

LEGISLATIVE COUNCIL.

Friday, 9th June, 1933.

The Council met pursuant to adjournment, His Excellency the Governor, SIR EDWARD DENHAM, K.C.M.G., K.B.E., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Mr. T. Millard, C. M.G. (Acting).

The Hon. the Attorney-General, Mr. Hector Josephs, K.C., B.A., LL.M. (Cantab.), LL.B. (Lond.).

The Hon. T. T. Smellie, O.B.E. (Nominated Unofficial Member).

The Hon. F. Dias, O.B.E. (Nominated Unofficial Member).

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

The Hon. R. E. Brassington (Western Essequibo).

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

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

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

The Hon. Q. B. De Freitas, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Surgeon-General (Acting).

The Hon. F. Birkitt, Postmaster-General.

The Hon. L. G. Crease, M. A. (Oxon), Director of Education (Acting).

The Hon. E. F. McDavid, M.B.E., Colonial Treasurer (Acting).

The Hon. P. W. King, Official Receiver.

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

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. A. E. Seeram (Eastern Demerara).

The Hon. V. A. Pires (North Western District).

The Hon. J. I. De Aguiar (Central Demerara).

The Hon. Peer Bacclus (Western Berbice).

The Hon. W. S. Jones (Nominated Unofficial Member).

The Hon. H. G. Seaford (Nominated Unofficial Member).

The Hon. E. M. Walcott (Nominated Unofficial Member).

MINUTES.

The minutes of the meeting of the Council held on the 8th June, as printed and circulated, were confirmed.

PRESIDENT'S SPEECH.

A CORRECTION.

THE PRESIDENT: Hon. Members will no doubt have been surprised to see a statement in the report of my speech to Council yesterday, which appeared in one of the newspapers, that I was visiting Dutch Guiana. I did not make such a statement and its insertion in my speech—for which I attach no blame to the newspaper in question—was due to its being taken from a draft.

It is the case that the Governor of Dutch Guiana has been so kind as to invite me to visit Surinam between the 19th and 24th of this month. If I am able to accept his invitation I shall of course take the earliest steps to inform the Council.

ORDER OF THE DAY.

CUSTOMS DUTIES BILL.

Mr. D'ANDRADE (Comptroller of Customs): I move that "A Bill to amend the Customs Duties Ordinance, Chapter 34,

with respect to the duty on precious stones exported from the Colony" be read the first time.

Mr. BIRKITT 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*).

TAX BILL.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill further to amend the Tax Ordinance, Chapter 37, with respect to the licences of Insurance Companies and the duties to be paid thereon" be read the first time.

Mr. BIRKITT 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. McDavitt*).

GEORGETOWN SEWERAGE AND WATER COMMISSIONERS (VALIDATION) BILL.

THE COLONIAL SECRETARY: In moving the second reading of "A Bill to validate certain acts and proceedings of the Georgetown Sewerage and Water Commissioners" I invite the attention of hon. Members to the preamble of the Bill. I think it will be found that the preamble sufficiently explains the reason for this validation. The term of the appointment of the Commissioners is fixed by statute for two years. It was found subsequently that certain Commissioners had not been re-appointed at the termination of the initial period of two years, and the present Bill is to validate the proceedings of the Board during that period from the time that the Commissioners were appointed. I move the second reading of the Bill.

Mr. SMELLIE seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

KEEPING OF ANIMALS BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill further to amend the Summary Jurisdiction (Offences) Ordinance, Chapter 13, with respect to the keeping of Animals" be read the second time. The object of the Bill is to give power to any Police, Rural or Town Constable to destroy any dog or any other animal at large which he has reasonable cause to suspect to be in a rabid state, or any dog or any other animal at large which has been bitten by any dog or other animal which he has reasonable cause to suspect to be in a rabid state, or any dog at large which he has reasonable cause to suspect to be in a mangy state. If the dog or other animal is confined and the owner or person for the time being in charge of it does not destroy it or cause it to be destroyed, after it has shown evident and distinct symptoms of being in a rabid state or of having been bitten by any dog or other animal in a rabid state, the owner or that person shall, on conviction, be liable to a penalty of \$50. An Ordinance was enacted in 1931 amending the Summary Jurisdiction (Offences) Ordinance to give power for the destruction of a mangy as well as a rabid dog. By reason of the amendment or some variation in section 180 in the revised edition of the laws the power of destruction would be conferred also with respect to a dog or other animal at large. The object of this Bill is to repeal Ordinance No. 6 of 1931 to make it clear that the power of destruction is in respect of a dog or other animal at large which is in a rabid state, or which has been bitten by any dog or other animal suspected to be in a rabid state, or any dog suspected to be in a mangy state. Then there is a

proviso that in the case of a mangy dog it shall not be destroyed until after the expiration of 48 hours of its capture.

Mr. DIAS seconded.

Mr. CRANE: The Bill offers the opportunity of raising the question of the advisability of legislation of this kind. This has been a very old provision of the law, except that Ordinance 6 of 1931 adds Town Constables to the list of persons authorised to destroy dogs. Owners of dogs would be very chary to authorise a Town Constable or Rural Constable—an irresponsible person in some respects—to destroy a dog. There is an established place—a lethal chamber—where a dog, if it is in a rabid or mangy state, should be taken and an opportunity given to a person of some technical knowledge to examine and determine whether it should be destroyed. I deprecate law placing the authority to destroy in the hands of an irresponsible person like a Rural Constable.

Mr. ELEAZAR: I wish to endorse the remarks of the hon. Member. I do not think a Rural Constable should have this power given to him, because he is under nobody's control. A Town Constable is under the control of the Municipal Corporation and a Police Constable is also under control, and they may be given the power without the same objection being raised against it. The legislation may be applied to a rabid dog but it should not be applied to a mangy dog. I also agree that some competent person should examine a dog before it is destroyed.

Mr. CRANE: Rural Constables are under control and they are disciplined. I mention that to show that all three classes of men are under control.

THE ATTORNEY-GENERAL: It is a fact that Rural Constables are disciplined by the Inspector-General of Police. The power of destruction of a mangy dog is limited by the proviso to sub-clause (1). There is no power of immediate destruction, but the dog shall be kept for 48 hours after its capture before it is destroyed. If a person misses his dog he has 48 hours to make enquiries. Mange is a highly contagious disease and is communicated from dog to dog, but this provision does not affect a mangy dog that is kept

at home. There is no chance of its being found straying, and if found straying the owner will have an opportunity of recovering it. The reason why Town Constable was inserted was that it would be in the interest of the inhabitants generally that the City should be free from rabid and also mangy dogs.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Power to destroy rabid or mangy dog at large.

Mr. CRANE: I move that the proviso of sub-clause (1) be amended by the deletion of the words "after the expiration of forty-eight hours from its capture" and the insertion of the words "it has been kept at the nearest police station for forty-eight hours after its capture and a Government Medical Officer or a Medical Officer of Health has certified that it is expedient to destroy the dog."

Dr. DE FREITAS (Surgeon-General): I think the contention of the hon. Member is reasonable because there are degrees of mange. There are cases in which, if the disease is taken in hand early, there is a probability of a cure. Nobody expects that a dog under control should be destroyed, and I think it is reasonable that some person with technical knowledge should be called upon to decide whether a dog should be destroyed.

THE PRESIDENT: Does the hon. Member press for the inclusion of the Medical Officer of Health? The Medical Officers of Health have a lot of work to do and it may be inconvenient to them. If there is any dispute on the part of the owner there may be an examination by the Government Medical Officer.

Mr. CRANE: I am willing to accept any amendment which would avoid the unhappy position of a constable determining that a mangy dog should be destroyed.

THE ATTORNEY-GENERAL: I imagine that in some country districts the Government Medical Officer does not go near a police station for 48 hours, and there a difficulty arises.

Mr. BRASSINGTON: I think I am correct in saying that in some districts the Government Medical Officer only visits the police station twice in a week. Unless there is a special call the Medical Officer visits the station at Charity only once or twice a week.

Mr. CRANE: To meet the case of the absence of the Government Medical Officer we might add to the amendment the words "or a Sanitary Inspector." That would be better than any Rural Constable.

Clause as amended agreed to.

The Council resumed.

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

EMPLOYMENT OF WOMEN, &C., BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to carry out certain Conventions relating to the employment of women, young persons and children" be read the second time. The circumstances out of which the Bill has arisen are stated in the preamble and in the Schedule to the Bill which contains the Convention. The Bill is to limit the hours of work of women, young persons and children in respect of certain classes of employment and in accordance with the Convention.

Mr. DIAS seconded.

Mr. CANNON: I have been trying to find out whether there is in the Bill anything to prevent women and children being employed in connection with newspapers or linotypes. Women are now employed in that direction and they will have to cease working and placed on the dole.

THE ATTORNEY-GENERAL: I am unable to find anything in the Bill to support the proposition of the hon. Member.

Mr. CANNON: It is because I could not find it that I raise the question. As I apprehend it, no woman is to be employed in any undertaking at night. There are women operating linotype machines who must work at night. If there is nothing

in the Bill to prevent women being employed at night I shall be satisfied.

THE ATTORNEY-GENERAL: Industrial undertakings are defined in the Schedule to the Bill and there is nothing in it to support what the hon. Member has stated.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Interpretation.

THE ATTORNEY-GENERAL: In the definition "Woman" I move that the word "sixteen" be substituted for the word "eighteen."

Question put, and agreed to.

Clause 3—Restrictions on employment in industrial undertakings.

Mr. ELEAZAR: My view is that this law is going to prevent a boy from working in a sugar factory. Is that so or not?

THE ATTORNEY-GENERAL: The position is that the definitions in the Bill are governed by the definitions in the Convention. In the Convention "Young person" originally meant a person under the age of 18 years. "Young person" is now defined to mean a person who is under the age of 16 years, therefore persons between the ages of 16 and 18 are not young persons and are free to accept employment.

Mr. ELEAZAR: I see no reason why a boy between the ages of 14 and 16 should not be employed between the hours of 10 p.m. and 5 a.m. on a sugar estate. If the planter Members intend to allow it to pass I have no objection, but I can see the difficulty it is going to create.

THE ATTORNEY-GENERAL: Sub-clause (3) of clause 7 provides that nothing in this Ordinance shall prevent the employment in any industrial undertaking of a child lawfully so employed at the commencement of this Ordinance.

Mr. CRANE: Not only sugar estates but newspapers have to employ individuals

up to the hours of three, four and five in the morning, and if this law is to be observed I suggest that it be allowed to stand over to give the Attorney-General an opportunity to study the question.

THE ATTORNEY-GENERAL: If the hon. Member makes an assertion on a particular point it is his duty to indicate it.

Mr. CRANE: This is a social measure and affects the health and well-being of the workers. Why should a young person be called upon, possibly after working during the day, to work between 10 p.m. and 5 a.m.? Article 2 of the Schedule refers to children under the age of 14 years while a child is defined as a person under the age of 12 years.

THE ATTORNEY-GENERAL: There appears to be an inconsistency between the definition in the Bill and the definition in the Convention. It is clear that in the Convention there is a higher age limit than in the Bill, but in this matter what governs is the Ordinance, which says that the expressions shall have the meanings assigned to them. A young person means a person as defined in the Ordinance, and a young person cannot be employed during the hours mentioned. With reference to the point raised by the hon. Member for Georgetown North, there is nothing in Article 1 which applies to the printing of newspapers.

Mr. CRANE: The Attorney-General admits that we are fixing a lower age for a child than appears in the Convention. There is *prima facie* an incongruity and we should indicate by some device that the age of 14 is subject to the Convention.

Mr. BRASSINGTON: It seems to me extraordinary that a child can work in a printing establishment but is precluded from doing so in a sugar factory. It is going to make an invidious distinction and I do not think there should be any differentiation.

Mr. SEERAM: The Bill should be made not to apply to boys in printing offices. Newspaper comes within the category of manufactured articles and boys cannot be employed during the hours of night.

THE ATTORNEY-GENERAL: Difficulty has been indicated with regard to the meaning in clause 2 and the meaning in the Schedule. If in clause 2 an addition is made of the words "and these meanings shall apply to the said expressions where used in the Schedule" there can then be no doubt as to the meanings of the expressions in the Schedule. I therefore move that clause 2 be amended by the addition of those words.

Question put, and agreed to.

The Council resumed.

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

The Council adjourned for the luncheon recess.

Mr. PERCY C. WIGHT was present when the Council resumed.

CLUBS REGISTRATION BILL.

THE ATTORNEY-GENERAL I move that "A Bill to amend the Clubs Registration Ordinance, Chapter 269, with respect to the registration of Clubs" be read the second time. The principal point with respect to this Bill is that it aims at giving more power in connection with the registration of Clubs. Clubs registered under the Principal Ordinance are those in which excisable liquors for which a licence is required are sold. Certain illicit establishments have sprung up which call themselves Clubs, but which are not Clubs in truth and in fact in the ordinary sense of the term, their existence being for the purpose of selling spirituous liquors and reaping the profits therefrom. In many cases, it is said, they are run by a particular individual or individuals either for the purpose of being able to carry on after the ordinary business hours of licensed premises or carrying on in competition with such premises. They apply for a certificate to be registered and go through the statutory form, but it is difficult to say whether they are genuine or not. The object of this Bill is to tighten up the restrictions and supervision of Clubs so that it will be easier to exercise proper control and to weed out such illicit Clubs.

Clubs applying for registration under the Principal Ordinance have to submit certain documents to the clerk of the Magistrate's Court. It is proposed in connection with the application that the requirements shall be fulfilled and the following additional rule shall apply:—

(1) The secretary of a club desiring the grant or renewal of a certificate shall, together with the application, lodge with the registrar a bond duly executed by two persons (who shall have been first approved by the Colonial Treasurer) conditioned for the payment by them jointly and severally to the Colonial Treasurer of the sum of five hundred dollars in the event of the certificate being cancelled by the court under section eleven of the Principal Ordinance.

The reason for that is that it is considered that genuine Clubs will have no difficulty in finding somebody to become surety for them, because they are properly conducted and there is no likelihood of their certificate being cancelled, while it would be rather difficult for people who are running bogus Clubs in applying either for a renewal or an original licence to get somebody to make themselves liable for payment of \$500 in the event of a Club being struck off. It is hoped that that will be an effective means of preventing illicit Clubs from coming into existence. Sub-clause (2) provides (a) that the Secretary of a Club desiring a renewal of the certificate shall, together with the application for renewal, lodge with the registrar the last balance sheet of the Club on which there shall be endorsed by an auditor a certificate that he has examined the vouchers and accounts of the Club and that the balance sheet contains a true and correct statement of the financial position of the Club; (b) that the expression "auditor" means any person who is an auditor as described in paragraph (a) of sub-section (8) of section 109 of the Companies (Consolidation) Ordinance, but shall not include a person who is an officer of the Club; and (c) that any auditor who knowingly gives a false certificate shall be liable to a penalty not exceeding \$100. It is hoped that these provisions will have a very salutary effect, because bogus Clubs will find it difficult to present a balance sheet. At the present time the duration of the certificate is for a year and clause 3 makes the certificate correspond with the calendar year. Clause 4 substitutes paragraph (a) for section 6 of the Principal Ordinance. Visitors to a Club need not be entered as such in the book pro-

vided for the purpose until about to be supplied with excisable liquor. The provision now is that immediately on the introduction of a visitor his name should be entered along with that of the member introducing him and he shall not be supplied with liquor unless on the invitation and in the company of a member. I shall in Committee move an amendment with regard to section 7 of the Principal Ordinance. That section sets out the grounds on which an objection to registration may be made. It is proposed to amend paragraph (i) to bring it into line with the corresponding section of the English Act and to add a sub-clause (2). The effect of the amendment in clause 6 is to enable any person to lodge objections to the grant or renewal of a certificate of registration and also to invoke the power of a Magistrate to cancel the registration of a Club.

Mr. DIAS seconded.

Mr. CRANE: An amendment of the Principal Ordinance came before the Council some time ago by way of a proposal to levy a tax of \$50 on Clubs registered. Members then took the view that a general tax, which was not a revenue-producing measure but was intended to meet the class of Clubs which were rising up like mushrooms, would not be an effective means of reducing the evil. Government then withdrew that proposal and it has now been brought forward in this form. In one respect I do not consider that this Bill is sufficiently stringent. It is not only bogus Clubs we want to get after but also the dishonest spirit dealer in his endeavour to sell spirituous liquors from morning until night on every day of the week. A number of Clubs have been founded by spirit dealers who desire to sell rum after closing hours and on Sundays and avoid paying the £100 licence which they would otherwise have to pay. At the same time I do not want to make it difficult for people who genuinely want to form a Club to establish that Club, but there are one or two provisions in the Bill which will make it very difficult for poor persons in the community to form Clubs for indoor or outdoor recreation. Clause 2 is going to strike the very people for whom the Ordinance exists. They have to get a bond executed by two persons to the satis-

faction of the Colonial Treasurer. The condition of that bond is that in the event of the certificate being cancelled by the Court the bond becomes payable. Do you mean to tell me that if premises become unsuitable, which is one of the grounds for refusal of renewal of a licence, a bond of \$500 should become payable?

The bond ought to be forfeitable on well defined grounds set out in the Bill and not left in the air as at present. If excisable liquor were not sold on these premises Government would not have brought forward this legislation. It seems to me that Government should get down to the root of the evil, the consumption of liquor on the premises, and make provision for the keeping of a stock book of all liquor taken into the premises and the weekly sales, so that at any time any visiting authority would have the right to enter the premises and make comparisons of the purchase and sales. I think it is an indispensable necessity that they should be made to keep a stock book of all excisable liquor and their weekly sales. I also want to ask Government seriously to consider the position of certain Clubs. There are some long established Clubs which should not come under the provisions of this Ordinance. It was on that ground that Government withdrew the proposal to levy the proposed \$50 tax. Clubs like the Georgetown Cricket Club, the British Guiana Cricket Club, the Demerara Cricket Club, the Georgetown Football Club and the Football Association, which are beyond suspicion, should not be put in this invidious position. There are other Clubs, too, which are just as reputable. I am going to suggest that a schedule be added to the Bill of these Clubs and that the Governor be authorised to add to them any other recreation, tennis, and football Club. I also invite the Attorney-General's attention to the grounds upon which a bond may be forfeited.

Mr. ELEAZAR : I think the Bill is well-intentioned. It is time to get rid of mushroom Clubs, but the Bill is so stringent as to affect Clubs which are not of that class. The grounds on which a bond may be forfeited should be specified. The Magistrate should also be allowed a discretion with respect to cancelling the certificate and forfeiting the bond. Clubs which exist primarily for the purpose of

selling liquor and gambling should be properly controlled but genuine Clubs should not be placed in difficulties.

Mr. CANNON : I am in absolute agreement with those who think that mushroom Clubs are a menace to the Colony, but I wish to blame Government for their existence. These Clubs were only started after Government decided to restrict the hours of rumshops without giving them a reasonable rebate on their licences. I believe it is true that the restriction of their hours drove rumshop dealers to encourage the opening of these Clubs. I am satisfied that if the poorer classes were not restricted to specified hours there would have been no necessity for the introduction of these Clubs. The hon. Member for Demerara River omitted to name the Demerara Rowing Club, which is one of the oldest in existence, as one which should appear in the list of exemptions. I think there is no necessity for this Bill, and even if it is passed the Clubs will find some means of getting round it.

THE ATTORNEY-GENERAL : I wish to express my appreciation of the assistance that has been given by Members who have spoken in dealing with the Bill. The matter is a difficult one. The idea is to let the genuine Clubs flourish, and it is a question of dealing effectively with the bogus Clubs without working any hardship on the real Clubs. The hon. Member for Demerara River raised the point that the provision as to the bond is too far-reaching. I should like to mention two matters with regard to that. The finding of a Magistrate on a complaint as to how a Club is being managed or carried on does not necessarily mean the cancellation of the certificate. That depends upon the magnitude of the offence or the grounds for making the order. The grounds for cancellation under section 11 (2) of the Principal Ordinance may be of too wide a range. In the circumstances when we come to deal with the Bill in Committee the scope of clause 2 (1) might be modified by limiting the cancellation and making the bond payable in respect of a ground specified in paragraphs (e), (f), (g), (h), (i), (j), or (k) of section 7 or by reason a conviction under section 10 of the Principal Ordinance. It will be noticed that in this Ordinance the expression "supplied" is used. The reason for it is that the liquor is the property of the members of the Club and

therefore there is no sale of it. I ask Members to pass the second reading of the Bill. We will then not go into the Committee stage to-day, and in the meantime a conference may be held with Members, so that when the Bill comes to the Committee stage the form of the amendments may be definitely settled and be before the House. I ask that the Bill be now read the second time.

Question put, and agreed to.

• Bill read the second time.

RICE FACTORIES BILL.

THE PRESIDENT: In view of the motion to be brought forward by the hon.

AREA.	Total cost.	Reduced total cost.	Proportionate cost payable by proprietors being 60% of reduced total cost.
ESSEQUEBO COAST—			
Jobanna Cecelia to Annandale ...	\$ 43,942 30	\$ 30,510 30	\$ 18,306 18
EAST COAST, DEMERARA—			
Plaisance ...	40,337 00	19,104 79	11,462 87
Triumph and Beterverwagting ...	76,855 64	51,246 25	30,747 75
Buxton and Friendship ...	75,303 10	42,407 00	25,444 20
Golden Grove-Nabaclis } ...			
Victoria } ...	122,055 73	91,757 82	55,054 69
Cove and John } ...			
Ann's Grove to Unity and Lancaster ...	98,716 01	31,802 00	19,081 20
EAST BANK, DEMERARA—			
Craig ...	14,722 61	7 468 58	4,481 15

These various sums, as indicated by the Message, are based on the recommendation contained in the report of the Committee, under the Chairmanship of Mr. Austin, to enquire into the drainage schemes of the Colony. Schedule 2 of the Message contains the drainage areas which are still under consideration. The sums that are now to be charged to the proprietors show a considerable decrease on the original sums that were to be charged. In some cases they are 50 per cent. of the original

Member for Demerara River, the second reading of the Bill to make provision for the regulation and control of rice factories and the manufacture of rice will be deferred for consideration of the question of rice generally. The item is therefore withdrawn from the Order of the Day.

SEA DEFENCE AREAS.

Major CRAIG (Director of Public Works): I beg to move the motion standing in my name:—

THAT, with reference to Governor's Message No. 12 of the 14th of March, 1933, this Council approves of the total costs of the following areas declared under section nine of the Drainage and Irrigation Ordinance, Chapter 165, being reduced to the extent indicated in each case:—

charge. That would mean a considerable relief to the people. I think the position is clear in the Message and ask that approval be given to these sums.

Professor DASH seconded.

Motion put, and agreed to.

The Council adjourned until Tuesday, 13th June, at 11 o'clock.