

# LEGISLATIVE COUNCIL

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

FRIDAY, 4TH JUNE, 1954.

The Council met at 2 p.m., His Honour the Speaker, Sir Eustace Woolford, O.B.E., Q.C., in the Chair.

## PRESENT

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

### *Ex-Officio Members:—*

The Hon. the Chief Secretary, Mr. John Gutch, C.M.G., O.B.E.

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

The Hon. the Financial Secretary, Mr. W. O. Fraser, O.B.E.

### *Nominated Members of Executive Council:—*

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

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

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

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

The Hon. G. H. Smellie.

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

### *Deputy Speaker:—*

Mr. W. J. Raatgever, C.B.E.

### *Nominated Officials:—*

Mr. W. T. Lord, I.S.O.

Mr. J. I. Ramphal.

### *Nominated Unofficials:—*

Mr. T. Lee.

Mr. W. A. Phang.

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

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. C. A. Carter.

Mr. E. F. Correia.

Rev. D. C. J. Bobb.

Mr. H. Rahaman.

Miss Gertrude H. Collins.

Mrs. Esther E. Dey.

Dr. H. A. Fraser.

Lt. Col. E. J. Haywood, M.B.E., T.D.

Mr. R. B. Jaital

Mr. Sugrim Singh.

### *Clerk of the Legislature—*

Mr. I. Crum Ewing.

### *Assistant Clerk of the Legislature—*

Mr. I. R. King.

The Speaker read prayers.

## MINUTES

The Minutes of the Meeting of the Council held on Thursday, the 3rd of June, 1954, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORTS &  
DOCUMENTS

The following document was laid on the table:

"Agriculture in British Guiana—Census 1952" published by O. P. Blaich, Agriculture Economist.—(The Member for Agriculture, Forests, Lands and Mines.)

## INACCURATE PRESS REPORTS.

**Mr. Speaker:** Before proceeding to the Order of the Day, I am sorry I have to complain about such portions of the reports of yesterday's proceedings which appeared in two of the daily papers today—to name them, the *Graphic* and the *Argosy*—in which the reports were identical and again inaccurate, and not apparently even an effort having been made to record what took place, which was not an unimportant feature of our proceedings. I am referring to the very proper objection made by the hon. Member for Agriculture to the hon. Mr. Cummings, indicating some difference of opinion or doubt he had about a certain clause of the Bill. I have no doubt whatever that Mr. Cummings felt that he had a right to do so, but it was explained to him by the hon. Mover, and I also explained what, in my opinion, is the duty of a Member of the Executive Council first to that Council and then to the Legislature.

I indicated that in the case of any complaint or objection to policy or to a clause in a Bill enunciating some policy, it is the duty of a Member of the Ex-

ecutive Council to disclose what his objection is, and what would be his attitude to the Bill when it was under discussion for enactment in the Legislative Council. Mr. Cummings very readily accepted that ruling. I thereafter prevented the hon. Member, Mr. Ramphal, who raised the question of privilege, from taking part in the discussion, and I told him that there was no question of privilege involved, and that the matter had been already resolved between the two Members. He accepted my ruling and there the matter ended.

Later on in the proceedings, the hon. Member, Mr. Tello, himself a Member of the Executive Council, wanted to know exactly what his position was and asked for guidance. It did not appear to him to be democratic that a Member of the Executive Council cannot express views in this Chamber or vote as he likes, and he was told by me that there was no limitation on his rights in either direction, but only a prerequisite that his confreres in the Executive Council should know what his intention and attitude would be when a Bill came up for discussion. The hon. the Chief Secretary also spoke and agreed with what I had stated. I added that there could be no question about the accuracy of what I had said because it had long been an old parliamentary usage and very well recognised.

It is a matter of very great regret that such a feature of our proceedings was not reported in the papers at all. There is no reference whatever to what is expected in the conduct of a Member of the Executive Council in relation to this Council. I personally cannot understand what can be the reason for the reporters not referring to the matter at all. The reports were identical. In other words, papers have the right to be represented by any reporter, but if they think that in the

interest of their readers they are sufficiently represented in not sending two reporters but in having one only to report the proceedings in the same words for both of their papers, it is a matter for their Editors to decide. Anything that happens in this Chamber with regard to the reporting in the Press must not be attributed to the Editors. They do not attend, and they do not know what takes place. They have to depend on the reports submitted to them and, as we know, sometimes the records supplied by the person who takes the notes are inaccurate and they have later to have that information corrected.

What I want to emphasize is this: In this Colony there is room for efficient reporters. It should not be considered *infra dig* to be a reporter, as most journalists and newspaper editors started on their career in the Press gallery. We cannot have this kind of thing going on. I said distinctly that some check ought to be made on those who take notes in this Chamber. They should be made to give their names to the Official Reporters so that it would be known exactly on whom the blame should lie when these inaccuracies or omissions to publish matters of importance occur. As long as this kind of thing continues and Members complain about it, it becomes an abuse of the privilege under which the Press Reporters are allowed to report the proceedings in this Council. No one wishes to question their right at all, but it is an abuse of the privilege of this Council not merely to misrepresent but not to publish any matter because, in their opinion, it is of no consequence at all.

Some steps should be taken in the matter, and I am willing to do my duty as constantly as my attention is being drawn to incorrect and scraggy reports. I regret I have to say it, but one natur-

ally expects that a reporter should have some kind of ability or competence; even if he is not efficient in phonography at least he ought to be competent to understand English and the meaning of English words. If he is not, then he should not be allowed to report the proceedings of this Council. The reporters should go to the Member who has taken part in any discussion or debate, if he does not understand what the Member has said, and ask him about it, but to invent a phrase in a Member's speech, or grossly to misrepresent what a Member has said, is a breach of privilege. I warn the reporters that so far as their attendances here are concerned it is going to be very limited in the future, unless they can perform their duties properly.

## ORDER OF THE DAY

### BILLS —FIRST READING

The following Bills were read a first time:—

A Bill intituled "An Ordinance to prohibit the carrying of offensive weapons in public places without lawful authority or reasonable excuse."—(The Chief Secretary).

A Bill intituled "An Ordinance further to amend the Interpretation Ordinance."—(The Attorney-General).

A Bill intituled "An Ordinance to amend the Local Government Board Notice No. 1, 1954, dated 5th December 1949, and for purposes connected herewith."

A Bill intituled "An Ordinance to amend the Georgetown Town Council Ordinance with respect to the borrowing powers of the Council."—(The Member for Local Government, Social Welfare and Co-operative Development).

Mr. Speaker: Mr. Chief Secretary, you do not propose to take your Bill through all its stages today?

**The Chief Secretary:** I am not particularly anxious about it, because at the present moment the situation is covered by the Proclamation which has the same effect as this Bill.

**B. G. CREDIT CORPORATION  
BILL, 1954.**

**COUNCIL IN COMMITTEE**

**Sir Frank McDavid :** I beg to move that Council resolve itself into Committee to resume consideration of the Bill intituled:

“An Ordinance to provide for the establishment, constitution, powers, duties and functions of the British Guiana Credit Corporation and for purposes connected with the matters aforesaid.”

**The Financial Secretary** seconded.

Motion put, and agreed to.

Council in Committee.

**Sir Frank McDavid :** When the Council adjourned yesterday we were debating clause 55, but I would now ask permission for the recommittal of clause 29 in respect of which I propose to put forward an amendment.

Question put, and agreed to.

Clause 29—*Power of Corporation to dispose of crops.*

**Sir Frank McDavid :** When we were discussing clause 38 which deals with the preference of the Corporation with respect to certain loans, the hon. Member, Mr. Sugrim Singh, in the course of his remarks, referred to a point relating to rent payable to a landlord in the form of “padi reserved”—those are the words used in the Rice Farmers (Security of Tenure) Ordinance. Although he did not specifically

point to a conflict in the law, we gathered from his remarks that he thought there would be a difficulty in applying the provisions of this Bill alongside some of the provisions of the Rice Farmers (Security of Tenure) Ordinance. The reason for that difficulty arises from the fact that in clause 29 of this Bill the Corporation secures a right of disposal of crops in the case of a loan to a borrower, where there is no other security and where the loan is under \$960. The right of direction as to the disposal of the crop, allows of issuing the order as to the disposal of padi, whereas, where rent is in the form of padi reserved, the landlord of such tenant has a specified right.

There are certain provisions in the Rice Farmers (Security of Tenure) Ordinance which do imply certain rights to landlords. For example, under section 4 of that Ordinance, it is implied in every agreement, whether oral or written, that the rent, if reserved in padi, shall be paid by the tenant not later than 21 days after the padi has been reaped. Further, in section 7 (c) of the same Ordinance, if where padi is reserved as rent the tenant fails to pay the same—that is, the rent—within 21 days after the padi had been reaped, then the right to evict the tenant accrues to the landlord.

What Mr. Sugrim Singh referred to is the fact that the tenant, having failed to pay rent and having borrowed money from the Corporation, thus gives the Corporation the right of disposal of his crop. If the Corporation takes charge of the tenant's padi, the tenant might have committed a breach such as to give the landlord a right to dispossess him. The fact of the matter is that these conditions exist at the present time in the law. Rice-reaping and rice-growing loans are now issued by Government through the

machinery of the Co-operative Credit Banks under powers contained in the Rice Growers Loan Ordinance, Chapter 155, and under section 6 of that Ordinance precisely the same conditions exist. I shall read section 6 in order to show that it contains provisions more or less similar to what we have in clause 21 of this Bill. Section 6 says:

"6. Where a loan has been made in pursuance of this Ordinance the following provisions shall apply:

- (a) all padi in respect of which a loan is granted shall be conveyed by the borrower and delivered to the bank at the place the bank appoints for the storage thereof;
- (b) every bank shall for the amount of every loan have a preferent charge on all padi in respect of which the loan is granted over and above all claims of whatever nature, not being claims due and owing to the Crown or the Government of the Colony;
- (c) a bank may if it thinks fit cause any padi in its possession to be milled into rice;

Now, Chapter 155 is an old Ordinance. It is, in fact, No. 2 of 1922, so that it was already in force when the Rice Farmers (Security of Tenure) Ordinance of 1945 was passed. The point is that a legal conflict already exists and there is provision for Government to extend the facilities under which rice-growing loans are made through the machinery of the Co-operative Credit Banks. An agreement is made whereby the tenant agrees to dispose of his padi at the request of the loan bank, and those arrangements are always made so as to secure the landlord's rent. In practice, the banks take every care to see that the landlord is not deprived of what is his just due. Therefore, he secures his pound of flesh. The practice is all right, but there is this conflict in the law. I am very grateful to Mr. Sugrim Singh for pointing this out. I think the Council would be wise not to pass clause 29 as

it is, without making some provision which would resolve that conflict and make the two laws more consistent than they are at present, although in practice everything works all right.

I would ask you, Sir, to permit me to move this amendment to clause 29, copies of which I now circulate. The amendment is in the form of an addition of a new sub-clause (4) which will be inserted after sub-clause (3) and will read as follows:

"(4) The provisions of this section shall not apply to any padi reserved as rent or affected by a specified condition in an agreement of tenancy within the meaning of the Rice Farmers (Security of Tenure) Ordinance, 1945, which reservation or condition is in force at the date of the loan made by the Corporation; and, subject to the foregoing provisions, the exercise by the Corporation of any of its powers under this section shall not entitle a landlord to give his tenant notice to quit his rice land under the provisions of section 7 of the Rice Farmers (Security of Tenure) Ordinance, 1945."

The effect of inserting this sub-clause would be this: The Corporation could not order the disposal of any padi which is reserved as rent or, in other words, the only padi it can order the disposal of is padi that has not been reserved as rent. It cannot levy on padi, therefore, which is held for the benefit of the landlord. That is the first effect. The second effect which is specified in the words "any padi reserved as rent or affected by a specified condition in an agreement of tenancy" *et cetera*, is that in some cases the agreement of tenancy not only provides for rent to be paid in padi or in cash, but may also direct the tenant to take the padi to a particular mill, normally, the mill belonging to the landlord. Where such an agreement exists, it has got to be registered with the District Commissioner, so that in some cases you

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have got agreements in being whereby the tenant and the landlord agree between themselves that the produce of the land is to be taken to a particular mill, normally, the landlord's mill.

This Clause 6 says that in such cases the Corporation cannot, by a later agreement to lend money, affect that previous agreement between the landlord and the tenant, if they are to reach any agreement at the time of the loan. In such cases, the Corporation cannot dispose of the padi to which such an agreement relates.

Lastly, I think I have indicated this before—that in the Rice Farmers (Security of Tenure) Ordinance where padi is reserved as rent the tenant cannot remove that padi from the land without the permission of the landlord. It follows, therefore, that if there is a loan by the Corporation and the Corporation orders the removal of some of the padi, it might still be held that the tenant's agreement has been breached although the Corporation has done it. Nevertheless, it might do some good for padi to be removed by the landlord from the land when it is in an agreement, although the law does not entitle him to do so. Therefore, out of abundant caution, the last few words have been put into this new sub-clause to be read—“under the provisions of section 7 of the Rice Farmers (Security of Tenure) Ordinance, 1945.”

I think that in this sub-clause most of the contradiction in the law will have been covered. As I have said, Sir, we do not wish to pass legislation which is in conflict with an existing law. Consequently, I am grateful again to Mr. Sugrim Singh for having referred to this defect which has caused me to consult the Law Officers and get this amendment prepared.

**Mr. Sugrim Singh:** I rise to express my appreciation of the hon. Mover of this Bill for having accepted this amendment and for having prepared it in such a manner as to put the tenant in a position of entrenchment and security. He will be able to pay his rent quite outside the activities of the Corporation and will not have people removing his padi from the land. I am very grateful for this amendment.

Amendment for the insertion of new sub-clause (4) put, and agreed to.

Clause 29, as amended, passed.

Clause 38. —*Loans by Corporation to be preferent charges against borrower's property in certain circumstances.*  
No. 14 of 1945. No. 22 of 1940.

**Sir Frank McDavid:** I am asking the Council to complete consideration of clause 38. With reference to the proposed amendments which are incorporated in the Minutes, I may say that we reserved further consideration of this clause on the point raised by the hon. Member, Mr. Sugrim Singh, although there were other points in the minds of certain speakers. I do not know if they wish to bring forward any new point about it, but for my part I wish to emphasize most strongly that clause 38, as amended, is a reproduction of the existing law in regard to Co-operative Credit Banks. Under section 22 of the Co-operative Credit Banks Ordinance, No. 16 of 1944, this preference obtains, and I want to assure Members that it is precisely analogous to what is in this Bill. In order to convey that assurance to them I can do no better than read what the law is now. Section 22 of the Co-operative Credit Banks Ordinance says:

"22. (1) During such period as any part of any loan or advance made to any bank from public funds under this Ordinance remains outstanding any loan or advance made to any member of that bank, together with any interest that may have accrued thereon, shall constitute a preferent charge on all movable and immovable property of that member, or any other person who becomes a surety for the repayment of any loan under subparagraph (ii) of paragraph (a) of subsection (1) of section twenty-eight of this Ordinance, over and above all claims of whatever nature, not being claims due and owing to the Crown or the Government of the Colony, and the same preference shall apply if proceedings in insolvency are instituted against the member.

Provided that the preferent charge constituted by this section shall be limited in amount to four hundred and eighty dollars."

The difference between what I have just read and what is in the Bill is merely that the limit of the preferent charge is \$960 instead of \$480. The preferent charge applies not only to the borrower himself but also to a guarantor. That particular provision (as regards a guarantor) exists already in an amendment to the Ordinance which I cannot quote at the moment, but it is in the present law. I repeat that what is in this Bill is exactly the same as the provision in the Co-operative Credit Banks Ordinance, except that the limit of the loan has been raised to \$960.

Clause 38, as amended at the previous meeting, agreed to.

Clause 55.—*Transfer of assets and liabilities.*

**Mr. Macnie:** I may be forgiven for saying that what I said yesterday, and the remarks made by the hon. mover in reply, have served a useful

purpose, in that the remarks of the mover have to some extent explained the situation with regard to the Co-operative Credit Banks in an alternative method. I have taken the opportunity to say that in case I am not able to take any further part in this debate. I am grateful to the hon. mover for what he said in reply to my remarks.

**Mr. Sugrim Singh:** Like my friend, the hon. Member, Mr. Macnie, I have been approached by members of Co-operative Credit Banks from various parts of the Colony. I must confess that since I interviewed them and looked up the Ordinance I have learned more about these Credit Banks than I knew before. The hon. mover of the Bill has been at great pains to explain the position of the Credit Corporation in so far as filling the gap which will be created by the liquidation of the Co-operative Credit Banks. The first point he made was that we want one lending organization, so that it follows that there should be no duplicity in any form. On the other hand I would refer to clause 14 (3) (b) of the Bill which states that the Corporation shall provide agricultural and industrial credits to co-operative societies. It shows that the Bill itself makes provision for other organizations in the field of lending.

At this point I wish to draw a legal distinction between a co-operative society and a co-operative credit bank. Subject to your ruling, Sir, I would say that a co-operative society is an organization in which people pool their money, whereas in the case of a co-operative credit bank people take shares in order to become borrowers from the bank. My point is that if we are to have co-operative societies in the field of lending it cannot be said that the Credit Corporation will be the only lending organization. If, therefore, the Bill makes provision for other lending

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organizations in the form of the co-operative societies, what harm would there be in allowing the 40 odd co-operative credit banks to continue to operate with credit facilities from the Credit Corporation?

There is another point about this Bill which I would like hon. Members to consider. In the case of the Co-operative Credit Banks a borrower has no need to pay for the services of an appraiser. Usually he is known to members of the Committee of the bank, but if he happens to be not so well known two members of the Committee would visit him and check-up on his property for the purpose of granting him a loan. In the case of the Credit Corporation an applicant for a loan will have to pay the fee of an appraiser which will be the same in respect of a loan of \$75 as a loan of \$7,000. He has to specify what he wants the money for and if there is to be a penal clause in this Bill—I might not get the support of this Council but I must say this—John Thomas says “I want \$75 to do so-and-so”, gets the money but does something else with it; he would then be committing an offence. But in the Co-operative Credit Bank John Thomas does not have to bind himself to that extent.

I want to draw attention to this fact. The country folk may appear to be illiterate but are successful in their way. All these requirements according to law for a small loan are going to create a millstone around their necks. For a loan of \$10 they must open themselves to a penalty of \$500 in the Courts. Is it the intention of this Government to complicate things in so far as the small man is concerned? The Co-operative Credit Bank has existed for over 40 years and on Government's own showing has proved of some use to the small man. One would have expected

Government to follow the principle of proceeding from the known to the unknown, but in this case Government is proceeding from the unknown, perhaps, to the known.

I cannot support the absorption of the Co-operative Credit Banks by this Corporation. I have applied my mind to the matter and I have had a talk with the Chairman of this Corporation, who has been very helpful to me in so far as saying that the members of the Co-operative Credit Banks can form themselves into Co-operative Credit Societies and function as such. But this is a complicated procedure of obtaining loans and paying back loans, which is quite simple in the Co-operative Credit Banks.

We have heard a lot about clause 29. Quite rightly the Corporation wants security, but in the Co-operative Credit Bank the small man who needs a loan to repair his house or to buy an ox to join with another to plough his ricelands has not to state everything categorically. This is going to miss its objective. I speak subject to the argument advanced by the hon. Mover, who had been at great pains on several occasions to deal with that part of the Bill. This man has got to mention clearly what he wants the loan for, and he has to make a solemn declaration to the effect. When he gets the money he finds that he must buy something else, and by so doing, he is liable to prosecution and on conviction to a fine of \$500. I have no authority for it, but I am reliably informed that it was the original intention of Government not to absorb the Co-operative Credit Banks into this Corporation. I am asking this Council to see with me. Do not just look at the clauses of this Bill which, I must confess, are very nicely and intelligently drawn up, but peep behind the scene and see how these clauses are going to operate.

**Mr. Speaker:** I think I ought to state that the hon. Member must not give the impression that it is obligatory to have the assistance of an appraiser. The provision says "the Corporation may from time to time appoint."

**Mr. Sugrim Singh:** I agree that every place may not be valued. This Corporation is going to require specific plans and documents to be made all of which these country folks will have to pay for, but they can go to the Loan Banks and get their loan without that. I am asking this Council to see with me that this Bill in effect would create complications and might put the small man out of business. If it is the intention of Government to assist the small man, I am asking this Council to support the retention of the Co-operative Credit Banks. There was wisdom on the part of Government in creating them and they could very well remain. This Corporation might suddenly go into liquidation, which I hope would not be. I see provision is made in this Bill to write off debts. Supposing they do bad business and have to write off the debts, you may have to resurrect the Co-operative Credit Banks. I say, let us not give up the Co-operative Credit Banks. They can very well work side by side with this Corporation and so continue to meet the needs of the country folks on the spot. If the Co-operative Credit Banks are absorbed by this Corporation, it is going to create complications which would not benefit the small man in any way.

**Sir Frank McDavid:** When I last spoke I was extremely complimentary of the hon. Member. I made some very flattering remarks. I am sorry I cannot continue in the same strain. While he was speaking I was thinking of the hon. Member as being in the character of our good friend Don Quixote—bravely tilting at windmills. But to be serious,

I certainly object very strongly to the impression which the hon. Member is giving, that this Corporation is going to be lesser advantageous, less beneficial and less facile to the ordinary man, and particularly the man in the country. Nothing is farther from the truth than that. The whole intention is to set up an institution or organization which will make it easier for the small man and the countryman to get his loan. That is the whole intention.

Everyone knows that the Co-operative Credit Banks are lending Government money under a series of rules, some statutory and some by regulations which are extremely restrictive. Everybody knows there has been complaint in this Council over and over again that the security which is required by the Co-operative Credit Banks is fixed, and we have been asked over and over again to make it very much easier for the ordinary individual to obtain a loan. I have heard the hon. Member, Mr. Lee, complaining bitterly that the people could not get loans because they had not certain specified legal security. I go a little further and say that with the Co-operative Credit Banks, although they have been lending Government money, the loans are passed by the management committees of the Banks. The Credit Corporation will not have management committees.

I explained, when I moved the second reading of this Bill, that the Credit Corporation will take over all the office facilities of each Credit Bank in each district and open branch offices. These branch offices will be under a District Manager, who will be the persons now holding the office of Assistant Supervisors and Chairmen of the various Credit Banks. The existing secretaries of the Banks, it is expected, will continue in their employment. I give no assurance for such continuance, however, as I have said openly and plainly

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that the Corporation must have an efficient staff. If the secretaries of the Credit Banks are efficient they would continue in employment. I am trying to draw a picture of each Credit Bank in the country becoming a branch office of the Corporation under an Assistant Manager who is now the Assistant Supervisor and Chairman of a number of Credit Banks in the various districts. He will be provided with the Rules of the Corporation and will be given instructions as to the limit to which he can go in respect of loans. I am talking about small loans. Loans of a large amount or which have some special character will have to go to the Board and may have to be advised upon by one of the district committees before it is dealt with.

What I am trying to point out is that the facility of getting a loan quickly will be probably greater with the Credit Corporation than with the Credit Banks. I am very sorry the hon. Member has said those things. If his words are read in the country, as I am sure they will be by existing borrowers, they might be believed as having some truth. It is not so. The whole object is to expand and expedite lending. The whole business of the Corporation is to lend public money, and so we cannot have the Credit Banks continuing and doing the same thing. It is an old story; as Members know, when we brought in the Credit Societies the main reason was to substitute that hybrid form of co-operative—the Co-operative Credit Bank—by a true co-operative. This is the time to do it. The Co-operative Societies are a much better type of organization for the group of people, who wish to save money and lend money to themselves and to manage their own affairs. That is where we must promote expansion. As I have said in mov-

ing the second reading of this Bill, one of the objects of the Corporation is to promote such expansion and to lend in order to increase the activities of the Co-operative Societies. I hope I have helped to clear the air.

**Mr. Speaker :** I have a request from the hon. Member, Mrs. Dey, to be allowed to sit and speak. I am now asking Mrs. Dey to take the opportunity of addressing the Council.

**Mrs. Dey:** But for my disability which caused the request, I am sure, I would have been on my feet before the hon. Member, Mr. Macnie, yesterday, but he had me beaten to it. I find myself in the same position as the hon. Member, as my case happens to be exactly on a par with his. It would seem that those persons who interviewed him were speaking exactly as those who interviewed me with regard to this clause of the Bill. Strangely, he spoke of the view being expressed that it was undemocratic, as on my part I was accused of being un-British. It was not nice to hear that, and despite my discomfiture I tried to use my ability to show the individuals concerned that it is not as they say.

After hearing the hon. Member, Mr. Macnie, I have found that all I had intended to say he said. But then the hon. Mover came to my assistance in the explanation he offered, and I said to myself that there would hardly be any need for me to say anything after his explanation. But this morning, through the Unions of West Demerara and East Demerara and the Council of our Village Chairmen's Conference, I foresee that there is a feeling that they should be told more than they have been told. I am very grateful to you, Sir, for mentioning that the Press leaves out certain parts of our debates and in that way information is being withheld from the public. I sincerely

wish the Press would publish the hon. Mover's explanation to the last speaker, because that throws further light on what this Corporation is trying to do for the small man, especially in respect of small loans in comparison with the Credit Bank.

The hon. Mover had said that before at a meeting of the West Demerara Union held across the ferry, and he actually promised to return some time and have a chat with them in order to enlighten them further. But I am sure he would agree with me that pressure of one thing or another precluded him from keeping that promise. I do not know if I would be in order to make the request I am about to make, and that is that in the absence of the hon. Mover being able to mix among the people once in a while—I am wondering—the Chairman of the Corporation would avail himself of the opportunity of meeting these Unions not every week or month. You have the East Demerara Union of Local Authorities, the West Demerara Union of Local Authorities and the Village Chairmen's Conference. I am sure he would find them very ready and keen to gain knowledge, and far from being aggressive they would listen to him and ask him many questions. I think the people would be more enlightened after reading the papers tomorrow morning. I bring my remarks to a close, not being a lawyer and unable to deal with the legal aspect of the Bill.

**Sir Frank McDavid:** I must express my very great regret for what happened as regards my lapse in not going out into the country to explain this Bill. I did attend the meeting of the West Demerara Union and did make some explanation of the Bill as then drafted, and made the promise not only to go back but to go to other Unions and other places and explain the Bill

but, as it has happened, I have not been able to do so. I am not revealing anything which ought not to be known. The draft Bill had to be approved by the Colonial Office, and it was sent to England and there had been some delay. The truth is, it arrived on the Saturday before the 14th May when it was published. By that time the delay in producing this Corporation had really got on the people's nerves, and I felt myself that the best thing to do was to have the Bill published and get on with it in the Colony. Obviously I could not go into the country districts to speak on a Bill which had not been approved. Now that the Bill has been formally approved, the best thing is to get on with it and hope that in the course of the debate the explanation would gradually get out to the countryside. I do deeply regret I was not able to honour that promise.

**Mrs. Dey:** I am extremely grateful for the explanation, and I would ask the Press to inform the public that the hon. Member had no desire to turn his back on the people.

**Mr. Bobb:** When I was about to resume my seat the hon. Mover was making some remarks and I seem to have heard him say that the District Committees in the various areas would have as their head someone to be described as the District Manager, and that when it comes to short-term loans he would be given power to deal with them, while larger loans would be dealt with at a higher level. If what I heard was what the hon. Mover said, then there seems to be a conflict with what was said previously—that these Committees were going to be entirely advisory. Now it is said that these Committees would have limited executive powers, but I wonder whether the hon. Mover would be good enough to make that clear for my benefit.

**Sir Frank McDavid:** I want to repeat again that the Committees in these areas would have no executive powers whatever. They would be used by the Corporation merely for advice—advice as to the types of loans that any particular area would require. By that, I mean that a District Committee might put forward some scheme to the Governor which would involve lending to a number of people, and I assume that advice would be given that in the pursuance of this particular scheme the Credit Corporation should be invited to lend, let us say a number of farmers, loans not exceeding “so much”. The second aspect, of course, is the personal one. A particular individual or a number of individuals might apply for loans and the Corporation might require a District Committee to give advice as to the individual’s credit-worthiness. There are two aspects of advice that would be required from these Committees—advice as to the types of loans and advice as to the credit-worthiness of applicants. The Committees are not going to be required to administer the funds themselves. That is the set-up.

**Mr. Bobb:** The other point on which I would like some clarification, is that on which the hon. Mover mentioned that loans not exceeding a certain sum may be given to certain borrowers. I am thinking of loans of less than a certain sum. If the co-operative societies are going to deal with short-term credits and small loans, and the Corporation itself is going to deal with short-term credits and small loans also, there is going to be a conflict. I think that one of the reasons why the members of the co-operative credit banks are as strong as they are now in their objection is because, they say, there

would be two organisations dealing in small sums, and that would not make the new arrangement any different from what it ought to be. I think that is the intention of the Ordinance—that large loans are going to be dealt with entirely by the Corporation, and that the co-operative societies which are being recommended to substitute the co-operative credit banks should deal only with small loans.

Having said that, I want to go on to the other aspect of the matter to which reference has been made here more than once, and to which I think I must also make reference because I have had a chance of meeting some of the people concerned with the credit banks. In the case of one credit bank—the Golden Grove-Nabaclis Credit Bank—there was a great deal of opposition, and I knew from the tone of the person who first spoke to me that it would have been futile for him to try to convince his colleagues as to the benefits of the Corporation after I had spoken to him. I suggested to him, however, that I would meet them all. There was a meeting at which I tried to explain matters with all the facts and figures at my disposal, I explained what was told to members of the Co-operative Credit Bank Board of which I was a member—that the intention of the Credit Corporation was to be a lending organisation and that the co-operative societies might be worthy substitutes for the credit banks. After a rather lengthy explanation and discussion, this statement was made: “Why were we not told all this before?”

I know that the hon. Mover would have hardly expected me to make these remarks if everything that he said relating to the establishment of the Corporation had got around. It cannot be gainsaid that if the hon. Mover was unable to fulfil his intention

of getting around to the rural areas—and recognising the volume of his work one could hardly expect him to go out of town for this purpose — there are others—persons either in the co-operative Credit Bank or some other Department—who could have done this work of explanation.

**Sir Frank McDavid:** May I explain? It was not a question of time or a question of inability to do the work. I could not go out to do the work until the Bill was read, and the Bill was not read until May 14. Therefore, I could not go out before then.

**Mr. Bobb:** I contend that if the hon. Mover did not have a chance of discussing this matter with persons who have studied this question of the co-operative credit banks and all the facts involved, it was not impossible for other persons—not the hon. Mover—to begin to prepare the minds of the people for the change. They might not have been definite on everything but the people might have been told all the details of the Bill and given helpful hints which would have prevented the outburst which came when the publication was made. I feel that the co-operative credit banks would not be able to carry out all the functions of lending societies side by side with the Credit Corporation. There is a tradition of co-operation in the credit banks as we know them and I would very much like to see that tradition preserved. It seems to me that there is no chance of preserving it with the functioning of the co-operative societies, though the co-operative societies, as at present constituted, cannot completely fill the role of the co-operative credit banks.

It is well known that it is required, according to the Co-operative Societies Ordinance, that loans should not be made to persons outside certain dis-

tricts prescribed in the Ordinance for the purpose of the co-operative thrift societies, and these loans are very small. For instance, in Georgetown there is one co-operative credit bank, but there are several co-operative societies within the same area. One gentleman asked me last night what would happen if the co-operative credit bank of Georgetown became, automatically, a co-operative society. What would happen under the old Ordinance to the members who want to secure loans through that society? I said to him: "If you are right, then there would be need to amend the Ordinance, bearing in mind, of course, that the co-operative societies are replacing the co-operative credit banks. That is one of the things that would have to be looked into.

In the next place, the co-operative credit banks made loans in one year at a time when the borrowers were unable to pay at the end of that year. They put their cases before the Committee and it was considered that an extension of 18 months or otherwise should be granted. It happened, however that some of the borrowers had extensions beyond 18 months, but I do not think that could be the case with co-operative thrift societies. It seems to me that some revision would have to be gone into very carefully if there is not going to be violence done to the spirit of the change which is taking place, whereby the thrift societies would take the place of the credit banks. I discussed that last night with someone who has a keen interest in the matter. I regard him as an expert for that matter, and he is the Commissioner of Co-operatives himself. He realises that there is a basic difference, and it is that basic difference that is going to create the trouble.

I would like to be satisfied that these conditions will be properly taken

[Mr. Bobb]

care of before what the hon. Mover has said becomes an accomplished fact—that there will be a change in the name of these banks but their functions will continue and the people will be greatly benefited. I feel that now that this debate is in progress and there is a strong desire to give the Corporation our fullest blessing, it is not too late for the people concerned to be informed—those apart from the members—of all that is contemplated in the change, nor is it too late for the proper authorities to address themselves to these fundamental differences which are causing the protests and the objections that we hear.

I assure the hon. Mover, Sir, that when the time comes for the change over many members of the co-operative credit banks will desire to apply their shares to share capital in the co-operative societies, and in that respect I think the campaign carried out by the Commissioner of Co-operatives and the present Supervisor of Credit Banks in going to the people and conveying this idea to them gently, will meet with a great deal of success. I know that many members of these co-operative credit banks are not desirous of withdrawing their shares, but they must be made to see how they can most usefully apply their shares to share capital, and there must be no material difference to them, between the actual operations of the societies and the credit banks.

**Mr. Ramphal:** I rise to support the retention of the clause as printed because I believe the Credit Corporation will assist the ordinary man as much or more than the Co-operative Credit Banks as they exist today. I am sure you will permit me, Sir, to use this opportunity to remove two misconceptions which have unfortunately

crept into this debate, especially in relation to the debate on this clause. First of all there is a feeling that the opposition which is being displayed by hon. Members to this clause is due to the whipping up of interest by members of the Committees of the various Co-operative Credit Banks. I think it will be admitted that it is only human nature that people who have lost their jobs, so to speak, should feel somewhat disappointed. I am aware that it is the feeling of ordinary people in the districts that by the sudden abolition of those organizations which they have built up in the course of years they will be losing a degree of democratic control over their own affairs. We want to assure those people that while that is so alternative provision is being made whereby greater democratic control will be provided for them in the running of their own affairs. That is misconception No. 1 for which I am sure the hon. Mover will forgive Members. I do not think they meant in any way to oppose this proposal, but simply because they were urged by members of the Banks Committees in the various districts among whom there is a definite feeling of a loss of what is so dear to them.

I do not know how to describe the second misconception, but for the want of a better term I will borrow the words of the hon. Mover who remarked that Members were “playing politics.” I want to assure the hon. Member for Agriculture that those Members who have spoken are very earnest about what they are saying and doing. They feel that they are representatives of the people, and in that sense they must reflect and report in this Council what is the feeling of the people outside. It is in that sense that they appear to be particularly solicitous for the well being of the ordinary man. There are some

of us who live on the ground floor. The hon. Mover has been elevated to a somewhat rarified atmosphere—an atmosphere to which he is entitled by sweat and toil. He does not hear the noises on the street as the man who lives on the ground floor does. There are Members here who know what is happening; they hear the noises and the rumblings on the street, and they come here to report. In that sense they must not be considered to be playing politics.

It may appear, and it has been said, that Members are too meticulous about this Bill. I think it should be said that we have been very careful about every Bill that has come before us. We want to build the Credit Corporation on a very solid foundation, so that the fear which the hon. Member not very far away on my right referred to—that it would break down in the course of a few years—will not materialize. That is why we are going through this Bill with such care. Our meticulousness is not due to the fact that we are playing politics, but that we want everything done in this Council to redound and reflect to the good of the people of this country.

I wish to support the clause as it stands because I believe it will assist the ordinary man, the small man, for whom my friends have been so solicitous, and to say that I am no less solicitous than they are that the Credit Corporation will bring to the small man as much good or more than the present Co-operative Credit Banks. I have been most anxious about this particular clause. I have tried to make myself aware of the reasons why the Corporation should absorb the Credit Banks. I have made inquiries as to whether the Credit Corporation could not do its work without absorbing the Credit

Banks, and from the replies I have had I am more than convinced that the Credit Corporation and its activities, as outlined in clause 55, which we are now discussing, will give to the ordinary people in the country a great deal of scope and a great deal of control in the handling of their own affairs.

Let me say here that the Co-operative Credit Banks and the co-operative societies are essentially different in nature. I must confess that when we started this debate there was some doubt in my mind, and even up to yesterday afternoon I felt that they were both lending organizations in much the same way. But on investigation one finds that the Co-operative Credit Banks, as they exist now, and the co-operative societies are essentially different. In the case of the Co-operative Credit Banks there are members who have to take shares in order to obtain loans from the Banks, while in the case of the co-operative societies the members are on equal standing, taking shares alike. The hon. Member, Mr. Sugrim Singh, referred to the fact that the Bill does provide for the co-existence of lending societies in the form of the co-operative societies. I was astounded when I looked at the figures dealing with what has happened in the past, and I am sorry to be the only Member to paint a dark picture of the Co-operative Credit Banks. Taking an over-all picture of the amounts advanced by Government and the repayments made by the Co-operative Credit Banks one is astounded at the fact—

**Mr. Speaker:** Will the hon. Member quote the source of his information? It is usual to do that.

**Mr. Ramphal:** It is taken from the returns of the Co-operative Credit Banks over many years. In 1952 advances made by Government to the Co-

[Mr. Ramphal]

operative Credit Banks for Food Production Loans amounted to \$182,817, of which \$115,736 has been repaid, leaving a sum of \$67,081 outstanding. In 1953 advances to the Credit Banks amounted to \$235,000, of which \$52,000 has been repaid, leaving a sum of \$183,000 outstanding. What portion of that sum has to be written off as bad debt is something which my friend has referred to as a normal business transaction.

**The Financial Secretary:** I rise to a point of correction. The hon. Member is speaking of the Co-operative Credit Banks, and I want to make it quite clear to the Council that the Food Production Loans to which he has referred come under a different category. The Co-operative Credit Banks are not responsible for the Food Production Loans. Government has been using the machinery of the Co-operative Credit Banks for making those loans. I would like to say in fairness to the Co-operative Credit Banks, that within my experience of over 14 years as a Treasury Officer the Co-operative Credit Banks have never defaulted in respect of any of their annual instalments, either as regards capital or interest. I do not think it is fair to blame the Co-operative Credit Banks for what took place either as regards the Food Production Loans or the Rice Reaping Loans, which were loans of a different category.

**Mr. Ramphal:** I am very grateful for the correction. I would be the last to put more blame on the Co-operative Credit Banks than they should carry. The fact remains that the machinery of the banks was used for the purpose of making those loans, and that there are large sums outstand-

ing is an absolute fact. I would like to say finally that I feel that the Co-operative Credit Banks have not been a total success, despite what has been said around this table, and that the Credit Societies are likely to be a greater success and doing greater good for the people in the community.

Before I take my seat I want to make two recommendations in the hearing of the principal officers of the Corporation who are present in this Chamber. The first is that the experience of those people who are in the field, and their knowledge of local affairs, must not be lightly brushed aside when consideration is being given to the appointment of Advisory Committees. I think a good deal of good would come to the Corporation if it used the experience and local knowledge of members of the Committees of the Co-operative Credit Banks which are soon to be liquidated.

My second suggestion is that a word of advice should be sent out to those members of the Committees—that if they are really and truly desirous to assist the country, as they have impressed us they are willing to do, then they should as quickly as possible form themselves into credit societies so that there would be no lapse of time or opportunity to serve the people in the districts.

**Mr. Lee:** I observe that sub-clause (1) of clause 55 states:

“55. (1) All lands and property of whatsoever nature vested in the local credit banks shall be and are hereby transferred to and shall vest in the Corporation as part of the assets of the Corporation established under this Ordinance without any conveyance, transfer or other formality.”

I do not think this Bill can confer on the Credit Banks the power to

transfer property held by the banks to the Corporation without the usual procedure of conveyance. For instance a bank may hold a transport lodged by someone as security for a loan, but has no actual possession of the land. If such land is to be transferred to the Corporation I think the usual procedure for conveyance should be observed.

**Mr. Speaker :** I do not know if hon. Members understand what the hon. Member really wishes to say. It has been the practice of the societies to regard or allow a deposit of a title deed or transport as collateral security for a loan. There is quite a division of opinion as to whether such a deposit is equivalent to an equitable mortgage. It does not represent that. The only value it has is that the owner cannot convey his property to anyone without that title deed. When a conveyance takes place the original title deed remains in the possession of the Registrar of Deeds, and then, as sometimes happens, the owner of a property has lost his title deed and he can obtain a certified copy from the Registrar on application being made to him as provided by law. Another thing which should not be encouraged is this: it often happens that a borrower, who has been compulsorily made to deposit his transport or title deed with the Bank, is inconvenienced in other respects, such as standing surety for a person charged before the Court. He cannot even borrow it temporarily to show the Magistrate that he is owner of the property. The deposit of a transport is of no value as collateral security, and I hope the Corporation will not be advised to take these deposits of transports. It is one of those things in respect of which even the local Banks have tried to get the law altered and have them regarded as equitable mortgages.

**Mr. Lee:** This Corporation is coming in with public funds, and that is why I am concerned; if conveyance is there in the Co-operative Credit Banks it should not be transferred.

**Mr. Speaker:** You mean that if the Banks have a transport they have no right to convey it!

**Mr. Lee:** If the security still remains in the debtor's name, public money would be left there as you cannot levy on the land.

**Mr. Speaker :** When the actual transfer is to be made the Banks would know what to do.

**Sir Frank McDavid:** My interpretations of what the hon. Member is saying is quite different from yours. However, I may say that sub-clause (1) of clause 55 differs from sub-clause (2). Sub-clause (1) is an attempt to provide by law for the conveyance of property actually owned by a Credit Bank to the Corporation without the formalities which are now necessary under our law and procedure. A few Credit Banks may have freehold lands. I understand from an Officer there may be two or three Banks that have bought in lands in the course of collection of monies owing to them, and there may be a few with freehold title to lands for which they have transport. What sub-clause (1) does, is to say it is not necessary for the old Credit Bank that is going to die to actually transport by the procedure now used that property to the Credit Corporation. The Corporation is legally the owner by virtue of sub-clause (1). The law says so. Sub-clause (2) is a different thing. It says that the instruments of title which are securities for loans automatically pass to the Credit Corporation. If you read it very carefully, it does it by using the words:

"all promissory notes, Bills of Sale, Charges and instruments of whatsoever nature for securing the repayment of any such loan to the local credit banks shall be deemed to have been made in favour of the Corporation which is hereby substituted without any other formality for the local credit banks in every deed and every mortgage or charge and other document evidencing any such loan...."

Consequently the law now says, where a mortgage has been taken by a Credit Bank it is now in the name of the Credit Corporation. That is the law. This Legislature can pass laws of that nature. It has done so in the past and is doing so now, otherwise it would be a hopeless task trying to liquidate the Credit Banks. The only way to do it is to put it in the law itself, otherwise it cannot be done.

**Mr. Speaker:** The hon. Member, Mr. Lee, spoke of conveyance. What he meant was a transfer. All they can do is to hand over the property.

**Sir Frank McDavid:** If in the assets of the Credit Banks there is somebody's transport tendered in security of a loan, all that happens is, it is handed over to the Corporation. It is not more or less security than it was before.

**Mr. Speaker:** I think when a situation like this occurs again, that is, when there is a very important piece of legislation being enacted and there is not the time to allow of much publicity being given to it through the Press, we might be able to arrange for publication otherwise. It would not cost very much money to have this done and it would save much discussion. I think, if this discussion could have been properly reported in the newspapers it would have removed many of the objections or doubts that have been expressed.

**Sir Frank:** May I ask to have the marginal note to sub-clause (4) amended by the substitution of "Cap. 152" for "No. 2 of 1922", and also to delete the figures "1922" following the word "Ordinance" in the second line. It is now Chapter 155.

Clause as amended put, and agreed to.

Clause 56—*Consideration for transfer of assets of local credit banks.*

**Sir Frank McDavid:** I think hon. Members had an opportunity to examine and appreciate the amendments I have drafted for this clause, and so I need say very little about it. Hon. Members know that these Credit Banks will be liquidated when this Ordinance is passed. Some of these banks—very few of them—have been able to hold their usual annual general meeting, although there is this to be appreciated that the secretaries and employees of the banks do rely, I understand, to some extent on the grant of an honorarium at these annual meetings. I understand that their emoluments are very small and when they do good work and show good profits they are voted some kind of gratuity in relation to their work. Indeed some of the shareholders of the banks are inclined to go further. This clause is designed in order to allow the Credit Banks to hold their annual general meeting, notwithstanding the repeal of the Co-operative Credit Banks Ordinance and the liquidation of the banks, for the specific purpose of voting such honoraria as the shareholders wish, so that their secretaries may have their honoraria. When that meeting is held it will be reported by the Chairman of the bank and then the Corporation will have to pay the amount out of the profits of that bank. The inclusion of the words "undistributed profits" is the limitation, and such honoraria can only be voted out of such profits.

**Mr. Speaker:** In order that hon. Members can follow it closely I would ask hon. Members to be guided by the copies of the amendments which they have. There have been sub-clauses added. What is now 56 will be sub-clause (1), then there is to be inserted the words "and subject to the provisions of sub-section (4) of this section" after the word "Ordinance" in paragraph (ii) of the said sub-clause. There are also three new sub-clauses to be added, appearing in the printed copy. The hon. Mover will move them shortly without reading them.

**Sir Frank McDavid:** I have done that. I have moved the amendments, as set out in the circulated paper, to clause 56.

Question "That the amendments as set out be taken as read and adopted" put, and agreed to.

Clause as amended put, and agreed to.

Clause 60—*Repeal and Saving.*

**Sir Frank McDavid:** A similar amendment is necessary as had been made in clause 55.—the deletion of the figures "1922" in the first line of sub-clause (2) and the deletion of "No. 2 of 1922" in the marginal note and substitution therefor of "Cap. 155."

Amendment put, and agreed to.

Clause passed as amended.

The Council resumed.

**Sir Frank McDavid:** I am certain that hon. Members would agree that we ought to pass this Bill in third reading this afternoon. Consequently I propose to move that the Bill be now read a third time and passed. It is not usual

in moving the third reading to make a speech, but there are occasions when some remarks are called for and this is one. I should like to say that the discussion which has taken place on this Bill has been extremely useful. I may say that I regarded it with mixed feelings at various times. But as the discussion developed I was glad that much that was good and no evil came out of it. I have been accused in a very eloquent speech by the hon. Member, Mr. Ramphal, of "living in a rarefied atmosphere" while he and other Members of this Council appear to live on the ground floor. That is not exactly true. Nevertheless, I would say this in respect of that remark: He and other Members who spoke have emphasized that they were reflecting and reporting the opinion of those others who apparently are on the ground floor too, and that I had had no means of making myself acquainted with what was going on in the minds of those people. But when I go among the people I would strive to be a good politician in the widest sense of the word. I am not going out merely to reflect and report what the people think but to tell them, and lead them, and make them understand what I myself think is right.

Now that Members have become fully cognizant of what is behind this Bill and the Credit Corporation, I hope they will go around the ground floor and not only listen but also try to convince the people to whom they are talking, as to the truth and righteousness of what is proposed and is being done. I beg to move that this Bill be now read a third time and passed.

**Mr. Cummings** seconded.

Question put, and agreed to.

Bill, as amended in Committee, read a third time and passed.

**Mr. Speaker:** With the consent of Members, I have been asked to postpone the next two items. The Chief Secretary is not ready at the moment. I know that he is engaged and would rather continue to do what he is doing now. I will not move the suspension of the Starding Orders now. I understand that the Member for Labour, Health and Housing (Mr. Cummings) is ready to deal with his Bill now—the Registration of Births and Deaths (Amendment) Bill, 1954.

REGISTRATION OF BIRTHS AND  
DEATHS (AMENDMENT) BILL.

**Mr. Cummings:** I beg to move the second reading of the Bill intituled:

“An Ordinance further to amend the Registration of Births and Deaths Ordinance.”

I do not know, Sir, that I need say very much about this Bill. The reasons for it are clearly set out in the memorandum of Objects and Reasons. The Bill seeks to avoid the recording in the register of births the place of birth as the Mahaica Hospital of a child born there, by removing the obligation placed upon the Medical Superintendent of that institution of reporting and giving particulars of the birth of the child to the registrar of the division. We are seeking to amend section 24 (1) of the Principal Ordinance. After the first reading of this Bill was taken there was a petition from certain people affected, and that has resulted in a further draft amendment to section 43 of the Principal Ordinance. Section 43 reads as follows:

“43. (1) If any error is discovered to have been committed in the entry of a birth or death in a register, the person discovering the error shall forthwith give information thereof to the Magistrate of the district.

(2) The Magistrate thereupon, or upon otherwise coming to the knowledge of the error, shall summon before him the person who made, and anyone concerned in making, the erroneous entry, or having any knowledge concerning it, and also anyone interested in the effect of it, and shall examine those persons upon oath; and if the Magistrate is satisfied that any error has been committed in the entry, he shall, by authority under his hand, direct the registrar to correct the error...”

In order to answer the prayer of some of the people who have been discharged from the leprosy hospital the amendments would have retrospective effect. We are now seeking to embody a provision to enable any person concerned to go to the Registrar and, upon giving him the necessary information, he would correct the original entry in the register. That is all I wish to say on the Bill. I think the objects and reasons are self-explanatory.

The Financial Secretary seconded

Motion put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE

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

**Mr. Cummings:** Before you start putting the clauses, Sir, I should like to point out that there is a further short amendment which has been suggested by the Attorney-General. I would therefore ask that a marginal note reading “Cap. 139” be inserted in clause 1; and also that a marginal note reading, “Amendment of Section 24 (1) of the Principal Ordinance,” be inserted in clause 2.

Amendment put and agreed to.

Clause 1, as amended, passed.

Clause 2, as amended, passed.

**Mr. Cummings :** I beg to move the insertion of a new clause 3 which seeks to amend section 43 of the Principal Ordinance. It reads as follows:

"3. Section forty-three of the Principal Ordinance is hereby amended by the addition thereto of the following subsection—

- 5 (a) Any person who is born in the Leprosy Hospital, Mahaica, or any parent or guardian of any such person may apply to the Registrar General to alter the particulars in the register with respect to the birth of such person so as to substitute for any reference therein to the 'Leprosy Hospital' or 'Mahaica Hospital' as the case may be a reference to 'Mahaica.'
- (b) The Registrar General shall, upon the making of any such application, cause the said substitution to be made in the original Register and in the certified copy of the register book forwarded or to be forwarded to him as hereinafter provided in the manner provided in paragraph (c) of this subsection.
- (c) The said substitution shall be made by striking out the words 'Leprosy Hospital' or 'Mahaica Hospital' as the case may be and substituting therefore the word 'Mahaica'.
- (d) Anything in this or in any other Ordinance to the contrary notwithstanding, as from the date of the coming into force of this Ordinance, where an application has been made as aforesaid, the certified copy referred to in subsection (2) of section fifty-two of this Ordinance shall, in respect of the entry with which the application was concerned, contain the substitutions aforesaid and shall be in all respects as if the words 'Leprosy Hospital' or 'Mahaica Hospital' had never been included in the original entry."

New clause 3 put, and agreed to.  
Council resumed.

**Mr. Cummings:** With the permission of Council I beg to move that this Bill be now read a third time and passed.

**Mr. Ramphal** seconded.

Motion put, and agreed to.

Bill read a third time and passed.

#### SUPPLEMENTARY ESTIMATES

**Mr. Speaker:** We will now proceed with item 9.

**The Financial Secretary :** I beg to move the motion standing in my name. It reads:

"That this Council approves of the Supplementary Estimates for January/February, 1954, which have been laid on the table."

So far as I know, I do not think this is a controversial issue. It became necessary during the month of March to approach Finance Committee for the provision of additional funds to carry on the Public Service of the Colony over and above the provision made in the Annual Estimates. In the provision made by the Council, Finance Committee approved the sum of \$96,039.70 and this provision is roughly made up of \$15,000 for the revision of the laws of the Colony, and Loans and grants made to the Y.M.C.A., the Hindu Religious Society and the Department of Extra-Mural Studies —\$61,480. There is also a sum of \$12,204 which was provided for Re-votes, the balance of roughly \$6,000 being Recurrent Expenditure. As I said earlier, the items were all approved in Finance Committee and, so far as I know, they are non-controversial.

**Mr. Cummings** seconded.

**Mr. Lee:** May I ask whether these Supplementary Estimates include

[Mr. Lee]

a pension to Mr. Bissell? If so I would certainly ask the Council to go into the Schedule item by item, and when that item is reached I shall object to it. I did so formally in Finance Committee. I have not got a copy of the Schedule.

**The Financial Secretary:** A copy of the Schedule was sent to the hon. Member, so that he ought not to be at any disadvantage.

**Mr. Lee:** I do not like the remark of the hon. Member. I said I did not have a copy of the Schedule and he should take me at my word.

**The Financial Secretary:** I am sorry if I have in any way offended the hon. Member. I said he should not be at any disadvantage. The item he has referred to is not on the Schedule.

Schedule approved.

#### CONVICTS' LICENCE AND REMOVAL OF PRISONS BILL

**The Chief Secretary:** I beg to move the second reading of a Bill intitled:

"An Ordinance to confer on the Commissioner of Local Government certain functions in respect of convicts' licences and the removal of prisoners presently exercisable by the Chief Secretary.

The object of the Bill is quite simple; it is to remove certain routine functions from the Chief Secretary and place them on the Commissioner of Local Government. As hon. Members know, certain responsibilities are now vested in particular members of the Executive Council. The responsibility for prisons is not vested in the Chief Secretary but in the Member for Local Government, Social Welfare and Co-operative Development. It would have

been possible, I imagine, to transfer these functions to that Member, but these matters are of such a purely routine nature that it is not considered desirable to bother him with them, and I think it has been quite improper to bother me with them for several years! They consist of certain routine functions in regard to signing documents when licences are granted to convicts with the approval of the Governor. But the most burdensome of these functions is the signing of authority to remove a prisoner from prison every time a prisoner is required to appear before a Court or to be taken from the prison. It is a matter of signing about a dozen documents per week, which does add to one's burden. I therefore have great pleasure in moving that this Bill be read a second time.

**The Attorney-General** seconded.

Question put, and agreed to.

Bill read a second time.

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

*Clause 3.—Amendment of Section 15 of the Convicts' Licences Ordinance. Cap. 22.*

**The Chief Secretary:** The words appearing in the Ordinance are "Colonial Secretary". I presume they have been altered by some interpretation provision. I think the words "Chief Secretary" should be changed to "Colonial Secretary" in this clause as well as in clause 2.

Clause 3, as amended, agreed to.

**Mr. Speaker:** Clause 2 is recommitted and the words "Chief Secre-

tary" will be changed to "Colonial Secretary."

Clause 2, as amended, agreed to.

Clause 4.—*Amendment of Section 2 of the Prison Ordinance, 1929.*

**The Chief Secretary:** I move that the words "Chief Secretary" be altered to "Colonial Secretary" in the third line of the clause.

Clause 4, as amended, agreed to.

Title and Enacting Clause—

**The Chief Secretary:** I am not sure whether the words in the title of the Bill should be "Chief Secretary" or "Colonial Secretary."

**Mr. Speaker:** The Bill will remain in Committee.

Council resumed.

#### INTOXICATING LIQUOR LICENSING (AMENDMENT) BILL

**The Attorney-General:** I beg to move the second reading of a Bill intitled:

"An Ordinance further to amend the Intoxicating Liquor Licensing Ordinance."

The memorandum of Objects and Reasons attached indicates very clearly to hon. Members the desirability of this proposed legislation. Considerable inconvenience is frequently caused to the members of the various District Licensing Boards owing to the fact that in order to adjourn a meeting the Board has to be fully constituted, and members have to travel fairly long distances in order to do so. The Bill seeks to remove that requirement by enabling a member of the Board, on the direction of the Chairman, to adjourn a meeting. Similarly, clause 2(b) of the Bill seeks to remove the re-

striction imposed by the provisions of section 11(3) of the Principal Ordinance, that every adjourned meeting shall be held within one week from the date of the previous meeting.

**The Financial Secretary** seconded.

Question put, and agreed to.

Bill read a second time.

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

**Mr. Speaker:** The only question that arises at a meeting of the Licensing Board is a question of fact which does not require the brain of a Magistrate to decide whether a liquor licence should be granted. Originally there was only one Magistrate who was empowered to obtain any assistance he might require. I believe there is a Committee inquiring into the question. It is quite wrong to have the work of three Magistrates disturbed by having to travel from one district to another to consider whether "A" or "B" should be granted an intoxicating liquor licence.

**The Financial Secretary:** A Committee is now going into the whole question, and it may be necessary for me to ask for a further amendment of the Ordinance.

**Mr. Speaker:** It is not a very active Committee. I believe it sat two or three times within the last two years.

Council resumed.

**The Attorney-General:** I move that the Bill be now read a third time and passed.

**The Financial Secretary** seconded.

Question put, and agreed to.

Bill read a third time and passed.

SUPREME COURT OF JUDICATURE  
(AMENDMENT) BILL

**The Attorney-General:** I beg to move the second reading of a Bill intituled:

"An Ordinance further to amend the Supreme Court of Judicature Ordinance to vary the procedure relating to the publication of draft Rules of Court."

Hon. Members will readily appreciate the necessity for this proposed amendment. Certain draft Rules of Court have been prepared which consist of a considerable number of pages of typescript. Under the present law two publications in the *Gazette* are required. The draft Rules are required to be published, and after they are approved there has to be a second publication. The new draft Rules comprise over 500 pages of typescript, and two publications in the *Gazette* of this volume of typescript would not only be expensive but would result in considerable delay. The Bill provides for notice to be given in the *Gazette* of the intention to make Rules, and of the places where they may be inspected, so as to avoid unnecessary expense in the publication of those Rules. I for-

mally move that the Bill be read a second time.

**The Financial Secretary** seconded.

Question put, and agreed to

Bill read a second time.

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

Council resumed.

**The Attorney-General :** I beg to move that the Bill be now read a third time and passed.

**The Financial Secretary** seconded.

Question put, and agreed to.

Bill read a third time and passed.

**The Financial Secretary:** Before you adjourn, Sir, I would ask that Thursday next be reserved for a meeting of Finance Committee.

**Mr. Speaker:** Council is adjourned until 2 p.m. on Friday next.