

LEGISLATIVE COUNCIL.

Tuesday, 30th August, 1932.

The Council met pursuant to adjournment, His Excellency the Hon. C. DOUGLAS-JONES, C.M.G., the Officer Administering the Government, President, in the Chair.

PRESENT.

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

The Hon. the Attorney-General, Mr. F. J. J. F. McDowell (Acting).

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

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

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

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

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

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

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

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

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

The Hon. J. Mullin, A.I.M.M., F.S.I., Commissioner of Lands and Mines.

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

The Hon. W. Francis, F.I.C., F.C.S., Government Analyst.

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. Gonsalves (Georgetown South).

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

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

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

The Hon. C. Farrar (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

MINUTES.

The minutes of the meeting of the Council held on the 26th August, as printed and circulated, were confirmed.

ANNOUNCEMENT.

Mr. D'ANDRADE (Comptroller of Customs): I am the bearer of the following Message to the Council:—

MESSAGE No. 20.

Honourable Members of the Legislative Council,
I have the honour to invite the Council to approve, as an act of grace, of the remission of 50 per cent. of the total amount of excise duty payable at the rate of \$4.50 a proof gallon on 27.3 proof gallons of rum, the aggregate quantity lost in excess of the allowances which may be granted under section 45 (3) of the Spirits Ordinance, Cap. 110, from seven shipments of a total of 386 casks which were removed from Pln. La Bonne Intention to the Colonial Bonded Warehouse between 1st March and 6th May, 1932.

2. Government is satisfied that the excessive losses, which were due principally to reductions in strength, are attributable in part at least to the fact that the casks used for holding the rum had been previously steamed and not allowed to dry sufficiently before they were filled. It is the duty of the clerk in charge of the Distillery Spirit Store, when drawing off rum from the spirits receivers into casks, to see that the operation is carried on under proper conditions, and he should therefore use for the purpose only such packages as have been thoroughly dried, but it had been found necessary to remove the clerk who had been in charge of the La Bonne Intention Store for several years, and his successor was inexperienced and apparently did not appreciate the necessity for exercising this precaution.

3. The total number of packages in respect of which there were chargeable losses is 89 and

the amount of duty the remission of which Council is invited to approve is \$61.42.

C. DOUGLAS-JONES,
Officer Administering the Government.
29th August, 1932.

PAPER LAID.

The following document was laid on the table:—

Administration Report of the Director of Agriculture for the year 1931 (*Professor Dash*).

GOVERNMENT NOTICE.

Mr. D'ANDRADE gave notice that at the next meeting of the Council he would move the following motion:—

That, with reference to Message No. 20 of 1932, from the Officer Administering the Government, this Council approves, as an act of grace, of the remission of \$61.42 being 50 per cent. of the total amount of excise duty payable at the rate of \$4.50 a proof gallon on 27.3 proof gallons of rum, the aggregate quantity lost in excess of the allowances which may be granted under Section 45 (3) of the Spirits Ordinance, Cap. 110, from seven shipments of a total of 386 casks which were removed from Plantation La Bonne Intention to the Colonial Bonded Warehouse between the 1st of March and 6th of May, 1932.

UNOFFICIAL NOTICES.

Mr. FREDERICKS gave notice of the following motion:—

Whereas there is at present much dissatisfaction among landlords and tenants of rice lands due to the insecurity of tenure, absence of written contracts and difficulty of an outgoing tenant selling his interest in the tenancy—preparation of which costs him generally a large sum of money—and the difficulty of settling such dissatisfaction:

Be it Resolved,—That Government introduce a Bill to obviate these existences and with such provisions of the Small Rents Recovery Ordinance as may be practicable in the Rice Industry.

Mr. CANNON gave notice of the following question:—

Will the Officer Administering the Government please lay on the table to-morrow copy of the despatch to the Secretary of State for the Colonies forwarding Hansard and Minutes dated Friday, 29th May, 1931, *re* Motion by the late A. R. F. Webber in connection with Reform of Constitution.

THE MITCHELL TRUST.

Mr. WOOLFORD: With your permission, sir, I crave leave of the Council to correct certain mis-statements of fact that

were made by me, and followed by other speakers, with regard to the identity of Mr. Walter Mitchell whose bequest was the subject of consideration of the Council last week. It would appear—and I am sure several members of the community would welcome the information—that Mr. Mitchell was born in America Street, Georgetown, and was the issue of a white father and a mulatto mother. He was therefore of mixed descent. Without going further into the details of his life, about which I am trying to collect the necessary information, it would appear, sir, that he was an Accountant at the Colonial Bank here. He had three sisters and two brothers, one of whom was a barrister-at-law and died during the conduct of his maiden case. His wife died of consumption. I am sure that Members of the Council will also be pleased to hear that he was a native-born creole, and it seems to me all the more important that his wishes should be respected by a Select Committee.

THE ORDER OF THE DAY.

AMENDMENT OF CONSTITUTION.

Mr. CANNON asked the following questions:—

Has Government received a petition from the people of this Colony to his Majesty the King praying for certain amendments to the Constitution? If so

(a) What date was it received?

(b) What date was it forwarded to the Secretary of State for the Colonies?

(c) What reply has been received from the Secretary of State for the Colonies?

(d) What action does the Government propose taking?

THE COLONIAL SECRETARY replied as follows:—

Yes.

(a) with letter dated 5th August, 1931.

(b) with despatch dated 12th August, 1931.

(c) the Secretary of State by despatch dated 19th October, 1931, acknowledged receipt of the copies of the Memorial, together with certain Resolutions relating thereto, and requested that the petitioners be informed that in laying the Memorial before His Majesty the King he was not able to advise His Majesty to take any action in the matter, and that His Majesty was not pleased to give any directions.

The Secretary of State further intimated that he was not prepared, in the present financial condition of the Colony, to recommend to the Lords Commissioners of the Treasury, whose approval would be necessary, that the cost of a deputation of three citizens of British

Guiana to present the Memorial to His Majesty the King, as proposed in one of the Resolutions referred to above, should be met from Colonial funds;

This reply was communicated by letter dated 16th November, 1931, to the Secretary, Constitution Reform Movement.

(d) Government is considering the question of appointing a Committee to consider and report on the composition of the Electorate.

TRANSPORTS, &C., FEES.

Questions—(a) What is the shortage in revenue on the receipts of the Registrar of Deeds Office for January-July, 1932?

(b) What are the amounts collected for the past five years, say 1927-1931 and from January-July, 1932? under the heads:—

(i) Transports } for Georgetown only.
(ii) Mortgages }

Replies—(a) The revenue for the period 1st January to 31st July, 1932, was \$21,097.71 less than the revenue for the same period in 1931.

(b)

(i) TRANSPORTS—

	Fees.	Duty.
1927	...\$ 6,550 00	\$ 8,532 84
1928	5,852 01	6,613 19
1929	5,809 50	6,494 00
1930	5,014 50	5,297 17
1931	3,381 50	4,050 81
1932 (January-July) ...	1,676 00	1,620 20

(ii) MORTGAGES—

1927	...\$ 3,229 10	\$ 741 40
1928	3,230 00	778 80
1929	2,785 50	545 60
1930	1,872 70	373 70
1931	1,161 00	305 00
1932 (January-July) ...	408 50	88 30

BILL OF ENTRY TAX.

Question—What revenue has been collected by the Customs under head “Bill of Entry Tax” from commencement to say 31st July, 1932? under the following heads:—

(a) 1½ per cent.

(b) 3 per cent.

Reply—The revenue collected by means of the “Bill of Entry Tax” to 31st July, 1932, is as under:—

(a) 1½ per cent. from 22.1.32 to 13.4.32	\$21,688 17
(b) 3 per cent. from 14.4.32 to 31.7.32	66,334 90
	<hr/> \$88,023 07 <hr/>

JUNIOR MEDICAL OFFICERS.

Mr. CRANE asked the following questions:—

1. How many Government Medical Officers have been paid salaries during the present year from the vote “Medical,” head XXIV. sub-head 1 (c), contained in the Annual Estimates for 1932?

2. Are there any vacancies for Government Medical Officers in the Public Service?

3. Did Government create the two offices of “junior medical officers” at the Public Hospital as promised during the last general session of this Council?

4. If so, who were the junior medical officers so appointed, and what were the salaries paid them?

5. What were the professional qualifications of the said junior medical officers?

6. Are those junior medical offices still in existence? And if not, why not?

7. Is it correct that Government proposes to fill the posts of Government Medical Officers now vacant by calling for applicants abroad?

8. Has Government exhausted the possibility of filling those vacant offices by qualified men in the Colony?

9. Are there any persons who have given acting service to Government in the Medical Service who are in possession of all professional qualifications required by Government?

Dr. DE FREITAS (Surgeon-General) replied as follows:—

1. Twenty-six permanent Government Medical Officers and four temporary and part-time officers.

2. Yes—two.

3. No offices were created but two voluntary medical officers (“house officers”) were employed.

4. Dr. E. M. Sharples and Dr. F. A. Viapree, who were each paid an honorarium of £200 per annum. Dr. Viapree was also temporarily employed for part of the year as a temporary full-time officer at £400 per annum.

5. Dr. E. M. Sharples—M.R.C.S., Eng.; L.R.C.P., Lond.; M.B., B.S., London.

Dr. F. A. Viapree—M.B., Ch.B., Edin.; Certificate of London School of Tropical Medicine and Hygiene.

6. No. Owing to lack of funds Dr. Sharples’ services were terminated on 31st July and Dr. Viapree’s will be terminated on 31st August.

7. Two vacancies exist. A recommendation for the filling of one has been made to the Secretary of State. No proposals as to the remaining vacancy have been made.

8. See Reply to Question 7 above.

9. Yes—one.

ANIMALS (BREED AND CONTAGIOUS DISEASES) BILL.

Professor Dash (Director of Agriculture): I move that “A Bill to amend the Animals (Breed and Contagious Diseases) Ordinance, Chapter 272” be read the third time.

THE ATTORNEY-GENERAL seconded.

Question “That this Bill be now read a third time and passed” put, and agreed to.

Bill read the third time.

SUGAR EXPERIMENT STATIONS BILL.

Professor DASH: The Bill which I am about to move the second reading of (A

Bill to provide for the control of Sugar Experiment Stations) is a non-contentious one. It provides for the control of Sugar Experiment Stations as between Government and the sugar producers and is practically a re-enactment of a similar Ordinance now in force which expires at the end of the present year. There is only one change to which attention may be called. It is in clause 8 where instead of 25 cents per acre the sugar producers have agreed to contribute a rate to be fixed annually of not more than 30 cents an acre. The Bill regularises the collection of the rate and the control of the stations.

THE ATTORNEY-GENERAL 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.

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

RICE (EXPORT GRADING) BILL.

Professor DASH: I move the second reading of "A Bill to amend the Rice (Export Grading) Ordinance, 1930, by providing for the blending of rice for export and the making of regulations in connection therewith." This Bill marks another step forward in the improvement of the rice market. It provides that before rice is submitted for grading it should be suitably blended, and blending is defined as meaning "the mixing of the total quantity of rice in a specific consignment so that the contents of each individual container are uniform." It is realised that while the present grading regulations exercise a fair measure of control over rice intended for export, the regulations do not go far enough in ensuring uniformity in each individual consignment of a specific grade. At present if the Grading Officer found evidence of, say, No. 3 rice in a shipment purporting to be No. 2 he either issues a certificate for the lower grade or the shipper is allowed to remove the rice and re-submit it for grading. Blending therefore seeks to improve the

value of the grading certificate, which will in future give a reasonable assurance that when a consignment is graded as No. 1 or No. 2 the contents of a bag throughout that consignment are uniform. Thus the certificate will become more and more negotiable not only locally but in our principal markets in the Caribbean area and overseas. Blending as at present carried out by most reputable exporters ensures that uniformity which is so essential to the trade. There are frequent instances, however, where such uniformity does not exist, and it is this condition of affairs that the Bill seeks to rectify. Most of the complaints received from Trinidad, one of our principal buyers, stress the necessity for compulsory blending. It will be noticed that in clause 5 it is proposed to appoint and register rice blenders. The Bill, I may say, has the full approval of the Rice Committee of the Chamber of Commerce, with which the Department of Agriculture has been associated in drawing up the amendment. I commend the Bill to the Council as being an important step forward in the marketing of Colony rice.

Mr. D'ANDRADE 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 or a subsequent meeting of the Council it would be moved that the Bill be read the third time (*Professor Dash*).

CUSTOMS BILL (No. 2), 1932.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Customs Ordinance, Chapter 33, in order to prohibit the importation of motor vehicles constructed with a left hand drive" be read the second time. Cars fitted with a left hand drive are used in countries where the rule of the road is to keep to the right, and it has been found locally that if the steering wheel is on the left it is very difficult to give the recognised signals either

for slowing up or for turning corners. I understand that Trinidad has prohibited them and it is within my own knowledge that at least one other Colony has prohibited the importation of these vehicles. The reason for the prohibition through the Customs Ordinance is that it would be wrong to place some sort of time limit to get cars off the road, because it would be rather hard on people who have invested in these cars to suddenly give them up. It is only foreign cars that it affects.

Professor DASH seconded.

Mr. CRANE: The desirability of controlling the driving of these motor cars cannot be doubted. What I do not quite follow is the reason for taking extreme measures to prohibit importation when the same thing can be done in the Motor Cars Ordinance to prevent registration and use of the cars on the highway. What we want to prevent is the use of these cars on the road. It seems to be calculated to prejudice the business of people. I can see a number of purposes for which a man might get a shipment of second-hand cars apart from using them on the road. That does not seem to me to be reasonable. If Government is advised that only cars with a right hand drive should be used it is quite easy to prevent the use of cars with a left hand drive by regulation that no such car shall be used on the highway.

Mr. SEAFORD: There is one point in view of what the hon. Member has said. This prohibition might apply to tractors used on a plantation. If used for agricultural work I do not think it matters whether they are either right or left hand.

Mr. FREDERICKS: There seems to be some importance in the question. The importance is whether the prohibition will not affect something more than the intention to keep off the road vehicles fitted with a left hand drive. There seems to be a possibility of the Bill encroaching on trade in some way or other, and I ask whether it is not wise to withhold the Bill for further consideration.

THE ATTORNEY-GENERAL: The reason for drafting the Bill in this form was to preserve the rights of persons who already have these vehicles on the road. If the Council would rather have it in the Motor Vehicles Bill it would be perfectly

easy to put in the Bill in Committee a clause which would provide for that. Government is quite prepared to leave the matter to the decision of the House.

THE PRESIDENT: When the matter was being considered the great difficulty of Government was to fix a date when left hand cars now in the Colony should cease to operate on the road. Some may go on for many years. There is no objection to cars now in the Colony being used. What we want to do is to prevent any more coming in. I think the simplest way to do that is through the Customs Ordinance, otherwise when we come to put this provision in the Motor Car Bill we shall have to fix some date. From what date should that be?

Mr. CANNON: Does this law exist in England?

THE ATTORNEY-GENERAL: I do not think it does.

Mr. CANNON:—I do not think it does. I do not think they would permit such a thing there, yet we are to be subject to such a thing. It is the limit.

THE ATTORNEY-GENERAL: I move that the Bill be read six months hence.

Question put, and agreed to.

PLANTATION SHOPS (REPEAL) BILL.

THE COLONIAL SECRETARY: I move that "A Bill to repeal the Plantation Shops Ordinance, Chapter 156" be read the second time. Under the Immigration Ordinance the keeping of shops by the owners of plantations was absolutely prohibited. When the indenture system was abandoned the question was considered whether that legislation should be repealed. It was repealed but it provided for an interregnum. It was decided that the establishment of such shops shall be controlled by the Governor-in-Council and the Ordinance passed in 1921 provided that such shops should be opened only by special licence granted by the Governor-in-Council. That appears to have been unnecessary. No application was made and no action was taken under the Ordinance. Shops have been opened in many cases and conducted without any complaint. In fact

the general effect seems to have been that they have been of benefit to the inhabitants by limiting possible profiteering by people who had a monopoly of other shops. There seems to be no object in maintaining this Ordinance on the statute book.

Mr. DIAS seconded.

Dr. SINGH: The Plantation Shops Ordinance was properly introduced at the time to protect settlers from being exploited by officers and persons attached to plantations. I have every reason to believe that the Ordinance served a useful purpose, though it is rumoured that some ingenious proprietors and others were able to defeat the object of the Ordinance by getting licences in the names of their relatives. Since then things have changed and there is no more of the indenture system. Settlers of today are much wiser than those of ten years ago. A settler now is able to hold his own and is free to move about wherever he likes, and he is well versed in local conditions at the present time. It is therefore in the interest of the proprietors to give settlers a square deal, otherwise they would go where better treatment will be accorded them. I do not believe in restricting the privileges of a proprietor, but in the event of strained relationship between a proprietor and settlers there should be power to withhold a licence or to resort to the Governor-in-Council for a decision.

Mr. LUCKHOO: I have made enquiries in different quarters as to what would be the effect of this Bill and I have been assured by shopkeepers and residents on estates that they welcome the repeal of the Ordinance. This law was introduced at the time when there was indentured immigration and everything was done to protect newly arrived immigrants from exploitation at the hands of unscrupulous proprietors, but that does not exist today and with severe competition labourers settled on estates are getting full benefit of that competition. There is therefore no reason for restricting estates' proprietors from carrying on shops. In fact it is a question whether it is not in their interest and in the interest of the settlers to have such shops where sales can be effected at a small margin of profit which would be an inducement to settlers to remain on the estates.

Mr. PEER BACCHUS: The Ordinance was introduced to protect settlers on sugar estates and I have not heard sufficient to convince me that we have reached the stage when it should be repealed. Conditions have been changed and possibly a revision of the Ordinance would meet those conditions, but I am opposed to repealing the Ordinance altogether. Settlers on estates should be given some guarantee and not be left to the will of the proprietors, because it is obvious that if a proprietor conducts a shop on his plantation the settlers would be asked, and in fact forced, to support the business. On those grounds I am opposed to the repeal of the Ordinance. I think that a Bill to amend the Ordinance would better meet the case (Applause).

Mr. SEAFORD: As sugar estates have been brought prominently forward I may add that this suggestion has not come from any sugar estate. I do not know that there is any desire of sugar estates to run shops. Those in charge of estates have quite enough to do to occupy all their time.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

LIFE ASSURANCE COMPANIES BILL.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill to amend the Life Assurance Companies Ordinance, 1930, by providing that registered Friendly Societies and registered Trade Unions are not subject to the provisions thereof" be read the second time. Under the Friendly Societies Ordinance Friendly Societies are empowered to carry on life assurance business of a very minor character, and, as a matter of fact, the Societies in the Colony carry on very useful business of this nature among the very

poor sections of the community. Under the Life Assurance Companies Ordinance all bodies of persons who carry on life assurance business are deemed to be Life Assurance Companies within the meaning of the Ordinance and are therefore liable to all the duties of a Life Assurance Company. For example, they have to deposit securities to the tune of \$50,000 with the Colonial Treasurer and have an actuarial investigation of their affairs every five years. It was never intended that Friendly Societies should be subject to these provisions, and the Life Assurance Act of the United Kingdom does exempt Friendly Societies from these provisions. The Bill is therefore intended to bring the local law into line with the English law. The Friendly Societies Ordinance does not fix any maximum limit to the risk Friendly Societies may take in respect of life assurance, and I am authorised to say that Government is considering the question of introducing a further Bill to amend the

Friendly Societies Ordinance so as to fix a proper maximum in respect of life assurance to be undertaken by Friendly Societies.

Mr. AUSTIN 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 (*Mr. McDavid*).

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