without informing the member who presented that petition. If immediate action is not necessary then the decision of the Governor-in-Council will be laid on the table at the next session of the Council and it would be open for discussion. In other words, if there is urgency for it a decision can be arrived at, but if there is no urgency for it the decision can be laid on the table of the Council at the next session. It would then become a record of the Council, and, if necessary, a resolution can be moved. Hon. members need have no fear that something will be done without their knowledge. The petitions will be considered by the most responsible body in the Colony, which meets once a week, and if they are dealt with as they come up it means that only one or two will have to be considered in a month. I think the fears expressed by hon. members are unfounded.

**Mr. DIAS:** Your Excellency, perhaps as an old member of the previous Legislature you will allow me to endorse the remarks which have fallen from the hon. Colonial Secretary. I have served on the Petitions Committee and it is correct to say that it was with difficulty sometimes members were got together, simply because it was not convenient for one member to attend on

a particular day, and when it was convenient to him others could not be got with the result that delay took place from time to time in dealing with the petitions. Of course, whenever we were approaching a session of the Legislature we all ran to the meeting in order to have it appear that the work was done in time, but there was unnecessary delay. The Executive Council meets once a week, and certainly no petition will be older than a week in duration and will be dealt with and disposed of. One important fact which the House seems to have lost sight of is this. It is necessary for Government to supply all information relating to the subject matter of a petition before a decision is arrived at. It seems to me that no better body than the Executive Council can be got to deal with petitions, especially now that the elected members themselves have two representatives on the Executive Council. I would have thought that the elected members would have welcomed this change for reasons which I need not mention here, but certainly if I were in their place I would have welcomed it.

**Mr. CANNON:** So far as the two members who have now become Government members are concerned, those of us on this side of the table have given them up. (Laughter). As to Government taking charge of these petitions I personally have no objection. Whatever little privilege we have got, the decision has to come before this Council.

**Mr. ELEAZAR:** There are certain petitions which are well within the functions of Your Excellency. There are others which must go to the Governor-in-Council. There are yet others which come to the Legislature, and there is no reason why these should not come to us to deal with.

**Mr. BRASSINGTON:** As I have been charged with being a Government member after nearly eighteen years in the Legislature, I might remind the hon. senior Member for Georgetown that

it was urged by the elective section in season and out of season for at least fifteen years that some members of the elective section should be on the Executive Council. I never heard when those arguments were advanced that by so becoming members of the Executive Council they ceased to be elected members. Non-representation of the elective section on the Executive Council was also one of the strong planks of their case in relation to the change of the Constitution. As to this proposed change, speaking for myself and for my constituents (who I think still regard me as an elected member and not as a Government member), I think it is eminently satisfactory. It is true that the delay in getting petitions dealt with hitherto was in getting members of the Committee to attend the meetings. This arrangement will make for expedition and early settlement of all petitions presented here. In the past it was most unsatisfactory.

Motion put, and agreed to.

#### COLONIAL SERVICES.

**The COLONIAL SECRETARY:** I beg to move:—

That, with reference to the Governor's Message No 4 of 1928, this Council approves of this Government supporting a scheme, in which the Secretary of State has asked this Colony to participate for the purpose of providing a meeting place and suitably stocked library for the use of entrants to the Colonial Services, while they are undergoing courses of instruction at the Universities of Oxford and Cambridge before taking up their appointments.

The object of this motion is fully described in the Message and I think all hon. members will agree that it is an object which should receive support. The important part of it is the financial liability of this Colony and that will amount to about £6 or £7 a year for each probationer who becomes a member of the Club. The amount required will be for rents and rates of the premises, the other expenses being met by the members' subscriptions. Further, no contribution will be required unless at least one officer is from this Colony.

**Mr. SMELLIE:** I beg to second the motion,



**Mr. CANNON:** I, sir, must oppose it, not on account of the amount involved because that is very small, but it is impossible for me to sit here and vote even £6 when we have not got it. I feel that the time has come when every penny has to be saved if the Colony is to become what Your Excellency expressed the hope it should. Though the amount is small I will be wanting in my duty were I not to oppose it.

**The PRESIDENT:** I do not know whether the hon. member quite understands that the contribution is only payable if we have a representative there. We have not got one nor are we likely to have one there for some considerable period.

**Mr. CANNON:** I quite appreciate that, sir, but it frequently happens that these items get on the Estimate and the next thing we hear is that they are spent.

Motion put, and agreed to, Mr. Cannon dissenting.

#### PENSION.

**The COLONIAL SECRETARY:** I beg, sir, to move:—

That, with reference to the Governor's Message No. 5 of 1928, this Council approves of the pension of Mr. J. Hampden King, late Immigration Agent General, being increased by £100 per annum.

I need not enlarge upon the valuable services rendered by Mr. King to this Colony during the period of forty-seven years. The position is that it was suggested that perhaps some addition might be made to Mr. King's pensionable emoluments and the matter was referred to the Secretary of State, who suggested that that would not be the correct method of doing it in view of the circumstances of the case, which were not exceptional. Apparently pensionable emoluments are only increased under exceptional circumstances, and I think in only one case in the Colonial Service that has been done so far; but the Secretary of State suggested that it was competent for the Legislature, if they thought fit, to vote from revenue £100 a year. That is

what this Message is asking the Council to do now. I hope, sir, the matter will receive support because I feel that there is no member here, especially members who are acquainted with the valuable services of Mr. King during the long period of his connexion with this Civil Service, who does not appreciate those services.

**Mr. SMELLIE:** I beg to second it.

**Mr. CANNON:** The hon. Colonial Secretary has referred to members who have served with Mr. King for a number of years. It is suggested that this item should be deferred until such time as the Colony is in a position to contribute this £100. I am not in any way reflecting on the high esteem and respect I have always had for Mr. King, but just a few seconds ago I voted against £6 and it would be very inconsistent for me to vote £100 now, and so long as I sit here I intend to oppose every item that may well be left over or be avoided.

**Mr. ELEAZAR:** I have very great reluctance in voting against this motion, because I appreciate very highly the services of Mr. King, who was indeed a very valuable officer to this Colony. I will be excused if I say further that he was an exceptional creole—and I stand very strongly for the granting of a privilege which is the result of such hard work and meritorious service—but Mr. King has received what was his proper due for the services he rendered according to the law as it stands. He got his lump sum bonus and his pension calculated upon the basis of pensions of officers in a similar position. I cannot conceive of the Executive Council ignoring the Legislature and asking the Secretary of State to increase his emoluments. If the Secretary of State had said "No" we would not have heard a word about it but because he has approved of it we are asked to give £100 out of our poverty. If Government insist on carrying through the motion I would rather, for the first time in this Legislature, not vote at all.

**The PRESIDENT:** Hon. members, I quite frankly confess that if this

question had come up for the first time now I should not have been in favour of its being brought forward. Unfortunately, this matter is really a commitment. The question was raised under the old Constitution by my predecessor, and I have no doubt that Mr. Hampden King has had expectations. I do not propose on this occasion to withdraw this motion because I believe we are committed, but I am full of sympathy for both members who have spoken on this subject. There are some points that one cannot overlook. The question is that the resolution as moved and seconded be passed.

Motion put, and agreed to.

#### COMPASSIONATE ALLOWANCE.

**The ATTORNEY GENERAL:** I move, sir:—

That, with reference to the Governor's Message No. 6 of 1928, this Council authorises the payment to Bailiff H. Bartt of a compassionate allowance at the rate of \$150 per annum as from the date of his retirement, *i.e.*, 1st July, 1928.

This bailiff has been in the Service for a period of 30 years. He is now over 60 years of age and it is not possible for him longer to continue the performance of his duties. The application is that the Council would vote him a compassionate allowance of \$150 per annum. Bartt was not on the Fixed Establishment, but I hope that before long all bailiffs and officers in an equivalent position will be provided with a compassionate allowance according to length of service and salary. The matter is one which requires re-organisation and re-arrangement and that is being provided for.

**Mr. AUSTIN** seconded the motion.

**Mr. FREDERICKS:** There is nothing to be proud of about this motion, or to congratulate anybody about. This man has served the Colony well and truly for 30 years and all he is to get is \$12.50 per month. Would it not be more equitable if this poor old faithful servant were given \$15 per month? We might talk about retrenchment but retrenchment that does not savour of equity counts for nought.

**The PRESIDENT:** Under Rule 30 I draw the hon. member's attention to irrelevant and tedious argument. Will the hon. member confine himself to the point. Is there any objection to the motion being passed, or does the hon. member want to increase it?

**Mr. FREDERICKS:** My objection that the amount is inadequate.

**The PRESIDENT:** I want to draw to the attention of the hon. member that this Council is not a place for speeches and eloquence of a semi-political nature. We are here to discuss business and the Council does not want time wasted. I am sure that the rhetoric of the hon. member is very well meant, but it is wasting a good deal of time and cannot do any possible good because the proposal of the Council is a definite compassionate allowance of \$150 per annum. If the hon. member does not think the rate granted to these deserving officers is adequate, he will have an opportunity of raising the point when the question comes up for discussion as to what rates we are going to give.

**Mr. FREDERICKS:** I quite appreciate Your Excellency's viewpoint, but I respectfully submit that it was not for the purpose of electioneering but for equity and justice I raised the point. I have never wasted time but always pleaded for what is material to the cause.

Motion put, and agreed to.

#### REPORT ON PETITIONS.

**Major GRAY:** I beg, sir, to move:—

That, with reference to the Governor's Message No. 7 of 1928, this Council hereby adopts the report of the Committee of the Combined Court appointed to consider petitions dated 23rd June, 1928, and authorises the necessary money votes being inserted in the Supplementary Estimate.

**Mr. Dias** seconded the motion.

**Mr. CRANE:** There are a few cases in which no recommendation is made. I do not know what procedure Your Excellency will adopt. Formerly each case was put separately; now it is proposed to put the whole *en bloc*.

**The PRESIDENT:** What point is the hon. member raising?

**Mr. CRANE:** I am enquiring what procedure will be adopted. There is no recommendation as regards item 25 and I should like an opportunity, if I may be afforded it, to move a motion with respect to that item.

**Major GRAY:** The position with respect to the petition to which the hon. member refers is, sir, that the two Government members of the Committee took one view and the two other members took another view. It was impossible therefore for the Committee to make any recommendation, and the idea was that one of the unofficial members should move an amendment to this report when it was presented.

**The ATTORNEY GENERAL:** The practice in the Combined Court used to be that when the report of the Petitions Committee was presented the items were put separately.

**Mr. CRANE:** The motion before the House is that the report be adopted *en bloc*, and I am asking whether the report will be taken in that form or the items put separately. This is the first time the question has arisen in this Council.

**The PRESIDENT:** We will take the items separately.

Item 12.—Evalina Carraway, for a pension or gratuity.

**Mr. BRASS:** The Committee do not recommend the petition. I plead with Government for a length of time and the services she performed in the morning on the River as a nurse-midwife, that something should be done for her. It really is a deserving case. The petition has no visible means of support if she is not granted some assistance she will probably drift into the House.

**Mr. CRANE:** I stand with the official side of the petition on this question. The Committee that as the pe-

tioner was not in Government's employ this Council could not entertain an application for a pension or gratuity. The Infant Welfare and Maternity League is a charitable institution operating entirely on its own jurisdiction and Government cannot be expected to grant either pensions or gratuities to its employees.

Item 19.—Mrs. Rosaline Farley, for a compassionate allowance.

**Mr. ELEAZAR:** I presented this petition and until I saw it in the report I had forgotten it myself. The husband of the petitioner was a widower. By his first marriage he had issue and the gratuity of three months' salary was divided between the children and the widow. I think it is a case that might have met with some consideration had the period of time between the laying of the petition and its consideration not been so long.

Item 25.—M. Jack for a pension.

**Mr. CRANE:** This petitioner was employed by the Colonial Transport Department as clerk-in-charge of Rosignol and afterwards of New Amsterdam stelling. He was previously employed by the Demerara Railway Company for 30 years and he continued in the service under the new management of the Colonial Transport Department for another five years when he was suddenly sent off. I am not complaining of his being sent off, but in sending off an official who has given long and faithful service he ought to be given some consideration. After some effort he was given \$500 as a gratuity. Members of the Committee took into consideration that gratuity. Mr. Wrong, another employee of the Demerara Railway Company who gave no service to the Colonial Transport Department, is in receipt of \$30 per month whilst this man is left in the lurch so to speak. I make a special appeal to Your Excellency. It is a case for *ex gratia* treatment as he cannot claim anything as of right. I ask Your Excellency earnestly to give some consideration to the petitioner, who has a family of young children still at school.

**Mr. BAYLEY (Managing Director, Col. Transport Department):** I should like to call attention to section 9 of the Railway Acquisition Ordinance No. 23 of 1921 where it is laid down that Government gives no guarantee of permanency of employment or of pension to officers taken over from the Railway. The officer in question was got rid of because for a period of years he did not give satisfaction. It is true that Mr. Wrong did not give the Company one day's service, but the Railway Company left him destitute after 44 years' service. A compassionate allowance of \$30 per month was given him for the first year. After that he was thrown on the Transport Department, and it was in deference to the wishes of members of the Combined Court that he was given a pension of \$25 per month, which he is now drawing.

**Mr. ELEAZAR:** I wish to endorse all that has been said by the hon. Member for West Demerara. The petitioner is not claiming a pension as of right but as an act of grace. If he did not give

satisfaction to the Colonial Transport Department for five years somebody is to blame.

**The PRESIDENT:** The hon. Member for West Demerara has made a very moving appeal, but I am afraid that I have to go on the very strong principle that Government should not go out of its way to reward anything but the best of good work and the keenest of efficiency, and I cannot accept on behalf of Government any plea for a pension for a man who has not given exceptionally good work. My own belief is that some of these pensions and gratuities are looked on far more as of right than as a thing earned by good work. Far too much leniency has been observed in this direction and that is reflected in the financial position. Government can take up no other stand but the view of being generous where good work is concerned but being absolutely rigid where inefficiency is concerned.

The Council adjourned until to-morrow at 11 a.m.