

LEGISLATIVE COUNCIL.

Wednesday, 21st August, 1940.

The Council met at 10.30 a.m., pursuant to adjournment, His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General, Mr. E. O. Pretheroe, M.C.

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

The Hon. E. A. Luckhoo, O.B.E. (Eastern Berbice).

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

The Hon. E. F. McDavid, M.B.E., Colonial Treasurer.

The Hon. F. J. Seaford, O.B.E., (Georgetown North).

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

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

The Hon. N. M. Macleunan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Labour and Local Government.

The Hon. G. O. Case, Director of Public Works and Sea Defences.

The Hon. L. G. Crease, Director of Education.

The Hon. B. R. Wood, Conservator of Forests.

The Hon. L. D. Cleare, Director of Agriculture (Acting).

The Hon. Percy C. Wight, O.B.E. (Georgetown Central).

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

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

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. H. C. Humphrys, K.C. (Eastern Demerara).

The Hon. A. G. King (Demerara River).

The Hon. C. R. Jacob (North Western District).

The Hon. J. W. Jackson (Nominated Unofficial Member).

The Hon. F. A. Mackey (Nominated Unofficial Member).

The Hon. C. V. Wight (Western Essequibo).

MINUTES.

The minutes of the meeting of the Council held on the 20th of August, 1940, as printed and circulated, were confirmed.

PAPERS LAID.

THE COLONIAL SECRETARY (Mr. G. D. Owen) laid on the table the following documents:—

The Defence (Finance) Regulations, 1940. (No. 9 of 1940).

The Defence (Finance) (Amendment) Regulations, 1940. (No. 11 of 1940).

The Censorship Regulations (No. 2) (Amendment) Regulations, 1940. (No. 12 of 1940).

The Defence (Rice Control) (Amendment No. 2) Regulations, 1940. (No. 15 of 1940).

The Defence (British Ships' Officers) Regulations, 1940. (No. 19 of 1940).

The Defence (Padi Rice Control) Regulations, 1940. (No. 21 of 1940).

The Defence (Amendment No. 2) Regulations, 1940. (No. 22 of 1940).

The Defence (Refund of Customs Duty) Regulations, 1940. (No. 24 of 1940).

The Defence (Acquisition of Seed Padi) Regulations, 1940. (No. 23 of 1940).

The Defence (Georgetown Harbour Pilotage) Regulations, 1940. (No. 25 of 1940).

The Defence (Rice Control) (Amendment No. 3) Regulations, 1940. (No. 26 of 1940).

The Trading with the Enemy Ordinance, 1939 Amendment Regulations 1940 (No. 28 of 1940).

The Defence (Amendment No. 3) Regulations, 1940. (No. 29 of 1940).

The Defence (Rice Control) Regulations, 1940. (No. 30 of 1940).

The Rice-Growers Loans Ordinance Amendment Regulations, 1940. (No. 31 of 1940).

The Defence (Protection of Ships) (Amendment) Regulations, 1940. (No. 32 of 1940).

ORDER OF THE DAY.

ACTIVITIES OF THE RICE MARKETING BOARD.

Mr. JACOB asked and the Colonial Secretary laid over replies to the following questions:—

Q. 1. How many Rice Marketing Boards were established by the Government of British Guiana since 1932?

Q. 2. What were the functions of each Board and how long did each last?

A. 1 & 2. Rice Marketing Boards have been appointed and have functioned in pursuance of the provisions of the following Ordinances:—

The Rice (Export Trade) Ordinance, 1932, (No. 47).

The Rice (Export Trade) Ordinance, 1933, (No. 12.)

The Rice (Export Trade) Ordinance, (No. 2), 1933, (No. 21).

The Rice (Export Trade) Ordinance, 1935, (No. 17).

The functions of the Boards were to regulate and control the exportation of rice produced in the Colony. By virtue of Regulation 3 of the Defence (Rice Control) Regulations, 1939, the present Board is empowered, subject to the provisions of those Regulations to control the purchase, sale and distribution of all rice produced in the Colony.

Q. 3. If the functions of the Boards were to regulate and control the exportation of rice produced in the Colony, how many tons were produced and exported during the last ten years, each year separately?

A. 3. Statistics of the exports of rice produced in the Colony during the last ten years will be found in the annual reports of the Comptroller of Customs, the Director of Agriculture, and the British Guiana Rice Marketing Board.

Q. 4. If the figures of export show a consistent decline will it be reasonable to conclude that the real objects of the Rice Marketing Boards were to adopt measures to decrease the production of export of rice?

A. 4. The Answer is in the negative.

Q. 5. When the new Board was constituted in December, 1939, did this Board receive information that there were at least 30,000 tons of rice available for sale and export during the year 1940? If not, what quantity was available for sale and export, giving details as to how the figures were computed, and as to the number of tons that were in rice and in padi in the Counties of Demerara, Berbice and Essequibo, each separately?

A. 5. Please see Answer to Question 7.

Q. 6. Who is the Chairman of the British Guiana Rice Marketing Board? If this person is not the Director of Agriculture, what are the reasons for appointing someone else?

A. 6. The appointment of the Honourable E. F. McDavid, M.B.E., Colonial Treasurer, as Chairman of the Board was announced by Notice No. 682 in the *Gazette* of 1st November, 1939. By section 3 (11) of the Rice (Export Trade) Ordinance, 1935, the appointment of the Chairman of the Board is in the discretion of the Governor. The appointment was made because the Treasurer was regarded as the most suitable officer to supervise the transactions carried out by the Board.

Q. 7. What quantities of rice have been exported during the three months ending 31st March, each month separately?

Q. 8. What quantity of rice it is estimated will be exported during the remaining nine months of this year, each month separately?

Q. 9. What quantity of rice has been sold for delivery during the nine remaining months ending 31st December, 1940, giving the names of the markets and the quantities sold for delivery to each?

Q. 10. What will be the stock of rice in Georgetown at 31st March, 1940, giving each grade separately?

Q. 11. What will be the stock of rice at 31st March, 1940, in Demerara, Berbice and Essequibo, each County separately?

Q. 12. What will be the stock of padi at 31st March, 1940, in Demerara, Berbice and Essequibo, each County separately?

Q. 13. What quantity of rice it is estimated will be recovered from the padi in hand as per Question No. 12?

A. 7, 8, 9, 10, 11, 12 and 13. The hon. Member's attention is invited to the report of the British Guiana Rice Marketing Board published in the *Gazette* of 22nd June, 1940, in accordance with the provisions of the Defence (Rice Control) Regulations, 1939. The report contains statistics of the original estimate of supplies, exports, stocks, prospective supplies and commitments as at 31st March, 1940.

SALE OF RICE.

Mr. JACOB, on behalf of Mr. LEE, asked and the Colonial Secretary laid over replies to the following questions:—

Q. 1. Will Government state on what date or dates the Rice Marketing Board stopped selling grades No. 2 and No. 3 rice in this Colony for re-sale by the shops and retailers?

Q. 2. Will Government state how many bags of No. 2 and No. 3 rice were in stock by the Rice Marketing Board for sale on that date or dates and where were they stocked?

Q. 3. Will Government state on the said date or dates how many bags of padi approximately were on hand at the rice mills in this Colony?

Q. 4. Will Government state if the Rice Marketing Board had any contracts to fulfil for No. 2 and No. 3 rice for export, each separately, and to whom, where and at what price were they sold?

Q. 5. Will Government state the quantities of each of the following grades of rice in stock by the Rice Marketing Board on 31st May, 1940, (a) Super, (b) Extra No. 1, (c) No. 1, (d) No. 2, (e) No. 3?

Q. 6. Is Government aware that the workers of this Colony purchase No. 2 rice for their staple food, and will Government give reasons for restricting the sale of this lower grade of rice? Will Government consider the advisability of selling No. 2 and No. 3 rice immediately in this Colony?

A. 1, 2, 3, 4, 5 and 6. No. 3 rice has not been put on sale locally. No. 2 rice was withdrawn from local sale in March, 1940, with the knowledge and concurrence of the Government.

The hon. Member's attention is invited to the report of the British Guiana Rice Marketing Board published in the *Gazette* of 22nd June, 1940, in accordance with the provisions of the Defence (Rice Control) Regulations, 1939. The report contains statistics of stocks, prospective supplies and commitments at 31st March, 1940, and also explains the reason for the withdrawal of No. 2 rice from the local market. It is impracticable for the Board to furnish statistics of the nature indicated at varying dates within the Board's prescribed accounting periods.

VACANCIES IN THE CLERICAL SERVICE.

Mr. C. V. WIGHT asked and the COLONIAL SECRETARY laid over replies to the following questions:—

Q. 1. Are there any vacancies in the Offices of the Civil Establishment?

Q. 2. If the answer to question No. 1 is in the affirmative, please specify the department or departments in which the office or offices is or are vacant and the period for which such office has remained vacant.

Q. 3. If the answer to No. 1 is in the affirmative does Government intend to make appointments to fill such vacancies? If so, when? Please give dates in respect of each office.

A. 1, 2 and 3. In March last, when the questions were received, there were a number of vacancies in the general Clerical Service, appointments to which have since been made.

Q. 4. Are any of the offices aforementioned to be abolished? If so, which?

A. 4. No.

PROPOSED EXPENDITURE ON ESSEQUEBO COAST.

Q. 1. What sum or sums of money does Government propose to expend in the Essequibo Coast during the year 1940 in relation to (a) permanent works or development, (b) works for the purpose of relieving unemployment caused by the loss of the rice crop?

A. 1. Government proposes to expend:—

(a) \$25,000 on the improvement of drainage and irrigation on Government estates and separation of drainage of front and back lands, and \$19,435 for reconditioning drainage works;

(b) \$1,000 for clearing koker channels.

Q. 2. Please give details as to areas in respect of which such sums are to be expended and the amount to be so expended in each area.

A. 2. Bush Lot to La Belle Alliance, inclusive, and reconditioning back dams and water paths

from Bush Lot to Hampton Court and facade trench Lima.

Q. 3. On what date is it proposed that such expenditure shall commence?

A. 3. Already commenced.

ARTESIAN WELLS AND PIPE LINES IN ESSEQUEBO.

Q. 1. Does Government propose to carry out any works on the Essequibo Coast or in the Pomeroon River District in connection with the drilling of artesian wells or the laying of pipe lines for water supply?

A. 1. The original proposals for drilling artesian wells in these areas having been completed the claims in respect of any future works will have to be considered with those of other districts.

Q. 2. If the answer is in the affirmative, when does Government propose to start such works?

Q. 3. If the answer is in the negative, why not?

A. 2 and 3. See reply to Question 1 above.

Q. 4. When was the last artesian well drilled on the Essequibo Coast and in the Pomeroon River District? Where is such well situated?

A. 4. The last well drilled in the Essequibo District was completed in April, 1937, at Dartmouth. There are no wells in the Pomeroon District.

Q. 5. How many artesian wells are there on the Essequibo Coast and how many are there in the Pomeroon River District?

A. 5. Five good wells and one of obsolete type in Essequibo District. There are no wells in the Pomeroon District.

Q. 6. When were works last carried out in connection with the laying of pipe lines on the Essequibo Coast and in the Pomeroon River District?

A. 6. March/June, 1937, Dartmouth to Better Success. No pipe-laying works were carried out in the Pomeroon District.

Q. 7. Does Government consider the present available supply of drinking water sufficiently adequate to fulfil the requirements of the population on the Essequibo Coast and in the Pomeroon River District?

A. 7. As in many other parts of the Colony, supplies of drinking water are undoubtedly inadequate in times of severe drought, but in normal weather the Essequibo and Pomeroon River Districts have ample supplies of fresh water.

Q. 8. If the answer is in the negative, when and how does Government propose to remedy the defect?

A. 8. See answer to Question 1.

Q. 9. When works are being carried out on the Essequibo Coast or in the Pomeroon River District is it Government's policy to employ only residents of the aforesaid Districts?

A. 9. Yes; except in cases where the requirements in respect of skilled labour cannot be met locally.

Q. 10. If the answer to Question 9 is in the affirmative, have any persons other than residents of the areas in question been employed in the carrying out of works in such areas? If so, why?

A. 10. This is answered by reply to Question 9.

Q. 11. When does Government propose introducing a Labour Code or Ordinance?

A. 11. The Labour Bill will be introduced into the Legislative Council in the near future.

RE-ENACTMENT OF SECTION 212 OF LOCAL GOVERNMENT ORDINANCE.

Q. 1. Does Government propose to enact and/or introduce any legislation similar to or identical with the provisions of Section 212 of the Local Government Ordinance, Chapter 84, which said section was repealed *inter alia* by Section 162 of the Public Health Ordinance, 1934?

A. 1. Yes. Provisions dealing with this subject, based on the Housing Act, 1936, are being included in a draft bill now in the course of preparation.

Q. 2. If the answer to No. 1 is in the negative, why not?

A. 2. Does not arise.

Q. 3. Was not the section above-mentioned repealed by inadvertence?

A. 3. No.

Q. 4. If the answer to No. 3 is in the negative why was the said section repealed?

A. 4. It was considered to be a matter not directly concerned with Public Health and might more appropriately be incorporated in the draft of a new District Government Bill then under consideration.

CROWN COUNSEL.

Q. 1. Is Government aware of the fact that they stated in March, 1940, that Mr. A. C. Brazao would assume duties as Crown Counsel on the completion of the next Georgetown Assizes because the cases had been prepared by the then acting Crown Counsel?

A. 1. Yes.

Q. 2. Have the next Georgetown Assizes referred to in No. 1 been completed? If the answer is in the affirmative, why did not Mr. A. C. Brazao assume his duties?

A. 2. Yes. Because—

(a) Mr. Duke had appeared for the last defendant during the first nine days of the hearing of the suit *Madray v. Sealey and Others* and the Attorney-General and, as he had no junior, it was considered desirable that he should complete the case. He addressed the Court on May 22nd.

(b) Then, in accordance with medical advice, Mr. Duke was first granted casual leave, then 28 days' sick leave and finally six months' vacation leave;

(c) Consequently Mr. Duke has not been able to resume his duties as Registrar and Mr. Jackson, a Magistrate, has remained as acting Registrar;

(d) In accordance with the undertaking given to this Council (1939 Hansard 234) the Crown Counsel was called upon to fill the vacancy caused by Mr. Jackson's absence from his Department.

Q. 3. Is it not a fact that the non-assumption of duty of Mr. Brazao has necessitated employment of King's Counsel to prosecute on behalf of the Crown?

A. 3. The non-assumption of duty by Mr. Brazao necessitated the employment of Counsel and in fact one of His Majesty's Counsel was briefed. The resulting charge against the Law Officers' vote however was less than the charge which would have been made against the Magistrates' vote had an acting Magistrate been appointed from the date Mr. Duke ceased to act as Crown Counsel.

BANNISTER PENSION BILL, 1940.

THE COLONIAL SECRETARY: I move that the following Bill be read a second time—

"A Bill intituled an Ordinance to make special provision in regard to the pensionable service of Adrian Allan Bannister."

On the 1st June, 1924, Mr. Bannister was appointed to act as an Assistant Inspector of Schools, which is a pensionable office, and continued to act in that capacity until the 31st March, 1928, when he was appointed an Assistant Master of the Teachers' Training Centre, a non-pensionable post. He held that post until the end of 1934.

Regulation No. 11 in the Schedules to the Pension Act of 1933, No. 20, provides that active service in a non-pensionable post may be taken into account as pensionable service if it is immediately preceded or followed by service in a substantive capacity in a pensionable office. Mr. Bannister's service as acting Assistant Inspector of Schools was not immediately followed by service in a substantive capacity in a pensionable office. It is therefore necessary to introduce legislation to enable his service from the 1st June, 1924 to the 31st March, 1928, to be accountable for pension.

Mr. DIAS 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 and passed.

CUNHA (VALIDATION OF ACTS PERFORMED AS J.P.) BILL, 1940.

THE ATTORNEY-GENERAL (Mr. E. O. Pretheroe): I beg to move that a Bill intituled "An Ordinance to validate all acts performed by Abel Augustus Cunha as a Justice of the Peace during the period January, 1925, to December, 1939" be read a second time. For some years prior to 1924 Mr. Cunha lived at Mallali. In 1921 it was thought desirable that a Justice of the Peace should be stationed in that area, and Mr. Cunha was appointed a Justice of the Peace. In those days, prior to the provisions of the Summary Jurisdiction (Magistrates) Ordinance of 1939, it was not possible to limit the jurisdiction of a Justice of the Peace to any particular area and he had to be appointed for the whole Colony. However, in the letter which covered the warrant sent to Mr. Cunha he was told that he would only act as a Justice of the Peace for such term as he lived at Mallali and if he removed he would no longer exercise the powers of a Justice of the Peace. Mr. Cunha did in fact leave Mallali in 1925 and came to Georgetown where there was no need for his services as a Justice of the Peace because qualified persons were there available:

The staff in the Colonial Secretary's Office was aware of those instructions to Mr. Cunha and therefore omitted his name from the annual list published in January of each year showing those entitled to act as Justices of the Peace. Section 18 (2) of the Summary Jurisdiction (Magistrates) Ordinance provides that any person whose name does not appear in that list shall not practise as a Justice of the Peace. Mr. Cunha overlooked the letter which informed him that he should not act as a Justice of the Peace when he left Mallali, and he was also unaware of subsection 2 of section 18 of the Ordinance mentioned, and he did in fact act as a Justice of the Peace while in Georgetown down to 1939 when it came to the knowledge of the Government. It is quite impossible to validate such acts as certifying and authenticating documents as you cannot trace

them, and the only possible way to right the situation is to validate all acts performed by this Justice of the Peace and to validate them to the extent to which they would have been valid had his name appeared in the lists of Justices of the Peace published during those years. That is the purpose of this Bill. At a later stage I shall move an amendment because it is found that the period stated in the Bill is not sufficient.

Mr. McDAVID (Colonial Treasurer) seconded,

Question put, and agreed to.

Bill read the second time.

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

Clause 2—All acts as Justice of the Peace performed by A. A. Cunha between 1st January, 1925, and 31st December, 1939, to be valid and effectual. Cap. 9.

THE ATTORNEY-GENERAL: I move that the words "thirtieth day of April, nineteen hundred and forty," be substituted for the words "last day of December, nineteen hundred and thirty-nine" in the sixth and seventh lines, and the word "forty" for the words "thirty-nine" in the last line. The object of this amendment is that though at the time Mr. Cunha was informed that he had no right to practise as a Justice of the Peace when he left Mallali as his name was omitted from the list of Justices of the Peace he thought that a mistake was made in omitting his name and that a fresh list would be made with his name included and so he continued to act as a Justice of the Peace down to April of this year; hence the need for this amendment.

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

Clause 2 passed as amended.

Title—An Ordinance to validate all acts performed by Abel Augustus Cunha as a Justice of the Peace during the period January, 1925, to December, 1939.

THE ATTORNEY-GENERAL: I move the substitution of the words and figures "the 30th April, 1940," for the words and figures "December 1939."

Question "That the title as amended form part of the Bill" put, and agreed to.

Title passed as amended.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

SPIRITS (AMENDMENT) BILL, 1940.

THE ATTORNEY-GENERAL: I beg to move that A Bill intituled "An Ordinance further to amend the Spirits Ordinance, Chapter 110, by increasing the penalty for the unlawful possession of distilling apparatus" be read a second time.

Mr. McDAVID seconded.

Mr. ELEAZAR: I rise to move that this Bill be held in abeyance for six months in order to give the hon. Attorney-General an opportunity to make further enquiries into this matter before an attempt is made to amend the law as is suggested by this Bill. The reason given is:

In certain areas of the Colony the distillation of "bush rum" is prevalent and is apparently becoming more common. The object of this Bill is to increase the maximum penalty which may be imposed on conviction by a Magistrate in the hope that such penalty may prove a deterrent.

Government is accustomed to forlorn hopes, and this is certainly a forlorn hope. I cannot understand where Government has conceived the idea that by imposing greater penalty it is going to be a deterrent to the commission of this offence. This Bill, however, shows that Government has good intentions. Government seems to have an idea that it should do something to reduce this common offence which is going on in this Colony, and so has started in this fashion. But, sir, it is clearly a mistaken view altogether of the psychology of the people of this country, and it seems to be a mistaken idea the world over that if you increase the penalty you can minimise the number of offences committed. I can hardly conceive that.

When it comes to the question of "bush rum" I think I know much about it, if not more than anybody else in this Council, because in the County in which I have the

pleasure to reside and practise I think that in nine out of every ten "bush rum" cases those people who have money to engage a lawyer to defend them come to me. A fair number get off as well as a fair number go to prison—those who have no money and those who have the misfortune to be caught redhanded manufacturing "bush rum" It seems to me that this Government does not take advice from anybody except its several advisers. It is, however, not those advisers' fault as some of them do not understand the psychology of the people of this country. For example, take the case of a man who is, perhaps, accustomed to drink "bush rum," and I have met many such. He goes and gets a half-bottle of "bush rum" for sixteen cents and takes part of it. Perhaps he is not a good drinker and on getting tipsy puts the remainder into his pocket, and while going along he is arrested by the Police and charged with the unlawful possession of the stuff. He is convicted and fined \$500 and sentenced to imprisonment for six months. That man goes to prison for six months because of his possession of a half-bottle of "bush rum," and that penalty is the same as that imposed on a man who is found with a demijohn of four or five gallons of "bush rum." When you send that man to prison for six months you make him a confirmed "bush rum" drinker when he comes out. The psychology of the people of this country, whether East Indians or Blacks, is that they do not want to go to prison for the first time at all and they will do everything reasonable so as not to go to prison for the first time. Cannot Government see then, if it addresses its mind to the situation, that if this man is sufficiently squeezed so as to get out of prison he would never go back again. But Government is doing just the thing which is to send him back to prison all the time. That is what this proposed penalty means.

The hon. Attorney-General is not responsible for that, but at the present moment this Ordinance permits of one of the greatest violations of procedure in Criminal Law. A prisoner or accused person is certainly entitled to the right of cross-examination of witnesses who give evidence against him, but what do you find in this Ordinance? A gentleman sits in Georgetown and sends a piece of paper showing that the sample he saw is "bush rum." He need not be present at Court. If you

cite him as a witness you cannot cross-examine him according to Criminal Procedure and there is no other analyst you can get. Because the Government Analyst sits in Georgetown and says the sample sent him by the Police is "bush rum" you send a man to prison for his possession of the article. It is all the more reason therefore why Government should consider, as it is taking an unfair advantage of the accused and committing a breach of the principles of Criminal Law and Procedure, whether this has any effect at all. I do not know whose idea it is, that if you send a man to prison and fine him a larger sum it is going to minimise the offence. It is practically impossible of having that effect. One would have considered that Government would have begun with a fine which the ordinary man would feel if he has to pay it, and in such a case when he is caught and is convicted he will do everything that is reasonable and everything that is possible and within his power to avoid going to prison. The framers of this Bill do not appreciate the fact that no person in this country likes to go to prison. It is the thing he fears more than anything else. If you make a law to send him to prison for the first offence you cannot say you are preventing him from becoming a criminal. When a man goes to prison for six months you have to feed him, and when he comes out and finds everything that he has just as he left them he will go back again. On the other hand if he had to pay somebody the amount of the fine advanced him with interest, and he had to struggle all his life to repay it then you would have done something to warn him and there would be every likelihood of that person not having anything more to do with "bush rum" which had given him so much trouble.

Surely something is wrong if the law makes it punishable to the same extent against a man who has a thimbleful of "bush rum" as against the man who has a hogshead of the same stuff. This thing wants a little more consideration. Over and over again it has been voiced in this Council that Government should address its mind to the matter and do the correct thing, but Government will not listen. Government knows "subtraction" but is yet to know "sheep," and will not understand. If a man can get a half-bottle of ordinary rum from the spirits shop at the same

price that he gets a half-bottle of "bush rum," is he going to run the risk of paying money and of imprisonment by purchasing "bush rum"? It is hardly likely. Many of these men are confirmed "bush rum" drinkers. In the endeavour to save eight cents on a half bottle of rum by purchasing "bush rum" a man is caught by the Police, surely if he has to pay a fine of \$50 or \$70 instead of going to prison for any period he is more likely not to do so again. Cannot Government make a law which will give a man some opportunity to get the same stuff for the same price as "bush rum"? There is no reason why Government cannot do it. But Government is clinging on to this high spirits duty like a limpet to a rock, and in order to do that has come to the conclusion that this Bill will serve as a deterrent to the distillation of "bush rum." It cannot be done, but Government has the power and is going to use it like a giant to carry this thing through and so send more people to gaol and have them to feed while "bush rum" will still continue to flourish. The last time a man was found manufacturing "bush rum"—Monday gone—he had two full demijohns of spirits by him and another demijohn was being filled at the time. He was on the job when he was overtaken by the Police, and he was prosecuted and given six months' imprisonment on one charge and a further six months on another charge. Does Government believe that man was going to get the people of the village nearby to buy those three demijohns of "bush rum"? Those demijohns were going into a licensed spirits shop somewhere. That licensed dealer pays \$5 per demijohn as against \$4 per gallon of rum from the Bond. Certainly it is more profitable to him to purchase "bush rum," and when it gets behind his counter it is changed from "bush rum" to nice rum. That is public knowledge. It is not the ordinary man who is drinking "bush rum" who is the worst culprit in the matter at all; it is the man who is selling it in his shop because the duty he has to pay on ordinary rum is so high. He prefers to get the cheaper stuff rather than the legitimate stuff. Certainly that trader would carry on a legitimate business if he did not feel that the duty is high and should be reduced. A Committee understanding the psychology of the people should go into all these matters and a general attempt made to minimise this habit of manufacturing or

distilling "bush rum." In another country the product is known by another name.

Government has given the habit a chance to grow so far, because for one thing a reward is given for catching a man distilling or selling "bush rum." How many cases have not come under my observation where some wicked fellow gets a bottle of the stuff and plants it in such a way as to get somebody else in trouble? There are many such cases known to me in my legal practice. It is an easy way of getting money for a conviction. Those are the things to be gone into if you are going to make a genuine attempt to kill out this illicit traffic which, we all feel and agree and are satisfied, should not be allowed to kill legitimate traffic in spirits in this country. Let us, however, do it properly. Let us put heads together and see all the whys and wherefores how it can be done, but to say that by increasing the penalty it is hoped to be a deterrent is a forlorn hope. I think Government can allow this Bill to stand down, as you are not overtaking anything which has gone ahead of you. You are only doing something to keep it in check, and if that is so a few weeks or months longer would do no harm. Merely increasing the penalty, I may tell Government in all sincerity, will not produce the result which Government hopes for. There are many other things to be considered. Government must understand, that no matter how rampant a crime is you cannot do an injustice so that justice be done. Government must look into the form of prosecution. I know of an instance, and it is well known to the hon. Attorney-General, in which a man was charged with having "bush rum" on his premises. He had the means to get a private analyst from a certain sugar estate who went into the Magistrate's Court and said that the stuff, which the Government Analyst said was "bush rum," was nothing more than pure alcohol spirits. That case was dismissed. Instead of Government making provision that such cases be contested in a proper way, Government has gone around the estates and told the estates' authorities not to allow their analysts to go and interfere with such prosecutions.

Mr. SEAFORD: To a point of order. I do not like to interrupt the hon. Member, but Government did not ask the estates not to allow their analysts to interfere in the

matter. Government did not get around the estates in any way whatever.

Mr. ELEAZAR: I do not know if the hon. Member knows what I am speaking about, but the gentleman, I referred to just now, when asked to assist the defence in another case gave that excuse. He is not here to speak for himself, and I am not going to say what is not true of a man who is now dead. Anyhow the position now is that you cannot get the Analyst on any estate to go and give evidence if you want him to do so, irrespective of what you may offer to pay him. What is more, you take away the rum to the Government Analyst and do not leave any portion of it with the man as is done in other cases where a sample is taken to be sent to someone else to be tested. I think, Government has had this point urged over and over again. Perhaps, we may compliment the hon. Attorney-General for doing something in the matter, as he has only been here a short time and does not know all that transpired previous to this. While the hon. Attorney-General is showing a willingness to do something to help the situation, I do ask Government to allow this Bill to remain in abeyance in order to get some other opinion in the matter. There are hon. Members of this Council, who are very capable of giving assistance to Government as to how this Bill should be amended in order to meet the situation in the illegal practice going on in the country. Whether Government will bear or forbear is another matter.

Mr. JACOB: I rise to support in the main the remarks of the hon. Member who has just spoken. If, however, it is possible to amend the Bill now when in the Committee stage, as it is not a very lengthy Bill, it may be all right. I do not think that the statement made in the objects and reasons of the Bill is convincing. It states:

The object of this Bill is to increase the maximum penalty which may be imposed on conviction by a magistrate in the hope that such penalty may prove a deterrent.

I do not think that hope will materialise. I am always in favour of meting out adequate punishment to wrong-doers, but up to the present these stiff penalties and long terms of imprisonment have not prevented the wholesale manufacture of "bush rum." We have got to look for other reasons, and

if a close survey is made of the situation it would be seen that "bush rum" is being manufactured in places where the economic condition of those places is very bad. Take for instance the Essequibo Coast: Some people there have told me quite plainly: "We have nothing to do and have to make a living." A deputation stated that definitely to a visiting Governor sometime ago. Take the Islands in the Essequibo River: Those are the places where "bush rum" is being manufactured extensively and also the places in the Berbice River. The hon. Member for Berbice River (Mr. Eleazar) knows that the economic condition there is very bad. Penalties will not deter the people from continuing to manufacture "bush rum." As a matter of fact, some people believe that prison life now is much better than what it used to be and it may be better to be in prison to-day than to be outside eeking out a miserable existence. That is a problem which Government has to face. I do not know whether Government realises that as yet. I cannot agree that Government's hope will materialise by increasing the penalty. The Magistrate should have discretionary power in the matter. If a man has been convicted over and over again, by all means the maximum penalty should be imposed. I support the view of the last hon. Member who has spoken that for the first, second and even third conviction the penalties should not be heavy. As a matter of fact discretionary powers if given the Magistrate in the matter would get us nearer a solution.

THE ATTORNEY-GENERAL: The hon. Member for Berbice River has expressed the opinion that this attempt to stamp out the "bush rum" evil is a forlorn hope. I do not subscribe to that view. I cannot believe that in any part of this country the people are so bereft of their senses not to realise that the time will come when the game will not be worth the candle irrespective of what the economic condition may or may not be indeed. The time must come when they will realise that the game is not worth the candle. I suppose most hon. Members in this Council agree that punishment is a deterrent. It is definitely so, as all around one sees it in school children as well as in adults. I do not think that anybody present would deny that it is so. By increasing the penalty it is hoped to impress upon those people that the game

is not worth the candle. There is hope in that way of dealing with the matter.

I would like to correct one or two statements which have been made. Firstly, there is nothing in the Bill which says that a man must go to prison for the first offence. The Magistrate has discretionary powers and that discretion is in no way affected by this Bill. Secondly, there is nothing in the Bill which says the Magistrate must inflict the maximum penalty the first time. He can do so if he thinks fit. This Bill provides that in cases where the Magistrate thinks it desirable he may inflict twelve months instead of six, or may inflict a fine or in lieu of that fine a term of imprisonment set out in the Bill.

The hon. Member for Berbice River mentioned that a solution to the problem is to be found by reducing the duty on rum. I have no doubt that such action would be effective to some extent, but everybody knows that this Colony cannot give up any form of revenue and requires every ha'penny it is possible to raise. That solution, desirable as it is, is quite impossible of realisation as the Colony cannot afford to give up any revenue it derives from the manufacture of this particular spirit. For that reason Government is unable to accept the motion that consideration of the Bill should be delayed six months.

Question put, and agreed to.

Bill read the second time.

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

During the discussion Messrs. Luckhoo, Woolford, Gonsalves, Humphrys and Dr. Singh entered the Chamber and took their seats.

Clause 2—Amendment of Section 108 of the Principal Ordinance.

Mr. JACOB: Do I understand the minimum penalty is \$250?

THE ATTORNEY-GENERAL: No, that is the maximum penalty. It may be from the smallest amount. That particular clause—subclause 7—in no way affects the punishment that is to be inflicted.

Mr. ELEAZAR: It says he shall not fine a man less than a certain amount, \$250. I think that section was not repealed. The minimum penalty is \$250.

THE CHAIRMAN: That is the existing law!

Mr. ELEAZAR: Who can conceive of anything other than that \$250 is the minimum. With all due deference to the hon. Attorney-General I cannot see where the penalty is \$250 or three months that a penalty of \$50 or two months can be imposed. Does he mean that? If that is so, then this does not read so. If that is intended let it be put down, and my contention would then fall to the ground at once.

Mr. JACOB: In order that there should be no ambiguity about it, I suggest that it should be differently worded. The moment you leave it open to the discretion of the Magistrate, reading this Bill as it is, he will take that to mean the minimum penalty whether a man is found with a whole distilling apparatus or with a half-bottle of the stuff. If that is not intended it should be amplified here.

THE CHAIRMAN: It does not say so. There is nothing in the Bill which can cause the Magistrate to inflict only a fine of \$250. If the hon Member wishes to move an amendment by inserting the words "or less" he may do so.

Mr. JACOB: I think a better wording would be: "Where the penalty does not exceed \$250" instead of "Where the penalty is \$250." I move that the words "does not exceed" be substituted for the word "is."

THE CHAIRMAN: There is no objection to that, as it expresses precisely the same thing.

Amendment put, and agreed to.

Question "That clause 2 as amended stand part of the Bill" put, and agreed to.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

PATENTS, DESIGNS COPYRIGHT AND TRADE-MARKS (EMERGENCY) BILL 1940.

THE ATTORNEY-GENERAL: I move that a Bill intituled "An Ordinance to make special provision with respect to Patents, registered Designs, Copyright and Trademarks, as is expedient to meet any emergency which may arise as a result of war" be read a second time. This Bill deals with four sets of subjects viz:— Patents, Designs, Trade Marks and Copyright. We have local Ordinances dealing with the first three—the Patents and Designs Ordinance, 1937, the Trade Marks Ordinance, Chapter 59, and the Copyright Ordinance, Chapter 63. The last Ordinance in effect says the English Act of 1911 shall apply to the Colony. The object of this Bill is to amend and suspend certain provisions of our local law and the local application of certain English Laws. As the objects and reasons appended to the Bill state, the first object of the Bill is to safeguard the sale in the Colony of substitutes of non-enemy origin for products which are covered by patents, designs or copyrights in force in the Colony and owned by enemies or enemy subjects. For example, "atebrin" and "plasmoguin" are covered by German trade marks. English chemists know how to make those particular articles but they are unable to put them on the local market because they are prevented by our law. The object of this Bill is to suspend this provision of our law for the duration of the war. It is not taking away permanently the right of an enemy but is only to enable, if this Bill is passed, local chemists to make and sell their wares under their names for the duration of the war without penalty.

The second object of the Bill is to make provision for suspending the trade mark rights in the Colony of an enemy where it is difficult or impracticable to describe an article or substance without the use of such trade mark. I tried to think of an example this morning and could not. I can only think of the fluid "Flit" put up in cans which could not be called "Flit" by anyone else if that is a German trade mark. It is not easy to describe a similar substance of the same kind without making use of the word "Flit." If I am given time I may be able to produce a better

example, but this is just an example to explain my point.

Sub-clause (1) of Clause 2 deals with Designs and Copyright, Sub-clause (2) with Patents, Sub-clause (3) with Trade Marks, Sub-clause (4) gives legal effect to the order or licence, and Sub-clause (5) removes any possible conflict with existing laws. Take one example—Trade Marks. If a trade mark is registered in England and the Comptroller-General of Trade Marks in England grants a licence under that trade mark and that trade mark is also registered in this Colony, then the person holding the licence can register that licence in the Colony. The licence issued in England will then confer upon him the same rights in this Colony as he already enjoys in England. Perhaps I may explain one provision which may appear curious. Sub-clause (3) of Clause 3 states: "The powers conferred by this section may be exercised notwithstanding that the exercise thereof benefits, whether directly or indirectly, an enemy or an enemy subject within the meaning of section two of the Trading with the Enemy Ordinance, 1939." The reason for that is this: there are many patents, trade marks and designs, and copyright registered or in course of registration by people at present enemies. Those enemies are temporarily deprived of their rights unless they propose to permit, or have permitted, the exercise of those rights within the British Empire by our own citizens. In such a case it may well be to our advantage to allow those articles to be registered in the name of the enemy in order that the British subject concerned may exercise the rights under his licence. It would of course be a breach of the Trading with the Enemy Ordinance to give an enemy a pecuniary advantage, and therefore that clause is put in as a safeguard.

Mr. LUCKHOO 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.

THE ATTORNEY-GENERAL gave notice that at the next or a subsequent meet-

ing of the Council he would move that the Bill be read a third time and passed.

CUSTOMS DUTIES (AMENDMENT) BILL, 1940.

Mr. D'ANDRADE (Comptroller of Customs): I beg to move that A Bill intituled "An Ordinance to amend the Customs Duties Ordinance, 1935, with respects to duties payable on sweet potatoes and the exemption of certain articles from the payment of duty" be read a second time. The object of this Bill is to amend two of the Schedules of the Customs Duties Ordinance, 1935. The intention of Clause 2 of the Bill is to add a proviso at the end of item 52 of the First Schedule providing that the duties payable under that item on vegetables and ground provisions should not be leviable in respect of sweet potatoes which are imported into the Colony from any British West Indian Colony during the months of January, February, November and December in any year. During those months locally grown sweet potatoes are not plentiful.

Prior to 1928 no duty was payable on any vegetables and ground provisions other than onions and garlic. In that year there was imposed with the object of obtaining increased revenue of duty of 40 cents (British Preferential Tariff) and 80 cents (General Tariff) with a surtax of 25 per cent. leviable in respect of all vegetables and ground provisions. Those duties are still in force except that the surtax has been increased from 25 to 30 per cent. Although it was not intended as a protective measure the effect of those duties has been a considerable falling off in the importation of sweet potatoes from Barbados. The imports in 1928 totalled 1,428,000 lbs., in 1938—600,000 lbs., and in 1939—453,000 lbs.

I think it would be generally conceded, and I believe it is the wish of all, that there should be as far as possible free and close trade between this Colony and the British West Indian Colonies, provided we protect ourselves as far as possible. In view of the fact that during the months stated in the Bill there is usually a scarcity of locally grown sweet potatoes, it is felt that the duty on the British West Indian products should be removed. It is estimated that the loss of revenue involved will not be more than around \$1,000.

Clause 3 of the Bill amends the Fourth Schedule in four directions. Under sub-item 15 of item 1—"school hat-bands and recognition badges imported by, or on behalf of, any school approved by the Director of Education" are now admitted free of duty and it is intended by this amendment to add "school ties" to these exemptions. Sub-item 12 of item 5 is a new sub-item to be added and reads: "articles imported by, or for the use of, any office or bureau for meteorological observations approved by the Governor." This provision hardly calls for comment, but I may just mention that in almost all Colonial tariffs there is such an exemption. Under sub-item 7 of item 5 it is intended to add another article—"Palm Oil" to the list of articles used in the manufacture of candles, soap and edible oils which are exempted from duty. With the exception of palm oil, all the articles mentioned in the Bill appear in the exemption in the present tariff. The last amendment is the addition of a new sub-item to item 5 to be numbered sub-item 15. It reads: "such therapeutic preparations as may from time to time be approved by the Director of Medical Services for use in the alleviation of mal-nutrition or anaemia in human beings." This amendment is intended to give effect to the recommendation of Mr. Orde-Browne in his report on labour conditions in the West Indies. He there states: "A noticeable feature of hospital patients, particularly the women and children, is pronounced anaemia, which becomes specially important in maternity cases," and further that the high duties leviable on drugs required for the treatment of such cases form a direct tax upon the health of the people. This amendment would allow the free admission of preparations approved by the Director of Medical Services as suitable for the purpose. I move that the Bill be read a second time.

Mr. LAING (Commissioner of Labour and Local Government) seconded.

Mr. ELEAZAR: The Bill certainly has amendments which are necessary, and one cannot object to it, but it tickles me sometimes when I sit here and see Government patching and patching the Customs Duties Ordinance. When we used to make a Customs Duties Ordinance and a Tax Ordinance every year we were told that there was too much patching and patching and no one

knew where he was with the Tax Ordinance and Customs Duties Ordinance. We abolished that practice, but since then we have Government coming back every five months and amending them that I do not think anybody can know the first Bill now. When we go into Committee on the Bill I am going to ask Government to delete sweet potatoes from the First Schedule, as sweet potatoes can be grown here and that successfully all the time. Because it is found that during a certain period there is a scarcity of the product, instead of the Agricultural Department stirring up the people to grow the product, it is being sought to bring it from outside and flood the local market during those months. The removal of the duty so as to get people abroad to bring their products here to compete on even terms with the local producer is not good enough. Let the duty remain as the article can be produced here. Some people did all they could to prevent Government putting the duty on sweet potatoes but did not succeed. They seem however to have got on the soft side of the hon. Comptroller of Customs and he has at length given way to them.

In respect of Clause 3 (d) I think I mentioned some time ago how certain drugs which are very necessary have a very high duty imposed on them—a duty which has made it almost impossible for the drugs to be had. One particular drug, which is commonly used in hospitals and which Doctors say is one of the best things for the treatment of anaemia, is being sold at five shillings per bottle in England but we have to pay twenty shillings for it in this Colony, and as a result many persons die because they are unable to purchase it.

Mr. JACOB: I think the wording of Clause 2 appears to be somewhat vague. It says "Provided that no duty shall be ..."—

THE PRESIDENT: Points of detail may rather be dealt with by the hon. Member in the Committee stage.

Mr. JACOB: I would like the hon. Comptroller of Customs to have time to gather information on what I am going to point out.

THE PRESIDENT: It is difficult in this Bill to say what is principle and what is detail.

Mr. JACOB: I will make one other point. The hon. Comptroller stated that the loss in revenue would be \$1,000 by the removal of the duty on sweet potatoes. I did not gather from him whether there would be a gain by Clause 3 of the Bill. Perhaps he may be able to tell us that.

Question put, and agreed to.

Bill read the second time.

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

During the discussion Mr. Percy C. Wight entered the Chamber and took his seat.

Clause 2—Amendment of item 52 in the First Schedule to the Principal Ordinance.

Mr. JACOB: The proposed insertion reads: "Provided that no duty shall be payable on sweet potatoes which are imported into the Colony from any British West Indian Colony during the months of January, February, November and December in any year." I would be glad to be advised what would be the importation date, whether it is the date of sailing of the ship from port for this Colony, or the date of the arrival of the ship here, or whether it would be the date when the owner of the goods goes to pay the Custom duties. I can well imagine that the goods will have to arrive here during specific dates and there will be a great lot of confusion, and it will be open for advantage to be taken of certain things to the detriment of revenue. I think it should be specifically stated in the Bill what dates are referred to, whether the arrival of the steamer here or when the entries reach the Customs.

Mr. D'ANDRADE: "Time" as defined in the Customs Duties Ordinance for this purpose is the time of arrival of the ship.

Mr. ELEAZAR: I move that the clause be deleted. It is a ridiculous proposition to tell us that when the sugar industry is not grinding at certain periods of any year and there is not sufficient sugar to be had we must get sugar from all about because there will be a scarcity. This country can produce sweet potatoes. It has done so and can do so again. Sweet potatoes went down to a penny a pound or less than that because potatoes from

Barbados flooded this market. Barbados only grows potatoes and Guinea corn as foodstuffs. I have the greatest regard for "Little England," but when it is elected to flood this country with this particular commodity from that country which we can grow here, it should be prohibited at least so as to prevent the local market from being flooded. That had been done, but somebody has now come along and said that it should be changed because there would be a shortage. I suppose the hon. Comptroller of Customs has got the idea from somebody who can get sweet potatoes cheap from Barbados. We must remove the duty that has been put on potatoes purposely to stimulate the local production of sweet potatoes, and thereby allow them to flood the local market. One of the curses of this country has been that at certain seasons the farmers have such a lot of products which bring them nothing that they have to throw them away, and at certain other times those very products are very scarce.

THE CHAIRMAN: You mean seasonal difficulties?

Mr. ELEAZAR: Yes; reaping is done by all at a certain season that there is a glut of the market.

THE CHAIRMAN: That is not confined to British Guiana.

Mr. ELEAZAR: I do not think so. I am, however, talking of what we can produce here. At the season when there is not a large quantity of the local product, must you allow people to come and flood the local market and thereby drive the local man out of the market entirely? I do not think that because the product is found to be a little more expensive during the months named in the Bill it should be allowed to come in and flood the market. It cannot be said that you cannot get sweet potatoes locally during those months. It is a three-month crop, and beginning to plant somewhere in the month of July when the rainy season ceases you certainly can get potatoes here in October or November. It is for the Agricultural Department to stimulate the production by attracting the people's attention to it. We have perpetual summer in this country. A shower this week and another next week do not spoil a summer. Sweet potato is really

a dry weather crop, and I do not see why during the couple of months that this crop is not flooding the country we should bring it from outside. I think Government should not encourage this thing. I move that the clause be deleted.

Mr. DE AGUIAR: I am going to make an appeal to the hon. Member on my left (Mr. Eleazar) not to press his motion for the deletion of the clause. I have much the same view as he expressed, that it should be possible to produce potatoes in this Colony throughout the year. This proposal is nothing new, and it has been under consideration for some time. It was investigated from various angles and the representations, which I know have been made, prove quite conclusively that the period mentioned in the Bill is what is known as the "safety" period in so far as protecting potatoes grown in this Colony. There is also another side of the picture, which I wish the hon. Member would direct his attention to, and that is that the duty on sweet potatoes was imposed in error. When the proposal was put forward to tax potatoes everyone had in mind a tax on what is commonly known as "English" potato. Unfortunately sweet potato was not exempted. The duty on potatoes, a very common article of food, is a half cent per pound plus 30 per cent. surtax and plus 3 per cent. Bill of Entry tax. That is a very high rate of duty to be imposed upon potatoes which are so largely used by the people of this Colony, and the proposal will be a very friendly gesture to our friends in the Islands. They are not giving them too much by allowing their potatoes to come in free of duty during such period of the year when we are satisfied that we cannot produce them ourselves.

Mr. JACOB: I am sorry I cannot wholly agree with the hon. Member for Berbice River. My constituency ought to be able to produce large quantities of sweet potatoes, but unfortunately we have to import at some times. As the hon. Member for Central Demerara (Mr. de Aguiar) said, it is a goodwill gesture to the British West Indian Islands and I believe, they will appreciate the fact that we are trying to help them as they are helping us in one or two other things. The position would right itself if we produce sufficient potatoes here and avoid importation. I therefore appeal to the

hon. Member for Berbice River that we co-operate and do everything possible to increase the production of potatoes in this Colony and so avoid the necessity of importing potatoes from the British West Indian Islands. Had we been doing this all these years, there would have been no necessity now for this Bill. As it means cheaper food for the working people here, I do not see much harm in the proposal.

Mr. C. V. WIGHT: I join in the appeal to the hon. Member for Berbice River to withdraw his motion for the deletion of the clause. It may seem a little inconsistent on my part to have a motion seeking protection for local industries and at the same time to be supporting a measure for the importation of sweet potatoes free of duty. I can assure the hon. Member for Berbice River that there is one Island which, I know, has a certain prejudice or a certain amount of rancour in regard to the prohibition which we have always had on sweet potatoes by the imposition of a duty. I only trust that the Government of this Colony will attempt to negotiate for reciprocal treatment and, perhaps, some of our products which are in the same position as or analogous to sweet potatoes will find an outlet in certain other Islands. As the hon. Member for Central Demerara said, it is a pleasant gesture and one which, I hope, will be reciprocated by the Islands.

Mr. ELEAZAR: Hon. Members are asking me to do something which, I regret, I cannot accede to. When this duty of a half cent per pound was put on potatoes, the reason given was that Barbados was flooding this country with sweet potatoes which were not being grown here to any extent. The duty was imposed so as to give the people of this country a chance to grow potatoes here, but we are now being told that for four months of the year we are to allow potatoes to come from Barbados and flood the local market. I prefer to stand alone in my opposition to this particular item, because I will have the pleasure once again of saying: "I told you so." Barbados is going to flood us out here with sweet potatoes and keep the local farmer out of the market entirely again. Charity begins at home.

THE CHAIRMAN: Do you want to move your amendment formally?

Mr. ELEAZAR : You may put it.

The amendment for the deletion of the clause was put, and lost.

Question "That clause 2 stand part of the Bill" put, and agreed to.

Clause 3—Amendment of sub-items 1(15) and 5 (7) and addition of new sub-items 12 and 15 to item 5 of the Fourth Schedule to the Principal Ordinance.

Mr. D'ANDRADE : There is a small amendment I desire to move, and that is that the figure "5" be substituted for the figure "1" at the end of the first line of sub-paragraph (b).

Amendment put, and agreed to.

Mr. DE AGUIAR : I am not happy about the wording of sub-paragraph (d). I have been thinking what suggestion can be put forward. I know that a list is going to be prepared from time to time, but I am just wondering what would be the publicity given to the list and how often items are going to be added to or deleted from it. It seems to me that discretionary power is very wide here. So long as the Director of Medical Services says an item should come in free of duty it would come in and when he says that another item should not it would be taxed. I am not quite happy about it. I can see that there is going to be some difficulty about it later on.

THE CHAIRMAN : Have you any suggestion ?

Mr. DE AGUIAR : I think the list ought to be prepared by the Director of Medical Services, approved by the Governor in Council and published.

THE CHAIRMAN : It can be done, but I do not think the Governor in Council possess any medical knowledge or skill and will have to be guided by the recommendation of the Director of Medical services.

Mr. DE AGUIAR : But no provision has been made for the publication of the list by the Director of Medical Services which seems to be essential so that the trade will know which items are permitted to come in free of duty.

Dr. MACLENNAN (Director of Med-

ical Services) : The number of therapeutic preparations which have some value in the treatment of anaemia is legion. There are hundreds of varying values, some of moderate value and some of great value. If I attempted to schedule those preparations it would be a most invidious thing. I shall only introduce duty free such preparations as have a definite scientific value, that is to say those that scientific research has found to be of real value in the treatment of anaemia. That can only be done by a study of the medical literature on the subject and the advice of the medical officers working in the country itself. I feel that to attempt such a schedule now would be quite impossible. I realise that from time to time preparations may have to be added to the list, as new preparations are coming into being every year, but I only propose at this instance to introduce for duty free such available scientific preparations as my officers consider advisable. The only other thing I would like to say while I am on my feet is that I do hope the various firms in the country which have to deal with these preparations will pass on the benefits to the country.

Mr. DE AGUIAR : I must confess frankly that after hearing the hon. Director of Medical Services, my fears have increased a hundredfold. I have heard him in one breath refer to a "list." Why not say that the list will be published ? This clause as worded states : Such therapeutic preparations as may from time to time be approved by the Director of Medical Services ... I quite appreciate the number of difficulties the hon. Director of Medical Services has referred to but at the same time if there to be a list by which the trade is to be guided and that list is to be published there can be no objection to that list being deleted from or added to from time to time. If something new comes along that item could be added to the list and thus come in free of duty.

Dr. MACLENNAN : In reply I do not think there can be any objection to allowing the various firms to have a list, and I am prepared to do that. If that would satisfy the hon. Member, I am also prepared if a new drug is introduced to inform the various firms. That can quite easily be arranged between the firms and myself.

Mr. ELEAZAR : I think it can be

safely left in the hands of the hon. Director of Medical Services and his staff in the hospitals, who come in contact with the people who go there for treatment, and with the various forms of diseases and who naturally can find out here and there certain specifics to certain diseases. If they find that a particular drug is effective in a certain way they would tell the hon. Director of Medical Services and he would add it to the list. I think that is the only way it can be done.

Mr. D'ANDRADE: Only this morning the hon. Director of Medical Services spoke to me, as a member of the Commodity Prices Committee, and said that when this Bill is passed they would examine very carefully the cost of the articles with a view to fixing the selling price.

THE CHAIRMAN: Is this procedure in respect of articles of food by the Director of Medical Services or any head of Department, the same in respect of any other article?

Dr. MACLENNAN: Certain drugs used for the treatment of specific diseases and malaria are admitted duty free.

THE CHAIRMAN: It is not a new procedure.

Dr. MACLENNAN: No, sir.

Mr. C. V. WIGHT: May I ask the hon. Comptroller of Customs if it is right to say that palm oil under sub-paragraph "c" is added to the Principal Ordinance, and, if that is correct, why is palm oil so added?

Mr. D'ANDRADE: Palm oil is used in the manufacture of soap and there are several other articles so used which are already duty free.

Mr. C. V. WIGHT: I understand we have a local product which is also used in the manufacture of soap—coconut oil. Does this not tend to increase the use of palm oil to the prejudice of the use of coconut oil?

Mr. D'ANDRADE: It is entirely a different product to coconut oil, it is a solidifying stuff in a solidified form, and is used for the hardening of the soap. It is very necessary in the manufacture of soap.

Mr. C. V. WIGHT: Would there not be more use made now of palm oil as against the use of coconut oil?

Mr. D'ANDRADE: That is not the case.

THE CHAIRMAN: It is like some of the other materials you have to import. It would not be possible to introduce palm oil by the barrel?

Mr. D'ANDRADE: No, sir; it is too expensive.

The Council resumed.

Mr. D'ANDRADE gave notice that at the next or subsequent meeting of the Council he would move that the Bill be read a third time and passed.

TAX (AMENDMENT) BILL, 1940.

Mr. D'ANDRADE: I beg to move that a Bill intituled "An Ordinance further to amend the Tax Ordinance, 1939, in respect of the duty payable on overproof perfumed spirits other than Bay Rum and Lime Rum" be read a second time. There is a provision at present in the Tax Ordinance for the levying of a duty of \$3.00 on spirits not potable and not overproof, such as bay rum, lime rum, or other toilet preparations, but there is no specific provision relating to overproof perfumed spirits and toilet preparations. Such preparations if manufactured in the Colony would have to be classified under the general head of "other spirituous compounds," the duty on which is \$4.50 per proof gallon. The object of this Bill is to impose a duty which will encourage the manufacture of such products in the Colony. The Excise duty on Cologne or other perfumed spirits if manufactured in the Colony at sixty overproof calculated at the rate of duty on unenumerated spirits would be equivalent to \$7.20 per liquid gallon as compared with an import duty of \$6.24 on the competitive article, the actual import rate of duty being \$4.80 with 30 per cent. surtax bringing it to \$6.24. This Bill provides for the payment of a rate of \$4.80 per liquid gallon. If the Bill is enacted the effect would be that the same measure of protection which is now afforded underproof preparations would be

extended to the overproof products. In other words, the rate of Excise duty on both products would be exactly the same as the corresponding rate under the Import tariff except that in the latter case 30 per cent. surtax is also payable. I move that the Bill be read a second time.

Mr. LAING 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.

Mr. D'ANDRADE gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

COMPASSIONATE GRATUITY TO THE LATE
HENRY HINDS'S WIDOW.

THE COLONIAL SECRETARY: I beg to move the following motion:—

THAT, with reference to Governor's Message No. 16, dated 5th August, 1940, this Council approves of the payment of a compassionate gratuity of \$374.40 to the widow of the late Henry Hinds, formerly a Punt Captain, Public Works Department.

Mr. Hinds served the Government for 45 years, first as a sailor and then as a punt captain, but was not on the monthly pay-sheet and therefore was not eligible for gratuity.

Mr. DIAS seconded.

Motion put, and carried.

EX-GRATIA PAYMENT TO ESTATE OF LATE
MR. G. R. S. STEVENSON.

THE COLONIAL SECRETARY: I beg to move the following motion:—

THAT, with reference to Governor's Message No. 17, dated 17th of May, 1940, this Council approves of the grant of an *ex gratia* payment of \$1,560, the equivalent of one year's salary, to the legal personal representative of the estate of the late Mr. G. R. S. Stevenson, Overseer, Public Works Department.

Mr. Stevenson served Government for thirty years and about nine months ago his post was put on the Pensionable Establishment. Hon. Members will recall that persons drawing a salary of \$720 per annum have been placed on the Fixed Establishment. Mr. Stevenson died before completing one year in the pensionable post, and this Council is asked to approve the *ex gratia* payment of this amount to the estate of the late Mr. Stevenson.

Mr. DIAS seconded.

Motion put, and carried.

EX-GRATIA AWARD TO RAMJESS.

THE COLONIAL SECRETARY: I beg to move the following motion:—

THAT, with reference to Governor's Message No. 18, dated 22nd June, 1940, this Council approves of the grant of an *ex gratia* award of \$224 to Ramjess, Foreman of the Henrietta Rice Experiment Station, Essequibo, who has served with the Agriculture Department continuously from 1924 and whose services are being dispensed with on account of ill-health and advanced age.

The motion speaks for itself and there is nothing I can usefully add.

Mr. DIAS seconded.

Motion put and carried.

EX-GRATIA PAYMENT TO MRS. A. JAMES.

THE COLONIAL SECRETARY: I beg to move the following motion:—

THAT, with reference to Governor's Message No. 19, dated 2nd July, 1940, this Council approves of an *ex gratia* payment of \$72 to Mrs. A. James, widow of the late Charles James, who served with the Public Works Department as the captain of a punt for 10½ years.

Mr. DIAS seconded.

Motion put, and carried.

ADDITIONAL, SUPPLEMENTARY ESTIMATES
1939.

THE COLONIAL SECRETARY: I move that this Council go into Committee

to consider the Statement of Supplementary Expenditure for the year 1939, additional to that included in the Schedules of Additional Provision for the year 1939, already passed by the Legislative Council, which has been laid on the table. This supplementary estimate totals a sum of \$19,442.07 and the chief item is shown on page one under Head XXIII—Miscellaneous—for the sum of \$3,482.26. That represents the difference between the unexpended capital balance and the market value of the invested fund in connection with the Stamp Duty. Under Head XXVII—Pensions and Gratuities—the sum of \$7,106.11 is the additional amount required to meet lump sum payments to Public Officers. Under Head XXX—Post Office—the sum of \$2,337.54, most of which is recoverable in the revenue from the sale of stamps and the posting of letters by air mail, is due to increased air mail postings and to the fact that all air mail accounts from August are surcharged 21 per cent. premium for conversion into U.S.A. currency. In Schedule B under Head XIX—Medical (Hospitals and Dispensaries)—the sum of \$2,027 is the additional amount required for dietary owing to the high prices now prevailing.

The Council resolved itself into Committee and proceeded to consider the Statement of Supplementary Expenditure for the year, 1939.

MISCELLANEOUS.

Item—Depreciation of Investments—Stamp Transfer, Stamp Duty, \$3,482.26.

Mr. DE AGUIAR: I was trying to think out how it is possible to make a book entry and a financial entry in one. I can anticipate the reply I am going to receive from the hon. Colonial Treasurer, that it is a question of taking out of the right hand pocket and putting into the left. This is a financial estimate, yet at the same time this item to my mind is a book entry. What is he going to do with the money? What fund is he going to put it in? I do not know, and would like him to explain.

Mr. McDAVID: It is rather more than a book entry. This is a loan, or a sum of money taken out of a loan which was raised in England and set aside in order to provide for statutory duties on transfers which

are payable in the United Kingdom on transfers of the stocks. That was the result of a recommendation of the Crown Agents at the time this loan was issued, that a better procedure would be to set aside a sum of money to meet the owners of those transfers from time to time. In the meantime what we were doing was to take the interest on that sum into revenue, but from year to year we value the fund and only maintain it at the original figure. If at the end of a year it is found that the investments in the pound (sterling) have depreciated we actually provide a sum of money on the Estimates and pay it back into the fund so as to maintain the fund at the original amount. That is only fair. The interest on that sum of money goes to revenue and so from revenue we maintain the fund at its original capital figure. It must be remembered that this sum of money is charged under a special Ordinance, and it is our duty to maintain it at its original figure until the loan has been repaid. I hope what I have said would satisfy the hon. Member.

Mr. DE AGUIAR: It is not the proper time to talk about appreciation in the value of investments because we know that is something yet to come, but perhaps the hon. Colonial Treasurer may tell us whether the procedure laid down is that when those investments appreciate in value the difference would come back to the Colony by way of revenue.

Mr. McDAVID: The hon. Member is quite right. That is exactly the procedure.

Mr. PERCY C. WIGHT: I must admit that I do not quite follow it. "Stamp Transfer" and "Stamp Duty" should be written off. When it comes to the securities which are maturing, it is not the correct thing to make provision for them now when the value is less, as when it comes to the time of maturity you are going to get full value for them. It cannot be correct. Perhaps I am too dense to see the point. For instance, where a loan paying at 103 drops to 89 you take no cognizance of the reduction below par because it matures at par and is repayable at par. I cannot quite follow the argument of the hon. Colonial Treasurer. Perhaps I may see him and get him to explain it further. If the loan matures at par, this action would not be correct.

Mr. McDAVID : I will make an early opportunity to discuss the matter informally with the hon. Member who has just spoken.

AGRICULTURE.

Item—Emergency pumping for rice cultivation on West Coast, Berbice, \$442.59.

Mr. PEER BACCHUS : The remarks against this item state : "Owing to the drought it became necessary to assist rice-growers on the West Coast of Berbice by irrigating their rice lands to prevent serious loss to crops." The people are very grateful to Government for the assistance given at that time. I desire, however, to make it perfectly clear that while according to the remarks here it appears that the crops are being prevented from suffering loss, the pumps went up there and worked until the amount on the Estimates were exhausted and then they were removed.

THE COLONIAL SECRETARY : I am sorry to interrupt the hon. Member, but it may save time if I remark that we are dealing with the 1939 Estimates and, I rather think, the hon. Member is speaking on a vote which will appear on the 1940 Estimates.

The Council resumed.

THE COLONIAL SECRETARY : I move :—

THAT, this Council approves the statement of Supplementary Expenditure for the year 1939, additional to that included in the Schedules of Additional Provision for the year 1939 already passed by the Legislative Council, which has been laid on the table.

Mr. DIAS seconded.

Motion put, and carried.

2ND. ADDITIONAL SUPPLEMENTARY ESTIMATES, 1939.

THE COLONIAL SECRETARY : I move that this Council resolve itself into Committee to consider the statement of extra expenditure incurred without proper authority before the close of the year, 1939. All the amounts, it will be noticed, are small with the exception of three amounts under Head XXXIX—Sea Defences—on page 3. These three large amounts relate

to money which had to be spent in connection with Sea Defence works.

The Council resolved itself into Committee and proceeded to consider the statement of supplementary expenditure.

SEA DEFENCES.

Items—Maintenance, \$4,808.83, Minor Works, \$4,244.65, Hydrographic Survey, \$1,141.58.

Mr. SEAFORD : May I ask if the general vote was exceeded, that is the vote for Sea Defences as a whole? It is so difficult to discriminate between minor works and main works. I believe that there were no savings on the total vote to make up for the excesses under other votes.

THE COLONIAL SECRETARY : The last three columns on the right hand side show that savings were made from item 3.

The Council resumed.

THE COLONIAL SECRETARY : I move :—

THAT, this Council approves the statement of Supplementary Expenditure which has occurred during the year 1939, and which has not been included in any previous schedule and now admitted as a charge to Public Funds under Colonial Regulation 265 (2), which has been laid on the table.

Mr. DIAS seconded.

Motion put, and carried.

The Council adjourned for the luncheon recess until 2 p.m.

2 p.m.—

FINANCIAL POSITION OF DECLARED DRAINAGE AREAS.

Mr. McDAVID (Colonial Treasurer) : I invite the Council to consider the following motion :—

THAT, with reference to Governor's Message No. 20 of 18th July, 1940, this Council approves of the adoption of the Report of the Committee which examined the financial position of the declared drainage areas under the Drainage and Irrigation Ordinance, Chapter 165, with the modifications and amplifications as set out in the Governor's Message and, in particular, approves of effect being given to the financial

recommendations contained in paragraph 102 of the Report subject to those modifications.

The subject of this motion is a most important one to a very large section of the rural community in this Colony. The unsatisfactory position of the declared drainage areas under the Drainage and Irrigation Ordinance has been a matter of very grave concern not only to the Government but to this Council for a very long time, and I can only hope that if this motion is accepted it will mark a turning point for the better in their affairs. I do not think it is necessary for me, or that the Council would wish me to review at any length the history of the events which led up to this unsatisfactory position. That history has already been fully set out in the first section of the report of the Committee which is now known as the Seaford Committee, and as that report has been in the hands of hon. Members for a considerable time I assume they are fully familiar with its contents. Nevertheless I should like to refer to a few of the salient points in that history.

I think most hon. Members will remember that the drainage works, which are the subject of this motion, were first formulated by Mr. Pudsey, who was Director of Public Works, in 1923. They were constructed at a cost of something over a million dollars, and the original idea was that 60 per cent. of that cost should be borne by the areas concerned and 40 per cent. by the Government. The works were completed between 1924 and 1927, and in 1927 the Government caused to be enacted the Drainage and Irrigation Ordinance, 1927, which is now Chapter 165 of the Laws of the Colony. That Ordinance provided for the control, management and operation as well as for the creation of the drainage areas. Their affairs began to miscarry almost at once. It was in 1928 that Government appointed a Committee under the Chairmanship of the Hon. A. P. G. Austin to investigate the causes which had led to the excess of the actual expenditure over the estimated cost of the schemes, and as a result of the report of the Austin Committee Government caused to be passed in 1932 an Ordinance entitled the Drainage and Irrigation (Costs Variation) Ordinance. The purpose of that Ordinance was to reduce the proportion of the capital cost chargeable against each area so as to provide some

measure of relief. In the same year there also was passed an Ordinance entitled the Drainage and Irrigation (Repayment of Advances) Ordinance, 1932, and the purpose of that Ordinance was to provide for the repayment by instalments of advances which had been made prior to the time when the areas had statutory power to levy rates to provide funds for repaying the advances.

By the end of 1931 the financial position of the districts had become bad and they owed Government money which it was obvious they could not repay at the time, and Mr. Wood, who was at that time Chairman of the Local Government Board, formulated the so-called "funding arrangement" by which he combined the outstanding liabilities due by certain drainage areas with other loans due by them as village districts of the Colony, and made them repayable in instalments over a period of 12 years. This funding arrangement applied only to villages on the East Coast of Demerara. I would like to digress here to say that while this funding scheme, which Mr. Wood in his ingenuity propounded, was very welcome to the local authorities, it proved to be a great embarrassment to the Treasury, because ever since 1931 every public body, nay every private individual who owed Government money which they did not wish to pay, promptly wrote the Colonial Secretary and proposed a "funding arrangement."

To continue the history. In 1936 Mr. Seymour, who was then a Member of this Council, had a resolution passed in the Council which led to the enactment of yet another Drainage and Irrigation Ordinance, the Drainage and Irrigation (Payment of Arrears) Ordinance, 1936, which gave power to the Governor in Council to order, in the case of any area in arrears, that the rates in that area should be paid by instalments over such period as the Governor in Council thought fit. No action was taken under that Ordinance, for the simple reason that conditions became so bad that it was quite evident that some more comprehensive measure was necessary if the position was to be improved. By 1938 the position was made worse by the fact that it was then realized that not only did those areas owe large sums of money which they could not pay, and that

there were large sums for rates owing to the areas themselves, but that maintenance had been neglected to such an extent that there was great danger of the works getting out of use, while the internal drainage had also been neglected. Government therefore appointed a Committee under the Chairmanship of Mr. Seaford in 1938 to make comprehensive recommendations as to what should be done. I would like to pay tribute to Mr. Seaford for the immense amount of valuable work he did on that Committee. He spared no pains and gave a lot of valuable time to that work, and I am quite sure that the people who will benefit by this motion owe him a debt of gratitude. I am not going to go into the reasons which led to this unsatisfactory state of affairs, because I hope the Council will accept the findings of the Committee in that respect. The Committee investigated the matter very fully, and their findings are summarised in two important paragraphs in that report. The first is paragraph 33, and with the permission of the Council I propose to read it. It states:—

33. The present unsatisfactory condition of the drainage of the lands controlled under the Drainage and Irrigation Ordinance is considered to be due to:—

- (a) the works carried out in certain areas having proved practically useless;
- (b) the authorities being unable to provide sufficient funds to meet the amounts due for interest and sinking fund charges on capital cost and also to maintain their internal drainage, which has suffered in consequence; and
- (c) the constitution of the Drainage Board. In all areas the Boards are virtually controlled by the proprietors and local authorities, and the maintenance was neglected because the cost would have fallen principally on proprietors who were unwilling to levy the necessary rates on themselves.

I wish to emphasise that last finding, because one of the most important recommendations is directly due to that particular finding of the Committee. Another important paragraph summarizing the general findings of the Committee is paragraph 101, which states:—

101. The Committee are unanimously of the opinion that the financial position of the local authorities and proprietors concerned is at present so unsatisfactory, and the present economic value of the lands included in the drainage areas so low that comprehensive measures or relief are necessary. We are satisfied that it is impossible to enforce the obligations imposed on these areas in respect of the

cost of construction of the drainage works. Nor can they bear the cost of reconditioning which has now become necessary. Any attempt to place this liability upon the local authorities would merely result in the still greater neglect of internal drainage which would in turn nullify the effect of reconditioning. The only course is for the Government to face the facts of the situation and make such financial readjustments as will ensure improvement in the future.

I think this Council, knowing the facts, will fully endorse those findings of the Committee. So much then for the past and the present. I will now turn to the recommendations which the Committee have proposed as a solution to this unsatisfactory position. First, I will remind the Council that in March, 1940, the Council adopted in principle one of the most important recommendations of the Committee. I refer to the recommendation that a Central Drainage Board should be established to control all drainage areas. The Council will remember that that motion was put before it separately, for the reason that the Secretary of State had advised that it should be a condition to the immediate inception, during the current year, of work on the programme of reconditioning works which had been recommended by the Committee. The cost of those works was to have been borne out of the \$250,000 Imperial grant which His Majesty's Government had promised to this Colony, but the Council will also remember that by a resolution recently passed this Colony has undertaken to relinquish any right to be reimbursed in respect of expenditure from that grant. It follows, therefore, that the reconditioning works which are now being carried out at a cost of \$162,000 in the current year will be borne entirely by this Colony, and I think the Council will be quite prepared to maintain its decision that a Central Board is an essential feature of these proposals.

I must, however, point out that since that action was taken the Committee have had to meet again in order to reconsider a certain feature of their recommendation in regard to control. The Committee had contemplated that five District Drainage Boards should be established which should be subject to the control of the Central Drainage Board, and in the paragraph in which that recommendation appears the Committee go on to say that the Central Drainage Board shall be responsible for the "upkeep, maintenance, repair and replacement of the works

or of any part thereof, and for the expenditure of the amounts for annual charges in connection with such control, management upkeep, maintenance, repair and replacement." It follows, therefore, that there was very little for the District Drainage Boards to do. In fact their functions were not defined very precisely although it was definitely intended to provide some means by which the districts concerned should represent their views to the Central Board. This matter was reconsidered by the Committee and they have since submitted a supplementary report to Government in which they have recommended that no District Drainage Boards as proposed should be appointed, but instead that the local authorities in declared drainage areas should be represented on the Central Drainage Board by two persons selected by the Governor in Council from the members of those bodies. It seems to me to be quite clear that that is a much better means of securing the representation of those local authorities—that is by providing them with direct representation on the Central Board by two members.

The Committee made one other modification of its proposal which is purely formal—that the Governor in Council should have power to amend and vary the estimates and rates fixed by the Central Board, and that all powers generally should be reserved to the Governor in Council.

I now turn to the main financial recommendations of the Committee. For the convenience of hon. Members paragraph 102 of the report which contains those financial recommendations has been reproduced at the back of the Governor's Message of the 18th of July, and I invite hon. Members to turn to that Message. The first recommendation is set out in subparagraph (a) which states:—

(a) the charges for interest and sinking fund in respect of the liability for the capital cost of the drainage works should cease for all areas with effect from 1st January, 1940, with the exception of the Kitty Drainage Area which has been excluded from the proposals ;

The Committee's original recommendation has had to be modified from the 1st January, 1939, to the 1st January 1940, for the reason, of course, that an interval has elapsed between the presentation of the report and the present time, and the 1st January, 1940, is obviously a more

convenient date. A further modification of the original recommendation is the provision "with the exception of the Kitty Drainage Area which has been excluded from the proposals." With regard to that exception it has to be remembered that although the Committee had recommended that Kitty should not be excluded, the fact of the matter is that Kitty is practically a suburb of Georgetown; it is not an agricultural district at all. Furthermore, I understand that it is in a financially strong position; it has always met its annual instalments promptly. It has paid for its reconditioning and, having regard to the fact that it is not really an agricultural district but purely a suburb, it does not seem necessary or desirable that any exceptional measure of relief should be granted to Kitty as in the case of the other districts which are in an unsatisfactory financial position. Before I pass on I think I should mention that the financial effect of that particular proposal is calculated to be a loss to public revenue of something like \$16,648 per annum for the period of the loan, that is for the next 33 years.

It is recommended in paragraph (b):

(b) that the total cost of reconditioning the works as proposed by the Director of Public Works should be borne by the Government.

The first part of the programme has already been initiated this year, and a sum of \$162,000 has been provided and is being spent on the reconditioning works on this year's budget, and I understand that the Director of Public Works proposes to ask that the remainder of the sum necessary to complete the programme should be provided next year. The total cost will be something like \$363,000.

The third recommendation is:—

(c) that collection of outstanding liabilities due to Government for interest and sinking fund and for maintenance should be spread over a period of twelve (12) years from 1st January, 1940, in the case of all areas with the exception of those named in (d) and (e) hereunder, and subject to the extension of this period in the case of the Essequibo Areas, should this be found necessary when the "typical estimates" of future annual maintenance costs are available ;

I do not think that needs any further explanation. The Committee went very fully into that matter and were satisfied

that if the liabilities of those areas were funded (to use Mr. Wood's words) over 12 years they would be quite able to pay.

In paragraph (d) it is recommended :—

(d) that collection of the outstanding liabilities for interest and sinking fund due to the Government by the following areas should be waived and the amounts written off :—

Golden Grove—Nabaclis, Victoria and Cove and John, Craig.

There are special reasons for that particular recommendation which I need not go into. Suffice it to say that, owing to the great expense incurred by that particular local authority in working its pump, and owing to the fact that the Cove and John estate is a private estate, the maintenance of which has been greatly neglected, it has been found impossible to charge the Golden Grove drainage area with its outstanding liabilities.

I now come to paragraph (e) in which it is recommended :—

(e) that the following areas should for the time being be removed from the list of declared areas and all outstanding liabilities due by them to the Government be written off :—

West Coast, Berbice—Bush Lot.
Corentyne Coast, Berbice—Gibraltar—
Courtlands; Lancaster—Manchester;
Ulverston—Salton; Limlair—Kildonan.

That will apply to Bush Lot and Gibraltar because in the meantime the Director of Public Works has found it possible to prepare an economic scheme for the other areas I have named—Lancaster—Manchester, Ulverston—Salton, Limlair—Kildonan—and that work is actually being carried out at the present time. It follows, therefore, that those particular areas, although relieved of their liabilities, will remain on the list of declared areas and will eventually be rated for maintenance.

The last recommendation is contained in paragraph (f) which states :—

(f) that maintenance charges after reconditioning be borne by all areas (with the exception of Craig, for which an annual grant of \$147 is recommended) in accordance with the "typical annual estimates" which have been prepared by the Public Works Department (vide paragraph 58).

The reason for that has been stated in the report and I need not go into it.

Lastly I come to the Canals Polder. As

Members know, it is not a declared drainage area; it is an authority which functions under its own Statute. The Committee were asked by Government to include the Canals Polder in their investigations and they have recommended that it is desirable that the Canals Polder should become a drainage area under the Drainage Ordinance. The Committee felt, too, that it would be better that the Canals Polder should become a local authority under the Local Government Board. I understand, too, that that decision is not unwelcome to the Canals Polder Authority itself. If this recommendation is accepted two things follow. First of all the reconstruction of the Canals Polder Authority, which had been proposed as a result of the work of a Committee of this Council, will not take place, and secondly, the Canals Polder will be eligible for the same consideration with regard to the relief from its financial obligations as any other declared drainage area. That is, of course, a very valuable thing for the Canals Polder. It means the writing off of outstanding payments in respect of a loan of \$200,000, and also means complete relief from any charge for reconditioning expenditure now going on at a cost of \$181,000 which is being met from public funds. I hope I have said enough to encourage the Council to accept the motion readily, and I am sure it will, as I have already said, be the turning point for the better in the affairs of the drainage areas. I now formally move the motion.

Mr. AUSTIN seconded.

Mr DEAGUIAR: I had hoped that when I rose to speak on this matter I would have paid a tribute not only to the members of the Committee which considered it but also to the Secretary of State for his kind approval of the proposals put forward by the Committee, but I regret that I have to sound a discordant note. In doing so I do not think Government will be taken by surprise, because in March this year when the resolution referred to by the Treasurer came before the Council I took the opportunity then to refer to a matter which I had hoped would have received a little more consideration than it has received, according to the Message before the Council today. I have listened very carefully to the Treasurer's review of the history of drainage matters

in the Colony generally, and I would like to pay him a tribute for the way in which he has presented this motion, but I cannot pay him a tribute for the manner in which he attempted to brush aside the claims of Kitty village in respect of the proposal put forward by the Drainage Committee. Merely to say that the Kitty drainage area is a flourishing district and is not an agricultural district is not, in my opinion, a sufficient ground to deprive that village of the relief which I feel sure the Committee must have gone into very carefully when it made its recommendation. It is a breach of faith on the part of the Government, and I regret that I will have to bring in one of the Departments of Government.

It must have been known to Government when it was considering this matter that apart from attending to their own drainage the Kitty village authorities assisted Government with drainage for which Government was primarily responsible. I have only to invite hon. Members to visit the district, and they will realize that what I am going to refer to is correct. I am astonished that Government should exclude from consideration the relief of this area. It is well known that at the present time the Kitty drainage area drains one of the trenches controlled by the Public Works Department. It is also known that at the expense of the Kitty local authority two concrete culverts were constructed there for the purpose of affording efficient drainage at a cost of between \$1,600 and \$1,800. It is also known that as a result of the drainage afforded erosion is taking place in the general drainage system of the district at further cost to the village, and it seems to me that if the Kitty local authority is doing all these things for the Government it is only right and fair that it should be afforded relief from the expenditure on works over which it had no control. There is no doubt about it that so long as the conditions remain as they are at present the Kitty authority will be faced with recurrent expenditure in affording the drainage facilities I have referred to, and it seems to me only right and fair that it should have been given more consideration than was afforded it in the consideration of these matters. I would like the Director of Public Works to say whether or not his Department is dependent for the drainage of the area I have referred to on the work done by the Kitty authority. If it is

thought that Kitty should not be given relief in this instance then it seems to me that the authority would be well within its right in submitting an annual claim to the Government for those facilities I have referred to.

I think that too much attention was given to the fact that this authority is in a prosperous condition, as the Treasurer mentioned. I do not quite agree with him. It is true that the village is expanding and is doing its best to keep its head above water, but I think he will agree with me that the village is in debt to the Government, and while it is true that it has been able to meet its obligation it is not true to say that it is prosperous. If the Treasurer had said that the village is well managed and that the authority is able to do things properly then I would agree with him, but I cannot accept the view—and I take it that he has expressed Government's view—that because the village is flourishing, and because it is not an agricultural area it should not be afforded the relief which the Committee recommended. I am asking Government to reconsider that phase of the matter. It is never too late to mend. Now that I have brought it to the notice of Government that this village has been assisting and will continue for some time in the future to assist Government in the matter of drainage, it seems to me that it should not be excluded from this scheme.

I would like to say that the people of the districts that will receive this relief will welcome this motion. Drainage problems have been a very sore point with them for many years. There have been many mistakes in the past and many Committees have sat. Nevertheless, let us forget all about that. I think the people of the districts are very grateful for the relief that will be afforded them, and subject to what I have said about one particular area I heartily support the motion.

Mr. ELEAZAR: I cannot help supporting the motion, but while I agree with the conclusion I do not agree with the several premises on which it has been arrived at. To begin with, the Committee was asked to consider why it was that those people got into this difficulty. In the first place I would say incompetence on the part of the Government officers who were put in

charge of those works—incompetence in estimating and in carrying out maintenance of those works. At Buxton the scheme was estimated to cost \$50,000, but it was carried out at \$76,000. The Anns Grove local authority protested that they did not need drainage, but in spite of their protest a pumping engine was installed which has only worked once, the day of its trial. There has been no need for it to be operated since, and the machinery has been taken down. In the Victoria—Golden Grove district the people protested against being linked up with Cove and John, and more than that, they argued that the district was too large for the size of pump that was being installed. They were told that they could have another pump, but they had one pump which proved absolutely inadequate. The last state was worst than the first. The district could not be drained at all, and there were continuous floods where there were none before, and the district was saddled with the expense. In the Gibraltar—Courtlands area a pump was put down which was worth more than the whole village. For its maintenance two men from abroad were paid \$45 and \$15 per month respectively—\$60 per month throughout the year while the pump only worked three months in a year. The people protested, but somebody conceived the idea that local engineers were not competent to look after the machinery. Who looks after the machinery on the sugar estates? The hon. Member for Georgetown North (Mr. Seaford) says he does. I know that he visits the estates once in a blue moon, but he has to rely more or less on the foremen on the estates.

Under-estimating and bad maintenance were some of the reasons for the failure of those works. The Department did not have any respect for the opinion of the local man. Government should give a clean sheet to those districts which are in arrears. Mr. Wood tried to straighten out their affairs for them but they were so accustomed to bad budgeting that they made the same mistakes over again.

It is proposed to have a new Board, and that local authorities should have some representation. Instead of permitting the local authorities to select their representatives it is proposed that the Governor in Council should appoint somebody in

Georgetown who says he knows. The result will be the same, because Government will not consider local talent. The Director of Public Works will recollect that shortly after his arrival in the Colony there was some sea defence work to be done and he asked "Why are those stones lying about there?" He was told they were serving the purpose of a breakwater and he replied "Nonsense, a waste of material; break them up and make concrete." A week after the stones were broken up there was a breach in the sea defence which cost the Colony \$20,000 or more to repair it. Local experience disregarded. Government should not take away the privilege of the local authorities to have a voice in their own affairs. It is no good crying over spilt milk. Now that Government is endeavouring to improve matters I only wish that things will come out all right in the long run, if only Government would profit by the experience of the past.

As regards my friend's wail about Kitty I do not think it is justified because Kitty is really not a village at all; it is a piece of Georgetown. Where do you hear of a village without a backdam? Kitty should have been tacked on to Georgetown. I do not think these proposals have gone far enough, because they do not include the river districts which are within 25 miles of Georgetown and New Amsterdam. There is an attempt to include the Canals Polder, but if they have a right to be brought in I do not see why the villages on the East and West Banks of the Berbice river should not be included. The people in those areas refuse to spend small sums of money to protect large areas from being flooded by the overflowing of the savannahs and the river. I hope Government will see the advisability of including those areas which are some of the best in the Colony, so that we might have general improvement as regards drainage and irrigation of the most important parts of the Colony.

Mr. WOOD (Conservator of Forests): The hon. Member for Berbice River (Mr. Eleazar) made the point that there was a good deal of over expenditure and wastage when these works were constructed. That is a very old story. The hon. Member made the point, as I understand it, that it was rather a reasonable thing for Government to waive the repayment of much of

this money because of bad estimating and bad work. I have only risen to my feet to say that what has happened in the past need never be raked up as a guide as to what may happen in the future, and I think the hon. Member will agree with me that if Government comes before this Council with proposals which may or may not be somewhat half-baked, but which involve the immediate expenditure of a considerable sum of money, he is less critical when the money is given than he usually is when it has to be paid back. What I want him to look at is the lesson which I think we ought to learn from the history of these works.

The Treasurer has paid me a rather grudging and a rather rueful compliment on my ingenuity in having on a former occasion when the whole of the finances of the scheme were quite obviously going west, resorted to the ingenious method of funding the arrears, etc. He said that ever since then the Treasury has been pestered by people wanting things funded, but I think if he looks back into history he will find that the idea dates back beyond the date of the signature of the Capitulations because the old Dutch people as far back as 1760, I think it was, had to ask their High Mightinesses of the Netherlands for money to be written off which had gone down the drain. I pay no compliment whatever, rueful or otherwise, to those (it was not the Colonial Treasurer) who were responsible for advising Government at the initiation of the scheme in regard to its financing. The hon. Member for Berbice River may say with perfect truth that there would not have been so many difficulties if less money had been spent at the outset, but this financial difficulty had to arise in regard to this scheme from the day the first spade-full of earth was dug. The scheme envisaged the draining of lands, buying pumps and digging trenches in order to make the lands productive, and the repayment of the loans was dependent on the productivity of the land which was to be drained. Yet it was arranged that the loan had to be repaid in 50 years for works which would have to be renewed at any time between 15 and 30 years, so that by the time the money was half repaid the whole amount would have to be spent over again in renewing the work. Whether the scheme failed in 1929 or 1935, the initial difficulties which arose because rather more

money had been spent than need have been spent would never have affected the final collapse of the scheme which was based on bad financing.

Mr. KING: I am quite certain that residents in those parts of the Colony to which this motion applies will be most grateful to Government and will, I am sure, breathe a sigh of relief at the enormous financial burden which has been removed from their shoulders. On behalf of the people in the Canals Polder I desire to express their grateful thanks to Government for the relief which it is proposed to give them. Since my association with the people of the Canals Polder I know that they have suffered year in and year out from flood or drought. I have no doubt that in the past money has been spent, not wisely perhaps, to the detriment of the people themselves, but I am satisfied that the last loan which Government so generously gave to the people of the Canals Polder has been so well spent for the welfare of the agriculturists that the Canals will be well protected against drought and will get sufficient water for irrigation.

There is one matter to which I would like to draw attention and that is the statement in paragraph 3 (i) of the Governor's Message which is as follows:—

(i) no action should be taken on the proposals for the reconstruction of the Canals Polder Authority put forward in the Report of the Committee which considered this question but that, as has since been suggested by the Canals Polder Authority itself, the Polder should be established as a local authority under the Local Government Board.

As a member of the Canals Polder Authority I agreed to a motion moved and seconded by two other members, one of whom was the hon. Member for North Western District (Mr. Jacob), at a meeting of the Canals Polder Authority two months ago, that a proposal should be submitted to Government to the effect that in the event of the Canals Polder Ordinance being repealed the Canals Polder should be controlled as a village district under the Local Government Board Ordinance. I am perfectly willing to admit that I was perhaps too previous—I had not first found out the wishes of the people in the Canals Polder. On Sunday last I attended two meetings, one at each Canal, at which the people of the Canals were

unanimous in expressing their fear that the Canals Polder would be made a village district. Perhaps that fear has been justified to a certain extent by what has occurred in other districts where a certain amount of difficulty has arisen, due perhaps to their unwillingness to comply with certain stringent sanitary regulations. I would like to draw Government's attention to the fact that the suggestion which came from the Canals Polder Authority does not meet with the approval of the people resident in the Canals, and I propose to submit to Government a suggestion which might be acceptable to Government for the control of Nos. 1 and 2 Canals Polder areas. The Canals Polder Authority is a unique body in local government. I can think of no other district of the Colony which controls itself in the same way as the Canals Polder, and perhaps on that account the people living in those two areas, having acquired a peculiar sense of their importance by the fact that they have a unique form of self-government, feel that some special consideration should be shown to them by applying some form of control other than by means of a village district. I think it is possible to put up a proposal giving the Canals Polder authority to carry on their affairs in much the same way as they are carried on now, but with certain reservations, and perhaps certain control. Actually, beyond the control of the drainage and irrigation canals, the Canals Polder will be in the same condition as they are at present. They will have the same difficulties, and I think it might be possible to devise a scheme other than that of a village district, which I hope Government will see its way to accept.

Apart from that I wish to express the grateful thanks of the people of the Canals for the help Government has always given them. I can assure the Council that the people of the Canals are exceedingly hard working. During the last four years they have reaped only one crop. A great deal of their permanent cultivation has been ruined or lost as a result of drought, and previous to that a great deal had been ruined by flood due to the fact that their drainage was in nothing like the excellent condition it now is. I feel sure that now that the burden of this debt will be removed from their shoulders they will be better off financially. The burden of taxation at present is such

that the people honestly cannot stand. No doubt Your Excellency is aware of the various appeals made to Government for help at various times. I feel sure that now this relief will be given to the people of the Canals Polder they will be in a much better position.

As regards the question of the control of the Canals Polder a Committee has been appointed consisting of members of both Canals, and I feel sure they will devise a scheme which I hope Government will see its way to accept.

Mr. C. V. WIGHT: Before speaking on the motion I had hoped to be in possession of the answers to certain questions which I addressed to Government. I trust, however, that they will be available when the necessary legislation is brought before the Council for the purpose of giving effect to this motion and the recommendation of the Committee as embodied in the motion. I desire to thank Government for having at any rate partially relieved the burden on the proprietors of the areas which I represent. Perhaps one would have liked to have seen the recommendations of the Committee go a little further by suggesting that the arrears be wiped off altogether. That suggestion is supported by some of the recommendations of the Committee itself. The report shows that the Committee fully realized that the works carried out in certain areas have proved practically useless. I do not intend to go back into the past. I hope that the new scheme will remedy all the errors of the past.

The Committee also fully realized that there was a claim from that particular area in Essequibo, and that the original drainage scheme could never have been effective. I speak subject to correction, but I cannot find where the Committee accepted or rejected the claim that the original scheme was never effective, but it would appear as a matter of deduction on perusal of other paragraphs of the report in which the Director of Public Works suggested the reconditioning of the works, that perhaps the original was not as effective as was intended, and that the claim has some merit in it.

Paragraph 103 (a) of the Committee's report states that there was a theoretical credit to colonial revenue, but there was

never at any time a possibility of collecting anything like the sum outstanding. That is very vague, but perhaps it is difficult to say what amount could be collected.

I trust that those responsible will be able to state definitely what proportion of the arrears, if any, will be collected, and when it will be collected, and if not, whether it will be written off. I do hope that in the collection, if there is going to be a collection of the arrears, a certain amount of discretion will be used and a certain amount of leniency will be exercised in cases where it can be done without jeopardizing the financial position of any scheme that is put forward.

Mr. JACOB: I think all parties here are agreed that the local authorities, including the Canals Polder, should be very grateful to Government for the relief they are to receive as from 1st January, 1940. However, I cannot help agreeing in large measure with what has been said by the hon. Member for Berbice River (Mr. Eleazar). While it is true that these amounts are going to be written off I think those concerned would have been able to pay and would have gladly paid if they had received benefits from the works which have been carried out. I am perfectly satisfied that a good deal of this money has been wasted, and that it has been due to lack of proper supervision, in some cases no supervision at all, and one or two other reasons which I do not think it necessary to relate now. If there had been proper supervision not only would those people have repaid this money but the Colony would have prospered, because revenue would have benefited by it. I think Government has learned a lesson—that it should collaborate and co-operate with the districts concerned so as to be reasonably sure of the success of schemes in the future.

As regards the Canals Polder I think the people there are very grateful for what relief they will get. As has been stated by the hon. Member for that district, the Canals Polder Authority decided to recommend that the Polder should be made a local authority under the Local Government Board. I happened to be one of the persons concerned in that resolution which was carried unanimously. After that decision was made I was surprised to find that the people of the Canals Polder

were angry with the members of the Canals Polder Authority. I attended one of the two meetings held on Sunday and was genuinely surprised to find that the people of the Canals Polder did not want to be governed by the Local Government Board. I was shocked, and although I endeavoured to persuade them that it was the best thing, they thought it was the worst thing. The Colonial Secretary had the same experience when he attended the Village Chairmen's Conference. After all we must realize that we have to please the people concerned. I told them that it would be a retrograde step not to accept the supervision of the Local Government Board, but they did not agree, and I agree with them to a large extent, because the Local Government Board is not functioning properly. The Ordinance requires amendment, and the Central Board of Health is not functioning properly at all.

For those two reasons I support the plea of the hon. Member for Demerara River (Mr. King) that the Canals Polder Authority should continue to function in some modified form, and some arrangement should be made so that the Canals Polder will not be governed by the Local Government Board immediately. It may be a difficult thing to arrange but I am instructed to put that view before Government, and I do so. I feel myself that while hardships might be created if the Canals Polder were governed by the Local Government Board the position might be met if Government gave an assurance that the laws of the Local Government Board and the Central Board of Health would not be rigidly enforced for some time. It must be remembered that it is a farming district, and the sanitary and other laws administered by the Local Government Board and the Central Board of Health cannot be carried out immediately. About ten months ago I had an assurance from the Chairman that certain things would be done to improve the laws of the Central Board of Health, but I do not think anything has been done up to the present. It was Sir John Waddington who gave that assurance after I had pointed out several hardships. While I tried to persuade the people of the Canals Polder to accept control by the Local Government Board I must agree with them that there will be hardships.

I do urge on Government that there

should be closer supervision of these drainage works. It is all right to dig trenches and clean them, but it is constant supervision that will keep the drainage outlets clear. It is no use sitting in an office and sending out plans and specifications. I think certain members of the Government know to what I am referring. We have a clear example in the works recently carried out at Craig village. I am confident that those works were not carried out in accordance with the plans, and instead of affording relief they have hindered the people in their effort to get rid of surplus water. If the money is not properly spent on drainage and irrigation works we can hope to get no relief, or very little relief.

Mr. SEAFORD: I would like first of all to thank the mover of the motion for his very kind reference to me. In fact he was somewhat over-generous to me, and I can assure the Council that but for the very able assistance and real hard work put in by every member of the Committee, we would have been flooded out with the mass of figures we had to go through. I would also like to mention the extraordinarily able work done by the Secretary of the Committee. I am sorry the hon. Member for Berbice River (Mr. Eleazar) is not here. Quite a lot of what he said as regards unnecessary expenditure is correct, but I would like to point out to him that there is no doubt that the drainage of certain districts in which work was done has improved materially. Before the work was done Government and elected Members were getting telegrams from the villages on the East Coast complaining that they were being flooded out. I think those villages are now efficiently drained. In fact I know they are. I do not say that the internal drainage is what it should be, but the drainage works in the declared areas are effective.

It has been suggested by one or two Members that Government should see its way to write off all outstanding liabilities. The Committee went very carefully into that matter. We went into the question of what we considered the various villages were in a position to pay, and we had the assistance of the District Commissioners and officers of their Departments. We also had the benefit of the views of representatives of the districts who either gave

evidence before the Committee or made suggestions in writing. The Committee felt that there were certain amounts which the various districts were in a position to pay, and our recommendations were based on the productivity of the various districts. In its report the Committee gave as a reason for the present unsatisfactory condition of the drainage of the lands that the works carried out in certain areas have proved practically useless. That is perfectly true, but if one looks at the recommendations it will be found that in those districts it has been recommended that all outstanding liabilities should be wiped out. Therefore those villages which are receiving no very great benefit from the drainage scheme stand to pay nothing at all in the future. Again, in regard to certain districts it has been suggested that they be removed from the list of declared areas entirely, because at the moment we could not see what benefit could be gained from the drainage works at present existing.

The question of the Craig village scheme was raised by the hon. Member for North Western District (Mr. Jacob). I happened to be a member of the Drainage Committee when that question came up. We did not just sit there and look at plans and estimates. Reports were received regularly as to the amount of work done, the amount of money expended, the amount in hand and various other things. The case of Craig village is a special one. The hon. Member said that it is getting no drainage. That is to be understood because the work is not half completed yet for the reason that on account of the rains it had to be stopped. I do not think it is quite fair to criticize the work until it is completed.

Mr. JACOB: I have criticized the works that have been completed, not the entire works. I referred to the koker that has been erected.

Mr. SEAFORD: The hon. Member referred to the land being flooded. Until the works are completed there is bound to be flooding. I would like to draw the attention, not only of the Council but the various districts, to one paragraph of the report. I do not wish the Council to think that all the districts will have to pay very much less for drainage than in the

past. The Committee felt that after Government had put the main drainage in order it was up to the various districts to maintain their internal drainage. In the past the cry was that it was quite impossible for them to maintain their internal drainage because of the interest and sinking fund charges which had to be paid. Paragraph 104 of the report states:—

104 It is of the utmost importance that care should be exercised by the local authorities which obtain financial relief to make use of such relief to put their internal drainage in good condition and thus secure efficient drainage of their back lands as well as front lands. The Committee therefore recommends that taxation in any village affected should not be reduced unless the Local Government Board is satisfied that adequate provision has been made for the proper maintenance of the internal drainage.

I wish to emphasize that, because it is no good the Colony spending money to put the main drainage in order if the internal drainage is to be neglected, and the result would be that the districts would get no benefit at all.

With reference to the representation of the districts on the Board I would like to point out that at the outset the Committee was rather persuaded by one of the members that the Drainage Boards might serve a useful purpose, but on further consideration the Committee decided that the districts would be more satisfied and would get better representation if they actually had representatives on the Central Drainage Board itself. The hon. Member for Berbice River (Mr. Eleazar) made some remarks about the Governor in Council selecting two persons in Georgetown, but in Your Excellency's Message it is stated that two persons would be selected from the members of the various bodies. Those bodies will be asked to submit a panel of names from which the Governor in Council will select two persons. I cannot see why there should be any deviation from that principle which has been adopted in certain other cases. I feel that if that is done the various bodies will be more than satisfied to be represented in that way.

I think that in adopting this plan Government has taken a very wise step. What we want to do in this Colony is to produce everything we possibly can. We have got to increase our production other-

wise we cannot live, and the only possible way to do that is by efficient drainage and irrigation. Government has made a start in regard to drainage and I hope it will not be long before it takes similar measures as regards irrigation on a large scale.

Dr. MACLENNAN (Director of Medical Services): I wish to say one word of explanation with respect to the remark made by the hon. Member for North Western District (Mr. Jacob) that the Public Health Ordinance was operating rather harshly in certain parts of the Colony. A sub-committee of the Central Board of Health has been sitting for some considerable time considering memoranda submitted, and has also received several deputations. This sub-committee hopes very shortly to report to the Board. I feel certain that the work of the sub-committee has been extremely useful, and that many of the hardships referred to by the hon. Member will probably be got rid of. We have not forgotten the promise made some time ago.

Mr. McDAVID: There is one point to which I would like to refer, but the hon. Member who raised it is not here. The hon. Member for Central Demerara (Mr. De Aguiar) made a very eloquent plea on behalf of Kitty, but I think in doing so he realized its weakness. I may say that the Committee itself realized that when it put forward what was really a plea on behalf of Kitty, because in the paragraph referring to that particular point it is stated that the area is almost wholly residential with no lands available for farming or cattle grazing. I think everyone will agree that in the circumstances there is not a very strong case, or no case at all.

With regard to the point made by the hon. Member for Demerara River (Mr. King) that the Canals Polder do not wish to be controlled by the Local Government Board, I am afraid I can say nothing as to what action will be taken by Government as regards the form of government for the Canals Polder, but I would like to emphasize that acceptance of this motion means that the Canals Polder will come definitely under the control of the Central Drainage Board in so far as drainage is concerned. What form of government will eventually be adopted

for other affairs I do not know. That matter will be decided later on.

Mr. JACOB : If the residents of the Canals Polder do not agree to come under the control of the Local Government Board would there be any objection to the relief being granted them ?

THE PRESIDENT : I am not prepared to make any statement about that. The suggestion has been made that some form of government unknown in the Colony should be adopted for that particular area. That is a new proposal, and I am glad to see that the hon. Member does not agree with it himself, and that he tried to persuade the people to come under the normal machinery of local government. I can give no undertaking that such an arrangement will be made for them, but of course any representation they have to put forward will receive reasonable and careful consideration. I certainly think that if they wish to come within the general scheme of relief they must be prepared to accept the normal method of control.

Motion put, and agreed to.

ALLOWANCES AND GRATUITIES TO
NON-PENSIONABLE EMPLOYEES.

Mr. McDAVID : I beg to move :—

That, with reference to Governor's Message No. 21 of 14th August, 1940, this Council approves of the payment from and after the date hereof to non-pensionable Government employees of allowances and gratuities at the rates and on the conditions set out in the Governor's Message, and undertakes to provide the necessary funds for this purpose.

The subject of the motion has been given very long and careful consideration extending over a very long period. Since Major Bain Gray wrote his report in 1936 the questions involved have been considered not only by the local Government but also by the Secretary of State and by His Majesty's Treasury, and the proposals now before the Council have the sanction of the Secretary of State and the Treasury. I hope that if the motion is accepted some finality will now be reached in regard to this rather difficult question of superannuation benefits for non-pensionable Government employees.

I think it will assist the Council in considering the matter if I state very briefly what the present position is. In the first place the Council will remember that by a resolution passed in November, 1938, the Council approved of all full-time permanent posts in the public service carrying a fixed or maximum salary of not less than \$720 per annum being made pensionable. Effect has now been given to that resolution and all posts of that grade are now on the Fixed Establishment and are fully pensionable. The next category is the class of non-pensionable employees who serve for a period of 20 years or more. Such employees now come under the provisions of Regulation 17 (1) of the Pensions Ordinance, 1933. That Regulation provides that in special cases the Governor in Council may award an annual allowance equal to two-thirds of the pension which the employee might have received had he held a pensionable post. The hon. Member for Berbice River (Mr. Eleazar) very often voiced his objection to the inclusion of the words "in special cases" in that particular Regulation, but if he were here I would have assured him, as I have done already, that those words are really no barrier because they have been very generously interpreted, and in nearly every case—in fact in every case where a retired non-pensionable employee, having fulfilled the conditions of service as regards the period of service, and has been able to obtain a satisfactory certificate of service, he has been granted an annual allowance.

Then there is the class of employees who fall under Resolution 43 of July 2, 1930, and Resolution 23 of February 10, 1931. Those employees are granted gratuities provided they are on what is known as the regular monthly salaried staff. Gratuities are awarded on a very arbitrary scale. For service of five years but not exceeding 10 years an employee gets a gratuity of \$12. For service between 10 and 15 years he gets a gratuity of \$240, and for service of 15 years or over the gratuity is \$360.

With regard to the remaining employees, those who are not on the fixed monthly salaried staff, no special provisions exist at all, with the result that they have to be dealt with independently, under resolutions such as those passed by the Council this morning in respect of the special cases

mentioned by the Colonial Secretary. That is the present position.

The new proposals are detailed in paragraph 3 of Message 21, and I will very briefly run through them. Sub-paragraph A deals with the class who will be granted annual allowances. That is precisely the same class of employees who are now dealt with under Regulation 17 (1). The only change is that instead of restricting annual allowance to special cases the grant will be restricted to the holders of approved appointments on a list which will be declared by the Governor in Council. The proposed list is shown in the schedule attached to the Message, and hon. Members will see it is very comprehensive and includes practically all posts of a permanent nature in the public service.

Then there is class B—employees holding approved appointments on the list to which I have referred, who have served for 7 continuous years or more, but not less than 20 years. All such employees will be eligible for a gratuity calculated at the rate of 1/18th of a month's pay for each month of service, with a maximum of one year's pay.

Class C deals with employees who do not hold appointments on the approved list. If they have served for at least 7 continuous years such employees would be eligible for a gratuity calculated at the rate of 1/26th of a year's pay, with a maximum of one year's pay. That rate is really equivalent to two weeks' pay for each year of service, which is the usual rate that is now in force in the Home Government for employees of this particular class. Because such employees may have a period of broken service there are a number of rules set out in paragraph C as to how broken service shall be computed. I need not refer to those rules in detail, but hon. Members will realize that it is necessary to set out definite rules as to just how much broken service should be taken into account.

In paragraph D the conditions of payment of a gratuity are stated. Those conditions are precisely the same as apply in the case of a pensionable officer. A gratuity will be granted only on the ground of ill-health, incapacity or abolition of a post, and service will only be taken into account after 10 years.

Lastly there is paragraph E which deals with the payment of a gratuity to the dependents of a deceased officer, and it is proposed that on the death of an officer his dependents will be eligible to receive precisely the same amount of gratuity he would have received had he retired at the time of his death.

As the Message states, it is not easy to arrive at any estimate as to what these proposals will cost, but it has been calculated that it will add approximately \$14,400 per annum to our expenditure. These new proposals are certainly more generous than those now in force. They are particularly generous in the case of officers who are not pensionable but are getting a higher salary. At present the gratuity is a lump sum and is not related to the length of service. Under these proposals officers will get gratuities which are completely related to their length of service, and therefore they are much more generous than those now existing. I beg to move the motion.

Mr. AUSTIN seconded.

Mr. WOOLFORD: I would like to make one observation. It has often happened that an officer who has got the benefit of a gratuity or allowance, and who will benefit by these proposals, supported certain members of his immediate family, a mother, sister, aunt and other persons. The words used in one of the resolutions is "dependents." In actual practice recently such payments have been made to the next of kin or legal personal representative of the deceased officer. Before the question is finally settled I would like Government to say definitely to whom these allowances or gratuities are to be given. This is a peculiar Colony. There are men who live with women for many years and have issues which they are legally compelled to support. When such a man dies to whom is the gratuity to be paid? His children are obviously illegitimate. I would like to see the matter definitely settled. I hope the hon. Attorney-General will look at the matter not only from the legal standpoint but from the human point of view. When an officer dies intestate I would like to know that this benefit will continue to be paid to those who during his life were dependent on him.

THE PRESIDENT: Is it a matter of continuing the practice?

Mr. WOOLFORD: In some cases the payment has been held up, and the children got no benefit whatever. In one case a complete stranger got the benefit.

Mr. McDAVID: The hon. Member is quite right. One of the Resolutions did refer to "the next of kin" but in actual practice the Governor in Council has been exercising its discretion in favour of dependents rather than the next of kin. The present proposal is definitely intended to benefit dependents, and I take it that the Governor in Council will continue to exercise its discretion in selecting the particular dependent who should benefit.

THE PRESIDENT: Obviously the motion leaves to the Governor in Council certain discretion in deciding who are the people to whom a gratuity is fairly due.

Motion put, and agreed to.

SUPERANNUATION BENEFITS FOR T.H.D. EMPLOYEES.

Mr. McDAVID: I beg to move:—

THAT, with reference to Governor's Message No. 22 dated 14th August, 1940, this Council approves of effect being given to the proposals as set out in the Governor's Message for the grant of superannuation benefits to the employees of the Transport and Harbours Department.

This motion contemplates the acceptance by the Government and the Council of the proposition that the employees of the Transport and Harbours Department are servants of the Crown, and notwithstanding the fact that that Department has been established as a separate administrative entity, are therefore eligible and entitled to the same benefits with respect to superannuation as servants of the Crown in other branches of the public service. I should say that that does represent what amounts to a reversal of the policy which was outlined when that Department was formed and has been maintained consistently ever since. Even as recently as 1936 Major Bain Gray in his report advised Government that in so far as superannuation benefits to the employees of that Department were concerned the system to be employed should be either a provident fund or some form of contributory insurance. The principle underlying

that policy was that as the Department was a business undertaking it should adopt normal business principles in regard to providing superannuation benefits. There is no doubt that the logic of the argument used by those persons who opposed that policy is sound. From the point of view of the employee there is really no essential difference between his position as a servant of the Crown in the Transport and Harbours Department and the position of say an employee in the Public Works Department, and having given very careful consideration to all aspects of this matter Government has accepted the advice and recommendation of the Board of Commissioners and has definitely decided that if this motion is passed the same conditions of service in regard to superannuation will apply to employees of that Department as to other employees in the public service.

I need not detail the various classes because, as I said, it is intended that precisely the same conditions should apply. Employees holding posts carrying a permanent salary of \$720 per annum or more will become pensionable, and in regard to other employees they will be given annual allowances and gratuities under the same conditions as other public servants. In regard to the authority for that, the Board of Commissioners will make regulations which will be approved by the Governor in Council under the power granted it under section 37 of the Transport and Harbours Ordinance. Those regulations will be the authority on which the Department's pensions will be granted. I will not take up the time of the Council any further because the position is very clear. I beg to move the motion.

Mr. ELEAZAR: I have very great pleasure indeed in seconding this motion because I have from time to time asked Government to consider the case of employees of this Department which has all along been run by Commissioners, but I have always maintained that the Colony pays the piper. At last Government has seen fit to do the right thing by these employees. I had always thought Government would do the right when it could see the right, although it is very difficult for it to see it sometimes. I think I can thank Government on behalf of the employees of the Department for what it has seen fit to do for them. I have always considered

a pension a privilege and not a right, but whether it is a privilege or a right I am glad that Government has decided to grant it to these employees.

Mr. JACOB: I too find it a very happy thing to congratulate Government on this very bold and progressive step. I trust that it is an example which other employers of labour, particularly those who employ large numbers of labourers, will follow. I see the Commissioner of Labour looking at me. I cannot see why a servant who, because he is not in a particular class, but has worked hard and given satisfactory service over a number of years, should not get some consideration in his old age from the people whom he has served. Government should be congratulated on rectifying a mistake that has been made for many years.

Mr. WOOLFORD: I wish to draw the Council's attention to the difference between the wording of this motion and the preceding one. There is no indication in this motion as to when these proposals are to be given effect to. It is important

that that should be clearly stated, because the employees of the Department have been clamouring for this for years.

Mr. McDAVID: In the previous motion the date was specifically stated because the passing of that motion was the authority for making those payments, but in this case the Transport and Harbours Department will have to set about the preparation and enactment of regulations. Nevertheless it is intended that those regulations will have retrospective effect as from the date this Council approves of this motion.

Motion put, and agreed to.

THE PRESIDENT: That concludes the business before the Council to-day. I must ask hon. Members of the Council if they would mind meeting at 11 o'clock to-morrow instead of 10.30. I have two important interviews and I am afraid it will be impossible for me to attend before 11 o'clock to-morrow.

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