

LEGISLATIVE COUNCIL.*Wednesday, 25th May, 1932.*

The Council met, His Excellency the Hon. C. Douglas-Jones, C.M.G. the Officer Administering the Government, President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Major W. Bain Gray, M.A., Ph.D. (Edin.), B. Litt. (Oxon), (Acting).

The Hon. P. James Kelly, M.B., Ch. B., Surgeon-General.

The Hon. F. Dias (Nominated Unofficial Member).

The Hon. J. S. Dash, B.S.A., Director of Agriculture.

The Hon. E. A. Luckhoo (Eastern Berbice).

The Hon. E. F. Fredericks, LL.B., (Essequibo River).

The Hon. W. A. D'Andrade, Comptroller of Customs.

The Hon. M. B. G. Austin (Nominated Unofficial Member).

The Hon. B. R. Wood, M.A., Dip. For. (Cantab.), Conservator of Forests.

The Hon. S. H. Bayley, General Manager, Transport and Harbours Department.

Major the Hon. J. C. Craig, M.E.I.C., D.S.O., Director of Public Works.

The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

The Hon. J. Gonsalves, (Georgetown South).

The Hon. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. G. E. Anderson (Nominated Unofficial Member).

The Hon. F. J. Seaford (Nominated Unofficial Member).

MINUTES.

The minutes of the meeting of the Council held on the 28th April, as printed and circulated, were confirmed.

MEMBERS SWORN.

The following Members took and subscribed to the oath :—

Mr. F. J. J. F. McDowell, Attorney-General (acting).

Mr. J. Mullin, Commissioner of Lands and Mines.

Mr. E. F. McDavid, Colonial Treasurer (acting).

Mr. C. Farrar, Nominated Unofficial Member.

THE PRESIDENT'S SPEECH.

The President addressed the Council as follows :—

Honourable Members of Council :

I have asked you to resume to-day to consider a measure of great importance, a Bill to make provision for promoting the Public Health of the Colony.

I regret that it was not possible to publish the Bill for general information at an earlier date, but the establishment of a Central Board of Health, which is the main principle of the Bill, has been under consideration for some years. Honourable Members will agree, I think, that there should be set up a central body which will, in co-operation with the Public Health Department, be responsible for Public Health Policy and the prevention of disease.

There will not, I anticipate, be any division of opinion in regard to the main principles of the Bill, and in considering its details I know that I shall receive the valuable assistance of all Honourable Members.

Government is anxious, as I know are Honourable Members, that in the consideration of this important measure the Council should have the assistance of the Surgeon-General who, as Honourable Members are aware, is due to leave the Colony

shortly on leave of absence pending retirement. The Surgeon-General's wide knowledge of the Colony, its requirements, and the difficulties in regard to sanitation and health which have been experienced in the past in dealing with these matters, will be of the utmost help in our deliberations on this measure.

I invite the attention of Honourable Members to the memorandum on the Bill which has been prepared and circulated and which covers its main provisions.

I propose that to-morrow the Surgeon-General should move the motion for the second reading of the Bill and that the debate, if Honourable Members so desire, be then adjourned until next week. This will afford Honourable Members time and opportunity to consider its provisions in the light of the Surgeon-General's statement.

I feel confident that Honourable Members will assist Government in passing this important measure.

ANNOUNCEMENTS.

THE COLONIAL SECRETARY (Major Bain Gray): I am directed to communicate to the Council the following Message from His Excellency the Officer Administering the Government:—

MESSAGE No. 12.

Honourable Members of the Legislative Council,

I have the honour to inform the Council that in February last, as the result of petitions received from numerous motor-bus owners on the East Coast, Demerara, and West Coast, Berbice, I approved with the advice of my Executive Council of persons operating omnibuses between Georgetown and Rosignol and Vreed-en-Hoop and Parika since the beginning of 1932, on taking out an annual licence being refunded five-sixths of the amount provided that they surrendered the registration certificates for their omnibuses to the Inspector-General of Police for cancellation prior to the 29th of February, 1932.

2. The reason for the action taken was to prevent any undue hardship being inflicted on omnibus owners on the route between Georgetown and Rosignol by the increased licences imposed by section 14 of the Tax Ordinance, 1931 (No. 29). It was desired to give those omnibus owners who found that it would not be profitable to continue their undertakings on account of the increased licence, the opportunity of withdrawing their vehicles on the payment of a proportion of the amount of the

licence in respect of the first two months of the year. Only three buses have, however, been withdrawn.

3 In the circumstances, I accordingly invite the Council to approve of the action taken.

C. DOUGLAS-JONES,
Officer Administering the Government.

5th May, 1932.

Mr. WOOD (Conservator of Forests): I am directed to communicate to the Council the following Message from His Excellency the Officer Administering the Government:—

MESSAGE No. 13.

Honourable Members of the Legislative Council,

I have the honour to invite the Council to approve of the sum of \$1,317 being provided under Head X.—Forest Department, Sub-head 1. b. 2 Assistant Conservators of Forests (\$2,640 to \$3,720 by \$120) in excess of the Estimate for 1932, in order to allow of the services of Mr. J. R. Lockie being retained until 31st December, 1932.

The position is that the Legislative Council approved of only one of the two Assistant Conservators of Forests, on the scale \$2,640 to \$3,720 by \$120, being retained and provided seven months salary only for the other. Mr. Lockie was accordingly given notice that he would be retired on the 31st of July. He was booked to sail by the s.s. "Ingoma" on Thursday, the 12th of May, 1932, on leave prior to the termination of his appointment. One of the two remaining Assistant Conservators of Forests, Mr. J. B. Aitken (who is on the scale \$3,000 to \$3,600 by \$120) had already been granted leave on urgent private affairs and is not expected to return to the Colony until November. The special and important work now being undertaken by the Forestry Department cannot be completed with a depleted staff, and at the request of Government, Mr. Lockie has postponed his leave for the present.

I trust that Members will appreciate the difficulty which has arisen, and will approve of the necessary provision being made in the next schedule of additional expenditure to cover the retention of Mr. Lockie's services until 31st December, 1932.

C. DOUGLAS-JONES,
Officer Administering the Government.

19th May, 1932.

PAPERS LAID.

The following documents were laid on the table:—

Rules of Court, 1932, made on the 21st April, 1932, in pursuance of the provisions of section 79 of the Supreme Court of Judicature Ordinance, Cap. 10 (*Attorney-General*).

Reports under the Food and Drugs Ordinance for the half-year ended 31st December, 1931.

Sessional Paper No. 5 of 1930—A precis on the Public Health Bill (*Dr. Kelly*).

Report of the Colonial Treasurer for the year 1931 (*Mr. McDavid*).

GOVERNMENT NOTICES.

THE COLONIAL SECRETARY gave notice that at a later stage he would move that Standing Order No. 11 (1) be suspended to enable him to move the following motion :—

That, with reference to Officer Administering the Government's Message No. 12 of the 5th May, 1932, this Council approves of persons operating omnibuses between Georgetown and Rosignol and Vreed-en-Hoop and Parika since the beginning of 1932 on taking out an annual licence being refunded five-sixths of the amount provided that they surrendered the registration certificates for their omnibuses to the Inspector-General of Police for cancellation prior to the 29th of February, 1932.

Mr. WOOD gave notice that at a later stage he would move that Standing Order No. 11 (1) be suspended to enable him to move the following motion :—

That, with reference to Officer Administering the Government's Message No. 13 of 19th May, 1932, this Council approves of a sum of \$1,317 being provided under Head X.—Forest Department, Sub-head 1b. 2 Assistant Conservators of Forests (\$2,640 to \$3,720 by \$120) in excess of the Estimate for 1932, in order to allow of the services of Mr. J. R. Lockie being retained until 31st December, 1932.

Dr. KELLY (Surgeon-General) gave notice that at a later stage he would move that Standing Order No. 11 (1) be suspended to enable him to move that "A Bill to make provision for promoting the Public Health of the Colony" be read the first time.

Mr. D'ANDRADE (Comptroller of Customs) gave notice that at a later stage he would move that Standing Order No. 11 (1) be suspended to enable him to move that "A Bill further to amend the Petroleum Ordinance, 1930," be read the first time.

PUBLIC HEALTH BILL.

Mr. CRANE: Before the Order of the Day is proceeded with I ask leave to move the adjournment of the House in order to bring to its notice and obtain discussion on a matter of public importance. The matter relates to the Public Health Bill. I have been moved to take this course because on the first reading of

the Bill no debate can take place. I therefore ask leave to move the adjournment in order to get ventilated the representations I have been asked to make.

Mr. GONSALVES seconded.

Question put, and agreed to.

Mr. CRANE: The real object in moving the adjournment of the House is to avail myself of the opportunity of pointing out to Government the inadvisability of discussing a matter of so great importance as is disclosed in this Bill at the short notice that has been given the public and Members of this House concerning the measures to be enacted. This attitude of mine must not be interpreted as being antagonistic to the Bill at all, but it is a matter of such far-reaching effect that it is imperative that everyone in the country interested in the measure should have an opportunity of studying the comprehensive provisions of the Bill and making such representations as occur to him fit for the improvement of the Bill in order to secure its better operation throughout the Colony. I have been told by a considerable body of my constituents that they have written to Government suggesting that the Bill be not proceeded with at this session of the Council but that full time and opportunity should be given to them to consider the measure clause by clause. I heard from the Chair a proposal to read this Bill a first time to-day on suspension of the Standing Orders and to proceed with the second reading to-morrow and then adjourn until Tuesday next. I think even that delay is not sufficiently long to enable everyone interested in the matter to consider it. It must be remembered that this measure is going to affect every village in the country. Those villages are at the present time administered by a Council elected or nominated, and all those Councils should be placed in a position to consider the effect of the proposals, to consider whether in view of the re-organisation of village administration certain powers are vested where they ought to be, and to determine whether or not the scheme which was outlined some months ago for the entire redistribution of functions between the central and local bodies has been given effect to. Since I received the Bill I have been unable to complete my study of all

its provisions. The Bill is very lengthy and to study it effectively one must be in a position to compare its provisions with enactments in England and elsewhere, and to consider local conditions and its applicability to those conditions. I have been unable to get beyond Part IV. of the Bill and was therefore unable to complete my study of it before the Council met. It is true that Members will have another week and I might be able to complete my study of it in that time, but that is not the manner in which a measure of this sort should be dealt with.

The reason given by Government is that the Surgeon-General is likely to leave the Colony and would like to see the measure through before he leaves. I do not want to stand in the way of Government wanting to meet the Surgeon-General to that extent, or stand in the way of the Colony receiving the valuable assistance of the Surgeon-General, who has been here for a number of years and whose advice and experience would be very valuable. But I cannot see that the convenience of any particular Member comes before the interest of the public. The interest of the public demands that this Bill be given full publicity and full time given to study the Bill and its effect on the country. The Bill is intricate, its provisions are comprehensive, and the time given for its consideration is extremely short. I suggest that full time be given and that without dislocating the arrangements of the Surgeon-General in respect to his leaving the Colony at least a month should be given the public to study the Bill. If it is impossible to delay the departure of the Surgeon-General then I cannot help thinking that when you are going to make law of a measure so far-reaching as this you must afford the public ample opportunity to study it. That is a consideration more eminent than the consideration that the Surgeon-General is about to leave the Colony. Personally, I would like the Surgeon-General to be present when the Bill is being considered and would regret that any stand I take contributes to the measure being put through in his absence, but the claim of 300,000 people would be admitted to be one which comes before the claim of Government. We are quite willing to accept all the provisions which have been accepted by the Parliament of Great

Britain, but we are not prepared to accept, tamely at least, any semi-barbaric provisions which trench on the liberty of the subject as some of the suggested provisions do. They might be suitable for the natives of some countries but the people of this Colony will not stand the invasion of their liberty in the form suggested. There are very important features which concern the powers that ought to be given to Local Authorities themselves. The Village Councils and persons in every district interested in the measure should be afforded reasonable time to consider all these features. It should be remembered that this measure is one of several which are to be introduced in the reorganisation of village administration. The Bill should have been submitted with the amendments to the Local Government Ordinance and with new legislation giving effect to the report of the Committee on Village Administration. I ask that the representations of the public be considered and the programme of this House so arranged as to admit of at least a month being given to consider the matter, and I promise at the expiration of that time to assist Government to carry through the measure, which with proper amendments is undoubtedly going to work for the benefit of the country.

Mr. FREDERICKS: I join my hon. friend in asking Government to postpone consideration of this measure. The Bill from the point of view of public health is overdue, and the principle of it is not questioned nor is it going to be seriously questioned, but the public is alarmed at the provisions of the Bill and I believe it will be in the interest of Government to allow the public time to get over this alarm. The public has not yet been able to apprehend the ramifications of this Bill, which in some respects are very far-reaching. The services of the Surgeon-General will not be available if the Bill is long delayed, but the hon. Member for Demerara River has quite reasonably suggested a month and the importance of the measure would justify that month from any standpoint. The Bill concerns every inhabitant of the country and it would be very wise if the public is given sufficient time to digest it. The great question at the present time is: Shall the alarm of the public be overlooked or shall it be given consideration? That, in my judgment, is the

best argument that can be put forward at a moment like this.

Mr. GONSALVES : I think the request made is not at all unreasonable having regard to the fact that the Bill was published for the first time a week ago. Bills of less importance have been allowed time for consideration and I think that is a very good ground for the request. It has also to be considered that the Bill deals with Urban Local Authorities, under which head come the Municipalities of Georgetown and New Amsterdam. Speaking for Georgetown I have no recollection of any letter from Government inviting the Georgetown Town Council to consider the Bill. There are several provisions of the Bill which will affect both the Georgetown and New Amsterdam Town Councils, apart from the other Local Authorities, and at least they should be asked to consider the Bill and make any suggestions they might deem necessary. The Medical Officer of Health of the Town Council should in any case be allowed an opportunity to express his views on the Bill, and I think we are entitled to have his assistance and advice in the matter.

Mr. LUCKHOO : I join in asking Government to give us a reasonable time to digest this Bill. The Municipality of New Amsterdam has had no opportunity to go into the matter. The Bill is very far-reaching in its effect, scope and operation. I should like not only to bring it prominently before my Council but also to go from one end of the Corentyne to the other and see if the people there can give me any constructive suggestions on the Bill. The fullest opportunity should be given all classes of the community to consider the matter in its entirety in the hope that Government would be able to put before this Council a Bill that would meet the general interest of the community as a whole. I promise to do all I can to have the matter considered by my Council as early as possible. If Government considers one month too long a postponement I suggest three weeks, which should give sufficient time to get the views of people in the districts, but the matter should not be rushed through at this juncture.

Dr. KELLY (Surgeon-General) : It is perhaps unfortunate that more time has not been given for the consideration of

this Bill. At the same time I would like to point out that the most controversial part of the Bill, Part IV., has been recast. Otherwise, generally speaking, the Bill retains the status of Local and Urban Authorities. If Part IV., which has been recast, is in the hands of Members early next week, perhaps the Council might proceed with the rest of the Bill some time next week.

THE PRESIDENT : I entirely sympathise with what has been said by hon. Members, as to the rapidity with which this Bill has been introduced and the desire to pass it. Unfortunately, Government is faced with a difficulty. Government is very anxious—and I feel quite certain that hon. Members are also anxious—to have the benefit of the Surgeon-General's presence during the passage of the Bill through the Committee. Government is anxious not to interfere with his arrangements more than is possible, and if hon. Members would permit Government to proceed as proposed it would be of great value to the Council in considering the Bill to have the Surgeon-General's statement in moving the motion for the second reading. In that statement he will indicate the provisions of the Bill which it is proposed to alter. As a matter of fact the Surgeon-General and other Members of the Council have been considering the matter and it is proposed to amend the Bill very considerably. I may say that the contentious parts of the Bill were taken from a draft Bill of another Colony. We have since the drafting of this Bill received the Ordinance of that Colony and a great deal of the contentious matter has been left out. I am sure this Council would have asked that it be modified and Government would have been prepared to modify it in most instances. I think it would be of advantage to the Council to have the statement of the Surgeon-General on the motion for the second reading. As regards the districts and Local Authorities, the District Commissioners have been sent copies of the Bill and a memorandum and asked to meet the village authorities and explain and discuss the matter with them, and I hope next week to receive from the District Commissioners any observations the Local Authorities of their districts desire to make. If that is done, and it will be done, I think the alarms which have been

referred to will be removed to a great extent, especially if a full statement by the Surgeon-General is put in the Press and time is given the people to read it, and I hope by next Tuesday or Wednesday to be in a much better position to go on with the Bill. I hope hon. Members will allow the first reading of the Bill to be taken to-day so as to allow the second reading to be taken to-morrow.

Mr. CRANE: I understand from the statement of the Surgeon-General that Part IV. of the Bill has been considerably recasted. Even at this moment we have not in our hands the proposed amendments. The amendments we should make in Committee are supposed to be minor amendments and not amendments affecting questions of policy which are going to be discussed prior to the time when these amendments are made. It seems to me that the public is entitled to more consideration than is being afforded it. We ought to have the remodelled portion of the Bill before the House.

THE PRESIDENT: If the hon. Member will allow the Surgeon-General to make the statement it would then be competent for him to move the adjournment of the debate to any date he likes, and I suggest Tuesday or Wednesday which will give hon. Members reasonable time to consider the statement. I think hon. Members would be quite prepared to go on with the second reading after hearing the statement of the Surgeon-General.

ORDER OF THE DAY.

OMNIBUS LICENCE.

THE COLONIAL SECRETARY: I move the suspension of Standing Order No. 11 (1) to enable me to move the motion:—

That, with reference to Officer Administering the Government's Message No. 12 of the 5th of May, 1932, this Council approves of persons operating omnibuses between Georgetown and Rosignol and Vreed-en-Hoop and Parika since the beginning of 1932, on taking out an annual licence being refunded five-sixths of the amount provided that they surrendered the registration certificates for their omnibuses to the Inspector General of Police for cancellation prior to the 29th of February, 1932.

Dr. KELLY seconded.

Question put, and agreed to.

THE COLONIAL SECRETARY: The Message states the circumstances under which it is proposed to make this concession. This procedure is the only possible one, *i.e.*, that they should pay the full amount and be refunded five-sixths, which is the balance after deducting the licence due for the period in which they actually use these omnibuses. I move the motion.

Dr. KELLY seconded.

Motion agreed to.

RETENTION OF ASSISTANT CONSERVATOR.

Mr. WOOD: I move the suspension of Standing Order No. 11 (1) to enable me to move the following motion:—

That, with reference to Officer Administering the Government's Message No. 13 of 19th May, 1932, this Council approves of a sum of \$1,317 being provided under Head X.—Forest Department, Sub-head 1b. 2 Assistant Conservators of Forests (\$2,640 to \$3,720 by \$120) in excess of the Estimate for 1932, in order to allow of the services of Mr. J. R. Lockie being retained until 31st December, 1932.

Mr. CRANE: Only in an emergency should the Standing Order be suspended. This matter is one affecting the action of this Council in order to effect retrenchment. This morning for the first time we see a Message to go back on what the Council did and now we are asked to suspend the Standing Order to rush the matter through. This matter ought to wait for a full House and it seems like "stealing a march." Let it come on in due course after notice. I protest against the suspension of the Standing Order.

THE PRESIDENT: There is no hurry for proceeding with the matter and I am sure the Conservator of Forests will be quite willing to suspend the motion for the suspension of the Standing Order.

Mr. WOOD: I withdraw the motion for suspension of the Standing Order and give notice that I will bring the motion up at the next or a subsequent meeting of the Council.

PUBLIC HEALTH BILL.

Dr. KELLY: I move the suspension of Standing Order No. 11 (1) to enable me to

move the first reading of "A Bill to make provision for promoting the Public Health of the Colony."

Professor DASH seconded.

Question put, and agreed to.

Dr. KELLY: I move that the Bill be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the second time (*Dr. Kelly*).

PETROLEUM BILL.

Mr. D'ANDRADE: I move the sus-

pension of Standing Order No. 11 (1) to enable me to move the first reading of "A Bill further to amend the Petroleum Ordinance, 1930."

Mr. WOOD seconded.

Question put, and agreed to.

Mr. D'ANDRADE: I move that the Bill be read the first time.

Mr. WOOD seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the second time (*Mr. D'Andrade*).

The Council adjourned until the following day at 11 o'clock.