

# LEGISLATIVE COUNCIL.

*Friday, 12th November, 1937.*

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Officer Administering the Government, Mr. E. J. WADDINGTON, C.M.G., O.B.E., President, in the Chair.

## PRESENT.

The Hon. the Colonial Secretary, (Acting) (Major W. Bain Gray, C.B.E.).

The Hon. the Attorney-General, (Mr. J. H. B. Nihill, K.C., M.C.).

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

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

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

The Hon. M. B. Laing, District Commissioner, East Demerara.

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

The Hon. B. N. V. Wase-Bailey, Surgeon General (Acting).

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

The Hon. H. P. Christiani, M.B.E., Commissioner of Lands and Mines.

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. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. Peer Bacchus, (Western Berbice).

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

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

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

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

The Hon. S. H. Seymour (Western Essequibo).

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

The Hon. T. Lee (Essequibo River).

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

## MINUTES.

The minutes of the meeting of the Council held on the 11th November, as printed and circulated, were confirmed.

## ORDER OF THE DAY.

### ESTIMATES, 1938.

The Council resolved itself into Committee and resumed consideration of the Estimates of Expenditure to be defrayed from revenue for the year ending 31st December, 1938.

### FIRE PROTECTION.

Item 25—Additional fire equipment, etc., for public institutions, \$850.

THE COLONIAL SECRETARY (Major Bain Gray): I move that this item be increased to \$1,100 in view of the transfer of provision under the Public Works estimates.

Item as amended put, and agreed to.

THE COLONIAL SECRETARY: I move the insertion of a new item, 26—Hospital buildings—Fire Escapes—\$5,720. It is a re-vote of provision made during 1937. The amount has not been expended owing to difficulty in obtaining a particu-

lar type of fire escape needed for the hospital.

Item put, and agreed to.

#### FOREST DEPARTMENT.

Mr. ELEAZAR: This is one of the luxury departments of Government, and I regret that there is not much time to discuss it at any length to-day. This is a department which was never wanted; it was forced upon this Council at the very inception, and it has continued to grow and to absorb work that did not belong to any Government department before—such things like making boards and curing timber. We do not want a Forest Station, because our forests will never be exhausted. Government starts experiments, and when they fail it tries to bolster them up just as a lie has to be bolstered up. The Department will never be of any material use to the Colony unless I get my \$96,000,000. (laughter). Then we would have some use for some of its officers, but not for the Department. We must first get out some of the timbers we have before we begin to think of reafforestation. I have made those remarks just to mark my disapproval. I will move the deletion of the items as they come up.

Item (h)—1 Assistant Messenger (\$180 to \$240 by \$12), \$186.

Mr. ELEAZAR: This item appears for the first time, yet I see a note "Normal increment." I would like some explanation.

THE CHAIRMAN: The item has already been passed, but the hon. member will be given the information he asks for.

THE COLONIAL SECRETARY: The messenger started to work in the middle of the year and will therefore be eligible for an increment in the middle of next year.

Mr. Mc DAVID (Colonial Treasurer): Provision was made for the messenger in supplementary estimate for this year, which was passed some time ago in this Council.

Mr. ELEAZAR: We have two explanations.

THE COLONIAL SECRETARY: There

are not two explanations. The explanation is that the messenger was appointed on the 1st of July this year, and provision in respect of this year has been made in supplementary estimate. That is what the Colonial Treasurer added to what I said. With regard to this estimate the messenger is provided for for the whole of 1938. Having worked from the 1st of July, 1937, he will on the 1st of July, 1938, be eligible for an increment.

Item (i)—House allowance, Conservator, \$720.

Mr. LEE: I am asking the Council to delete this item. I do not see the necessity for the Conservator of Forests to be in Georgetown. He should be stationed at the headquarters of his Department which was originally intended to be at Mazaruni, where all the experiments will be carried on. Furthermore, he can have a free house at Mazaruni. If the Conservator is required to be in Georgetown only to look after the measurement of timber in connection with the export trade, the new officer can assume that duty.

Mr. ELEAZAR: I am supporting the deletion of the item, but not for the same reason.

THE CHAIRMAN: The hon. member need not move the deletion of the item; he can vote against it.

Mr. ELEAZAR: When the Conservator of Forests was engaged it was never understood that he was entitled to a house allowance or a free house. While he was in the post somebody conceived the idea of making the Mazaruni settlement, which is a pleasant health resort, the headquarters of the Forest Department. Government happened to have vacant houses there, and he was allowed to occupy one of them. Now that Government realises it was a mistake to remove the prisoners from Mazaruni to Georgetown, and has conceived the idea of removing the Forest Department back to Georgetown, the Conservator must therefore either get a free house in Georgetown or a house allowance. There was no agreement on the part of Government to give him a house allowance. I do not make statements which I cannot substantiate. The officer is one of the best paid in the whole Service; he gets \$600 per

month to plant greenheart which we will not want for two centuries. I fail to see any house allowances for officers of the Department of Lands and Mines. I protest against a house allowance being given to people who are handsomely paid for doing little or nothing.

Mr. WOOLFORD: The hon. member often remarks that Government's explanations are incorrect. I hope he will not say that about mine.

Mr. JACOB: I cannot hear you.

Mr. WOOLFORD: I ask the hon. member not to emulate the Press by imagining that I am inaudible. I have been a member of the Forest Trust since its inception. The officer in question was seconded from the service of the Indian Government, and one of the terms of his appointment was that he should receive a house allowance. That house allowance forms part of his emoluments, and I recall quite well that when he arrived here the only house he could obtain was one at a rental which was higher than was being paid by most tenants. The fact remains that he is entitled to a house allowance. The fact that the Department was transferred to Mazaruni is only an incident. When he was there he enjoyed a free house, and I have no doubt that the Colony was relieved of the expenditure in regard to that. That is a matter of accounting, but on his re-transfer to Georgetown he is entitled to receive a house allowance. The fact that he draws a high pay is perhaps unfortunate, and there was a big debate on that. I have only risen to convince the hon. member that this matter has been debated in Council over and over again. From the explanatory note opposite the item it appears that a house allowance is part of the officer's emoluments, and it is a matter of surprise to me that two hon. members, both lawyers, should have so far neglected their obligation to read their brief as to make remarks that Government is not justified in giving the officer a house allowance.

Mr. LEE: Perhaps the hon. member did not hear my remarks. I said that the Department was at Mazaruni where the Conservator got a free house, and that I saw no reason why the Department should be re-transferred to Georgetown.

Mr. ELEAZAR: The fact that it is stated in the explanatory note is not evidence. I was here when the officer was appointed and I do not think that a house allowance was agreed to by this Council. I want the evidence. His appointment itself was questioned. Many things are done without the knowledge of this Council. Other Government officers who are wanted and cannot be done without live in houses too. If a house allowance was ever provided for it was wrongly done, and there is no reason why we should carry on a wrong.

Mr. JACOB: I am wondering whether the amount is not too high. Is there any rule?

THE CHAIRMAN: Hon. members will accept an assurance from me, coupled with the assurance of the hon. member for New Amsterdam (Mr. Woolford), that it is part of the officer's emoluments, and that the amount on the estimate was the amount stipulated for his house allowance at the time he accepted the appointment.

Mr. WOOLFORD: In the hope that this discussion may not arise again I may remind the hon. member for Berbice River (Mr. Eleazar) that it was a circumstance attendant upon this officer's appointment, that Mr. Amery, in his well-known despatch in 1928, made special reference to it. He expressed his regret that an officer of Mr. Wood's attainments might have to return to India without this Colony getting the benefit of his services. It was part and parcel of his emoluments that he should get a house allowance because, presumably, he got it in India. I am sure the hon. member has heard that explanation before to-day. I do not think the hon. member realises that in cases where there is a house allowance, only the amount paid in respect of the tenancy of the house is given. If \$60 is the house allowance and the officer secures a house at \$50 that sum only is payable. That explanation has been given before. In this case the officer arrived in this Colony under certain conditions, and he is entitled to receive a house allowance.

THE COLONIAL SECRETARY: I am afraid the hon. member for New Amsterdam (Mr. Woolford) was not quite accurate in the last part of his remarks.

The officer gets a fixed sum as a house allowance.

Mr. WOOLFORD: I daresay this was a special case, but my memory is a good one, and I can recall many cases—I remember the first case in which it occurred was the Fire Brigade—in which Government told this Council that in the matter of house allowances only the sum paid by the tenant in respect of the tenancy is allowed an officer. It happened in the case of a Fire Brigade officer.

THE COLONIAL SECRETARY: The case referred to by the hon. member was really abnormal. It appears occasionally only fair that Government should pay the rent of an officer. That is not a case of house allowance, which is a fixed sum paid irrespective of the rent paid by the officer.

Mr. ELEAZAR: As I have always said, this officer is one of the ablest officers of Government for general purposes, but he is being wasted and spoiled where he is not wanted. If the deletion of the house allowance of \$720 is going to cause us to lose him, let him go. I am going to vote against it.

THE COLONIAL SECRETARY: The Estimate for 1927 definitely includes this item—House allowance, \$720—and it was also voted in 1926, which was the first complete year. It was quite definitely in existence before the Forest Department went to Mazaruni.

Mr. LEE: If the Colonial Secretary reads the explanatory note in the 1927 Estimate he will see that the headquarters of the Forest Department were at Mazaruni in 1927.

THE COLONIAL SECRETARY: There is no possibility of the Forest Department being at Mazaruni in 1927. It was somewhere about 1931 that the Department was removed to Mazaruni.

Mr. LEE: The 1927 Estimate shows that it was at Mazaruni then.

Mr. F. J. SEAFORD: It seems extraordinary that a member can get up and make a statement like that in this Council, the matter having been debated year after year. My views are well known, and

I do not propose to flog a dead horse any more. These experiments have been going on for the last two years at Mazaruni in regard to the drying and seasoning of timber. I think the hon. member will remember that it came out in Select Committee that that work is going to be carried out in Georgetown. I have no faith at all in planting areas of greenheart, but what we hope for is the development of an export trade, and that is where our difficulty lies in getting proper timber away. The Conservator's presence is therefore required in Georgetown at the present moment.

Mr. LEE: I recall what was said in Select Committee, but my contention still holds, that if we are spending a large sum of money on this Department the most highly paid technical officers should look after the experiments, which I understand are still being carried on at the Mazaruni Station. It is only a question of marking timber and carrying out the regulations with regard to the timber export trade that is being done in Georgetown, and there is an officer coming out who will be able to look after that. I admit that Mr. Wood is a good officer and a good salesman.

Mr. JACOB: I cannot follow the question of house allowances. Am I to understand that the officer can receive \$720 and pay whatever he likes for a house, or is he supposed to pay the amount he receives? If he is supposed to pay the amount he receives then I have no objection, but I do think that at present a suitable house can be rented for less than \$60 per month. If the officer is going to make a profit on it I do not think it is fair to the taxpayers. It is true that \$720 was voted on the 1928 Estimate.

THE CHAIRMAN: The amount of \$720, as hon. members have been already informed, was the amount stipulated in the terms of service when the officer was appointed. He was appointed at such a salary and £150 house allowance, a definite sum on which he accepted the appointment. If he is given a free house he, of course, would not draw a house allowance.

Item put, and agreed to.

Item 11—Forest improvement operations, \$3,000.

Mr. ELEAZAR: But for one recalcitrant member, the entire estimates of this luxury Department would have been thrown out on the last occasion. The explanatory note states:—

“As strongly recommended by Major Oliphant. Provision required to carry out operations on worked-out greenheart forest which will result in the forest growing back into high quality greenheart.”

Why should a colony which cannot pay schoolmasters, policemen and Post Office messengers proper salaries, plant greenheart for use 100 years hence? Major Oliphant, whom I met in this chamber, is an expert in the marketing of timber; I do not know that he is an expert in the growing of greenheart. I understand that British Guiana has a monopoly of greenheart which, I understand, grows nowhere else. If that is the case I cannot understand how Major Oliphant can be an authority on the planting of greenheart when he has never been farther than Georgetown, as far as I am aware. Perhaps he went as far as Mazaruni, and has left something behind for us to remember him.

Mr. DE AGUIAR: I am not quite clear as to the reason for the opposition to this item. If the hon. member has accepted the view that the Forest Department should remain with us, then I cannot understand the reason for opposing this particular item. The object of this item is to conserve our greenheart resources—not to benefit those of us who are alive to-day, but posterity—and I am sure the hon. member would like to look ahead. In addition, this money will be paid out to people in this Colony; in other words a certain amount of employment will be created. I am quite prepared to support the item. In the past my complaint has been against the top-heavy expenditure of the Department above the line, compared with the small amount of money spent below the line, and I still maintain that position. I consider that too much money is spent on the overhead charges of the Department.

Mr. ELEAZAR: I cannot allow hon. members to bluff me as they try to do. I am stating as a fact that greenheart will not mature in less than 100 years. In my opinion no man is an expert in anything of which he has no practical knowledge.

THE COLONIAL SECRETARY: The hon. member has forgotten that the recommendation with regard to the restoration of this area is an economic one. The point is that the available supply of greenheart is being seriously depleted by the export of greenheart that has been going on for some time. Your Excellency referred to the general increase of timber exports, and we have reached the point where it is essential, from an economic point of view, to establish a policy of restoration for the greenheart areas which are the most important part of our timber exports. I am not an expert in forestry, and I cannot remember the exact period, but my impression is that the period of re-growth is not more than 40 years instead of 100 years, and 40 years is not a long period in the history of a colony. It is essential that we should start to restore those areas which are so important to the forest industries, and with the shrinkage of other great industries of the Colony it is essential that every other subsidiary industry should have the greatest possible support from the Council.

Mr. ELEAZAR: Mr. Wood in his estimate of our forests told us that we have a certain area from which 35 million dollars' worth of greenheart has yet to be taken out. We are arked to plant more to grow up in 40 years' time. I have nothing more to say.

Mr. LEE: I submit that the Essequibo river is the district where these experiments should be carried on, and unless the technical officers of the Department are stationed at Mazaruni there will be more expenditure on travelling and subsistence allowances.

Mr. SEYMOUR: I am not opposing the item, but I strongly emphasise again the lack of continuity of policy. During the last few years a large amount of money has been spent in building houses and furnishing palatial dwellings for the staff of the Forest Department at Mazaruni. To-day they are to be abandoned at somebody's whim and fancy, and so it will go on indefinitely. I understood at the very inception of the Department that re-afforestation was part of the programme. I do impress upon Government the necessity of having something definite—a five or ten-year plan, and not a five-day plan.

I hope when I come with my little side-issue Government will support me wholeheartedly.

Item put, and agreed to.

#### INDUSTRIAL SCHOOL.

THE COLONIAL SECRETARY: I move the insertion of a new item—(a)—Head Master (\$2,160 by \$120 to \$2,640), \$2,160. It is the desire of Government to appoint a head master for this institution from the service at Home which deals with institutions of this kind. The organisation and conduct of this institution is a most difficult problem. In fact, among the many difficult problems, I think it is amongst the first half dozen, especially those which affect the young people amongst our population. It is essential, in the opinion of Government, that a thoroughly experienced and qualified head master should be appointed to take charge of this school, and proposals have therefore been submitted, following the recent visit of Mr. Patterson, that we should obtain the services of a head master from the Home department which deals with institutions of this kind. He will be seconded for service for three or five years, and will take charge of the institution and put it on what we hope will be a satisfactory and permanent basis. The rest of the staff will continue as at present, but it is anticipated, of course, that some important re-organisation may be necessary when he has come and has had time to study local conditions and the class of boy who is unfortunate enough to be sent there for a period.

Mr. SEYMOUR: I observe that the number of boys at Onderneeming has been steadily declining. I would like to know whether it is due to improved morality in Georgetown and elsewhere. I agree that there should be a responsible officer in charge of the institution, but what is its future policy? Is it proposed that there will be a larger number of boys from other sources, boys whose parents have not the wherewithal to support them? If that is the case I can see some future for the institution, but it does not rest even there. There has been no policy at Onderneeming; the tendency has been one of drift. I have seen the boys feeding pigs and cutting grass instead of being educated for future life. Unless

some plan is adopted for the education of those lads, and followed up by some definite policy of settlement on the land or in some other direction, it is a waste of money. The institution is not turning out boys who can go into the world and earn their own living. I presume the officer will live in the house now occupied by the District Commissioner.

Mr. LEE: I am rather surprised that no mention was made of this item before to-day. Perhaps I was not present in Select Committee when it was mentioned.

THE CHAIRMAN: I think that is the case.

Mr. LEE: Is Government going to saddle the taxpayers with a pensionable office?

THE CHAIRMAN: I think I may inform the hon. member that the officer will be seconded from the Home service, as has been already explained by the Colonial Secretary.

Mr. LEE: I am glad to hear that because, if the experiment is not successful, he would be sent back. The house for this gentleman is now occupied by the District Commissioner. Government will therefore have to build a house for the Commissioner.

Mr. ELEAZAR: Everybody comes to this Colony and makes a suggestion, no matter how hair-brained, and Government piles something more on the back of its hobby horse, the taxpayer. Mr. S. H. Bayley had the institution in apple-pie condition, and taught the boys animal husbandry. Where is the farm now? That officer was removed and the institution was converted into a sort of preparatory school to train boys for Mazaruni. At every session of the Supreme Court some boy from Onderneeming is charged with some crime. That is the place we call a reformatory.

Mr. DE AGUIAR: I think it is well known that within recent years all has not been well with this institution, and I think I am right in saying that one of our recent Governors was very shocked, and perhaps alarmed at the conditions that were existing there. While I am quite prepared to support this appointment as a

trial—I understand it is going to be on trial for two years and there will be no question of pensionable emoluments to the post, at least not for the present—I should like to know whether Government is in a position to state that there is opportunity at Onderneeming for the boys to be properly trained. I think I am right in saying that there is every opportunity to be afforded those boys. First of all they are very unfortunate to be there, but having got there it is the duty of Government to see that after their discharge they become respectable citizens.

Mr. KING: I feel that this is a proposal by Government which should be considered by the Council in a more favourable light than has been done by the hon. member for Berbice River (Mr. Eleazar). Here is a conscientious attempt by Government to improve the boy who is sent to Onderneeming, by the appointment of someone qualified to look after boys of that type. Nobody can ignore the fact that in this Colony there is no one particularly trained in that particular branch of work, and I do feel that when Government makes a real honest endeavour to improve what we all admit is not a very happy condition of things at the Onderneeming School, members should view the proposal in a proper light. Personally I do not believe that figures will show that boys from Onderneeming become hardened criminals because of their association with that institution. I should regret to think that is so. It is difficult to train young men, but one must do one's utmost to help the boy who is inclined towards criminality to redeem himself. I support Government most whole-heartedly, feeling sure that with the help of someone particularly trained in that direction some good will result for the boys who are turned out from Onderneeming.

Mr. LEE: The last speaker's namesake, Mr. King, when he was Superintendent at Onderneeming, so raised the standard of the boys that they even went on parole for a week or a fortnight each year, and they returned and became useful citizens. But what happened? Because Mr. King had reached the retiring age he was compelled to retire and the institution went to naught. It was said that the institution was not paying its way, and now Govern-

ment proposes to engage someone who does not know local conditions.

THE CHAIRMAN: I think hon. members will agree that the proper conduct of a school for juvenile delinquents is a very important matter for the future of this Colony. Hon. members have referred to the unfortunate results in some respects of the present school, and I must admit that I have been considerably concerned to notice that many of the boys have not shown improvement after leaving the school. It is for that reason that Government wishes to do all it can to improve the position. Hon. members have referred to the training that boys will get there. It is important that they are getting some training in trades in order to help them after leaving school, but far more important still is that they should have moral training while they are there, and the person who is to give that moral training must himself have a bent in that direction. In my opinion no one can make himself efficient to look after the Industrial School unless he has at heart the desire to do so, and it is for that reason that Government is making an endeavour to get an officer of the right type to start the school on a proper basis.

Item put, and agreed to.

THE COLONIAL SECRETARY: I move the insertion of a new item, 14—Passage, \$216.

Item put, and agreed to.

#### LANDS AND MINES DEPARTMENT.

Mr. LEE: I would like to draw Government's attention to certain questions I asked in this Council, and ask that they be seriously considered. I suggested to Government that as gold and timber are getting high prices, some extra taxation should be imposed on those industries with a view to improving the road to Kaieteur in order to attract tourists to the Colony.

THE CHAIRMAN: I am afraid I cannot allow the hon. member to advocate the building of a road to the interior under this head.

Mr. LEE: It is through the Department of Lands and Mines that any improvement in the interior is made, and

I submit that I am right in suggesting improvement under this head.

Apart from that I also asked certain questions in connection with balata concessions, which have been answered by Government. I am seriously asking Government to reconsider its decision, and in order to do so I must state the facts. Certain poor people who were employed by Messrs. Garnett & Co. as foremen and labourers found out that the company had not paid for certain balata concessions, and they came to Georgetown and paid for those concessions. They also discovered that the company had not paid for other concessions and they applied for those concessions. Government had not then imposed any restrictions in respect of those concessions. Messrs. Garnett & Co. opposed the granting of those concessions although they had been paid for by the men and advertised by Government. The result is that Government has not granted the concessions to the men because it is afraid that they would so work the concessions, as to reduce the value of balata. They are poor men who are backed by a certain gentleman in this City who is sufficiently experienced in commerce to be able to protect himself and see that the men are protected. Messrs. Garnett & Co. were in a way trying to get the better of this Government by not paying for those concessions, and the men seized the opportunity.

Mr. ELEAZAR: It is seldom that I see eye-to-eye with the hon. member who has just spoken. I know this matter so well that it is only fair that I should say that this time he is right. (laughter). Those concessions had been abandoned by the company that held them, and the workmen enquired at the Department of Lands and Mines and were told they could have them. They prospected and paid for the concessions, but when they were advertised somebody opposed, and forthwith the men were told they could not have the lands any more. These men lost all they had provided for the expedition. A small man can afford to sell his balata at the current rates, but a company has overhead expenses which must be covered. I tried to persuade Government on the men's behalf, but it was a hopeless case. The middle man controlled the situation, and Government assists a thing of that kind.

Mr. JACOB: I would like to enquire by what authority Government has acted with the idea of limiting the production of balata? It is a very serious matter which opens up several questions. I seriously urge Government not to restrict the production of balata, especially when there is so much unemployment. It does not look well at all that Government should take up such an attitude.

Mr. F. J. SEAFORD: I am not clear about what was meant by the hon. member for Essequebo River (Mr. Lee) when he said Government was afraid that the men would so work the concessions as to reduce the price of balata.

Mr. LEE: The answer to my question reads:—

In view of the depressed state of the balata industry and the possibility of a collapse entailing the abandonment of operations in the Colony, it was considered essential that steps that were being taken to effect improvement by limiting production should not be frustrated by any sudden increase in output. It was therefore decided that no further concessions should be issued for the present.

Mr. SEAFORD: I quite appreciate that; I have it in front of me. I did not ask that it be read. I want to know the meaning of what the hon. member said.

Mr. LEE: On approaching Government I was told that restriction was necessary in order that the price of balata should be kept stable and not be reduced. I know that those foremen and labourers were being backed by a respectable gentleman in this community, and I feel certain that that gentleman would not have permitted balata to be sold under the price it was being sold at by Messrs Garnett & Co.

Mr. SEAFORD: If Government feels, or has information that we have not got, that by allowing the unrestricted bleeding and shipment of balata it would so affect the industry as to cause its collapse I think it is perfectly justified in taking the steps it has. If it did not do so those people who are now employed in bleeding balata would be thrown out of work, and instead of assisting employment it would create unemployment. I do not know that Government had to make a law before it could take such a step. I think Government has the power to grant concessions as it thinks fit.

Mr. ELEAZAR: I do not like the idea of other people getting up and defending Government. This is an indefensible case. Messrs. Garnett & Co. want higher prices than the ordinary labourers would want. After the men had provided for their expedition Government said they could not have the concessions. The men were thrown out of work because the price of balata could not pay the company.

Mr. SEAFORD: The hon. member referred to me as defending the Government. I can assure him that Government is quite capable of defending itself. I am entitled to express my views in this Council whether the hon. members likes them or not, and I shall always do so, either for or against the Government.

Mr. LEE: No one challenges the hon. member's right to express his views, but we say we have put before the Council a case to which there is no defence, and that is what my friend is trying to point out. We say that in this case Government has created hardship and unemployment, and we have fulfilled our duty.

Mr. WOOLFORD: I think it affects the whole policy of the Lands and Mines Department in regard to licences. A balata licence is granted under the Crown Lands Regulations, and claim licences under the Mining Ordinance and Regulations. In every case where lands, previously held by a licensee, are abandoned there is no final notification of the fact given in as a rule. It applies, I know, in cases of exclusive permission, but in the case of ordinary claims held under mining licence and balata licence, no final notice that the land is open to location is given, but in practice one goes to the Department and makes an application. I have very little doubt that in this case application was made for a balata licence to be granted in respect of these concessions that had been previously held by other concessionaires who had given them up. Balata being a seasonable product, I think the people who applied to be given those licences, if they did apply, were entitled to think they would be granted them, and in organising their expedition to bleed balata they have incurred a considerable amount of expense and considerable loss.

Application for licences is usually

refused on the ground that the land either is previously located or is open to location for certain reasons, as in the case of gold licences. It has not hitherto been given as a reason why a particular licence to exploit balata in a particular area will not be granted, that it is the wish of Government to restrict output. Whatever may be the policy of Government I agree that it is good policy at the present moment in regard to balata licences, but in this particular case I think the men's claim for consideration is apparent. It affects the labouring classes in this Colony. The ordinary balata bleeder is usually given an advance of provisions and a certain amount of money before he goes into the interior, and if he bleeds sufficient balata he is paid so much per lb. by the person or firm who advanced him. In this particular case both the financier and the labourers have suffered considerably, because the bleeders have been unable to pay for the provisions. Therefore, if those men come forward with some claim for consideration, I have no doubt that Government will give it favourable consideration. The whole policy of Government in regard to the issue of these licences is at present under consideration, and there are many who think it ought to be altered.

Mr. CHRISTIANI (Commissioner of Lands and Mines): I do not think I can add very much information to what has been given, but it is well known that for many years the balata industry has been in a very bad condition—in fact practically threatened with extinction. As the result of that there was a meeting of the principal producers and Government, at which it was agreed that production should be restricted for some years in order to remedy the situation. Certain firms also voluntarily gave up a number of licences in respect of lands which at that time were partially worked out. It would be obviously unfair, after a firm had voluntarily given up its licences and after a voluntary agreement had been reached to restrict the output of balata, that one of the former employees of a company should be permitted to take advantage of the knowledge gained during his employment and be given one of the licences voluntarily surrendered by the company. As regards the power of the

Government to refuse licences, I think the Governor has power to refuse any licence.

Mr. LEE: No one denies the power of Government to refuse a licence, because they are Crown Lands, but as far as I know no restrictions were made until those people had actually paid their money. One licence was actually advertised in the *Gazette*.

Mr. ELEAZAR: Government can do no wrong because it has power to do anything, but Government must not try to make a wrong right. Government has made a secret bargain with some people to throw other people out of employment, and when those people ban themselves together to secure employment Government says "No."

Mr. JACOB: I would like to press the point that it has not been stated here by what authority Government acted in limiting the production of balata. It has been said by the Commissioner of Lands and Mines that a conference was held between Government and those interested in the industry, and on the decision at that conference Government acted. It is manifestly unfair for Government to act on private advice. My contention is that a matter of that kind should have been discussed in this Council and authority given Government to limit the production of balata as has been suggested. I see two Government advocates, members of the Executive Council and elected members too, defending the policy of Government in a matter that is manifestly unfair to the people they are supposed to represent. My position here is to represent the people of this Colony. I consider every elected member has the same prerogative to represent the people. Government has its advocates, but certain elected members get up every time and support Government in matters that are manifestly unfair, if not illegal.

Mr. F. J. SEAFORD: To a point of order. Has that anything to do with this vote?

THE CHAIRMAN: The hon. member asked what authority Government had for its action in restricting the output of balata. The only action Government has taken is to refuse to issue any further

licences for balata. With regard to the remarks made by the hon. member for Berbice River (Mr. Eleazar) when he suggested that Government had made a secret bargain, I can assure him that those concessions were given up, and Government thereupon decided to issue no more for the time being, either to that party or to any other party.

Mr. LEE: If those concessions are ever thrown open by Government, those men who applied and paid their money should be given preference.

#### LAW OFFICERS.

Item (b)—Assistant Attorney-General, \$4,080.

Mr. JACOB: I would like to know whether it is now the accepted policy of Government that no Law Officers of the Crown will ever be allowed private practice?

THE ATTORNEY-GENERAL (Mr. Nihill): That will be the position next year. No permanent holder of the post of Law Officer of the Crown will be entitled to do any private practice at all.

Mr. JACOB: All legal officers of the Crown, not necessarily Law Officers.

THE ATTORNEY-GENERAL: I do not think I can take my answer any further. I said that no permanent holder of one of the offices in my Department will next year be entitled to any private practice.

Mr. JACOB: I would like it to be extended a little further. It should not necessarily apply to officers of this Department but to all legal officers of the Crown.

THE CHAIRMAN: Perhaps the hon. member will raise the point when we come to the relative Department.

Item put, and agreed to.

#### MAGISTRATES.

Mr. LEE: The hon. member for North Western District (Mr. Jacob) asked certain questions with respect to the transfer of Magistrates. I have been practising in the Magistrates' Courts for the past 19 years and I can speak with authority. In

the interest of the administration of justice in this Colony I suggest that all Magistrates should be transferred every four years. In the first year Magistrates get to know the people in their district, the second year they make friends, the third year they become bosom friends, and in the fourth year the administration of justice varies. I can cite cases where these things have occurred. It is only natural.

**THE CHAIRMAN:** The hon. member has a very poor opinion of human nature.

**Mr. LEE:** Yes, I do, therefore we have to protect the servants of the Crown. It would not be inconvenient to the Government if Magistrates were transferred every four years, because they take leave every four years. I do not like to cite cases, but I have them in a black book. I have the jackets of cases in which injustices have occurred on account of the permanency of a Magistrate in a district. It is a joke among practitioners that a certain Magistrate, who is not qualified, asked a practitioner whether there was a book on objections, as he desired to purchase one. That is how justice is being administered in this Colony. Unqualified men should not be appointed as Magistrates.

**Mr. GONSALVES:** I do not know whether we need a book on objections, but it may be one of another kind. It is well known that a few years ago there were acting appointments for an indefinite period. A vacancy has just arisen by the promotion of one Magistrate to another colony, and I have risen to express the sincere hope that the practice of keeping one man acting for an indefinite period will not occur again. If Government is satisfied with those Magistrates who have acted before—and the Attorney-General is best able to speak on that point—I think it is the duty of Government to see that vacancies are not left unfilled for an indefinite period.

As regards the point made by the hon. member about shifting Magistrates from one district to another, I do not know on what ground he based his request. He has given some reasons which perhaps should not have been put in the way he did. As far as my recollection goes, with-

in recent years Magistrates have been shifted about quite frequently, and I can only think of one Magistrate who has been in one district for a long period, and that is the Magistrate on the Essequibo Coast, but that Magistrate should not be regarded as having been permanently in the Service. Taken altogether, I do not think it can be said that Magistrates have been kept for any lengthy period in any particular district. I say nothing further, except to agree with Your Excellency's remark about human nature, and to add that to legal members of the Council it was astonishing to hear a statement of that kind made as regards members of the legal profession.

**Mr. KING:** As a lawyer of perhaps even longer standing than the hon. member for Essequibo River (Mr. Lee) I desire to protest most vehemently against the unfair, and what I consider unwarranted attack on those who administer justice in this Colony. The Magistrates are not here to defend themselves, and I hope it will not be thought by those outside of the Council that other members agree with the hon. member in his suggestion that the administration of justice in this Colony is perverted by men of such a low type of intelligence who are willing to allow their personal friendship to sway them in the duty they have sworn to perform. It is something which I hope no one will believe members of the Council capable of. I was surprised and shocked to hear the remarks made by the hon. member. I have been associated with Magistrates and Judges in this Colony for a considerable number of years, and I have never heard it said outside that those gentlemen have in any way abused their positions to befriend people who were in the wrong. It is unfortunately human to err, and I am not suggesting for one moment that the various decisions given by Judges and Magistrates were always right. The Courts of Appeal have proved that they were not always right, but nevertheless they were always sincere. As a practitioner I would dread to think that Magistrates' decisions were warped and prejudiced by their personal friendship to other parties. As a lawyer I do not consider that that takes place in this Colony. As a citizen I dread to think it ever happened, and I feel sure that if it did ever happen Government would

take proper measures to remove those Magistrates.

I have always considered Judges and Magistrates men of the highest integrity, and I have always respected them as such, and I always will until it has been proved to me that their decisions are erroneous, prejudiced and biased. The administration of justice in this Colony has always been considered fair and just. I cannot see any necessity to remove Magistrates from one district to another. Judges of the Colony sit on the bench for years. Is it suggested that the Judges should be removed from one part of the Colony to another? How can it ever work, to remove a Magistrate from one district to another? Is it suggested that his particular friends in that district might not one day appear before him in the other district? The suggestion appears to me to be very senseless. I hope the hon. member will see the wisdom of apologising or withdrawing some of the statements he has made here against men whom I look upon as being of the highest integrity and entitled to the respect of not only members of the Council but citizens of the Colony. It is appalling, if I may say so, to think that in this Council, which is supposed to be the fount of justice, honour and knowledge, an attack of this kind has been made against men who have no chance whatever of defending themselves. In attacking as he has done the administration of justice in the Magistrates' Courts the hon. member has to a certain extent cast a slur on the highest branch of the administration of justice, and that is on the Judges themselves. I do not know whether his effrontery is going to take such a turn as to attack Their Honours the Judges, but it would not be surprising to me if it did. As a legal practitioner, a member of this Council and a citizen I am prepared to state here that I am satisfied, and I feel sure that every right-thinking member of the community is satisfied, that the administration of justice in this Colony is not so tainted and not so low as has been suggested by the hon. member. I desire to record in unequivocal terms my horror that a statement of that kind has been made, especially in the Legislative Council.

Mr. LEE: I would like it to be clearly understood that I have not in any way attacked the present staff of Magistrates.

I am attacking the principle of not transferring them, and would remind my friend, the hon. member for Demerara River (Mr. King), that a certain client of his went to him and reported some grievance, but he refused to report the matter to the proper authorities. I want it to be clearly understood that I did not attack the administration of justice, the Judges or Magistrates. I am contending that the system under which Magistrates are stationed in one district for a long period is not proper, because of instances which I can state. As regards the unqualified Magistrate, I can give an instance in which a man was fined and imprisoned in order that the compound at Kamakusa might be cleaned.

Mr. ELEAZAR: What I am surprised at is that the hon. member for Demerara River (Mr. King) should have taken the hon. member for Essequibo River (Mr. Lee) so seriously. He does not always say what he means. (laughter). He is only a junior practitioner. I do not know of any Magistrate who would descend so low as to please his friends at the expense of someone else. It would be a wretched Colony to live in, if a man in that position could not do a friend a good turn without doing an injustice.

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

2 p.m.—

Mr. JACOB: I would like to support the suggestion of the hon. member for Georgetown South (Mr. Gonsalves) that vacancies in the Magistracy should be filled as promptly as possible. I have to refer to the case of Mr. Magistrate Low who, I think, acted for 15 years before he was appointed, and I think there is some difference in his appointment as compared with others, and I should like to say a word or two on that matter. I do not think he should suffer any disability as the result of having only recently been appointed to a permanent post, and I trust that Government will consider the matter and adjust it in future. Maybe the opportunity will afford itself on his retirement, but I think his appointment should be put on a more permanent basis before he actually retires.

As regards the question I tabled, I am

not going to take the line the hon. member for Essequibo River (Mr. Lee) took up. I know that in the past requests have been made to Government for the removal or transfer of Magistrates; petitions have been sent in with that object in view. I know there is a certain amount of dissatisfaction, but not dissatisfaction of a serious nature. I think the hon. member overstated the case and spoiled it entirely by the manner in which he made his remarks. I think there is some merit in the contention that Magistrates should be transferred as regularly as possible. As a matter of fact I go further and suggest that legal members of the Crown should also be transferred as regularly as possible. I do not exclude the Judges, who were brought in this morning. I think a policy of transference should be carried out from time to time, bearing in mind the exigencies of the Service, not only with respect to Magistrates but all Civil servants, and then we will have a better Service throughout the Empire. I trust that replies to my questions will be available as early as possible.

**THE ATTORNEY-GENERAL:** I am grateful to the hon. member for Demerara River (Mr. King) for his vigorous defence this morning of the Magisterial Bench of this Colony against what he considered—and I must admit I considered it also—an unwarranted attack by the hon. member for Essequibo River (Mr. Lee). It is true that the hon. member has since qualified his remarks, and that makes it possible for me not to pursue the matter at any great length, but I am bound to say that had this Council not received the assurance from the hon. member that he did not mean exactly what he said in the first instance, I should regard the matter in a very serious light indeed. If I may I should like to give a little word of advice to the hon. member for Essequibo River, and that is that he should realise that in making remarks which may be construed as imputations or allegations of impropriety on the part of judicial officers, he should be very careful not to make such remarks and allegations if he does not mean them as allegations in a deliberative assembly of this kind because, as the hon. member for Demerara River (Mr. King) pointed out, those gentlemen are not here and cannot answer the imputations which

are thrown out, very often in a haphazard manner, because usually they lack any substance behind them.

Furthermore the hon. member knows quite well—as a legal practitioner he must know that the very law of the Colony provides adequate safeguards against improper actions on the part of Magistrates. Even assuming that there are cases in which a Magistrate could be proved to have acted improperly, due to some improper motive or influence exerted upon him, the hon. member knows quite well there is a remedy at law. He knows it is a ground of appeal that a Magistrate has acted maliciously, or from some corrupt or improper motive, in giving a particular decision. That is a ground of appeal, and if there is evidence to support it the matter can be taken to the Supreme Court and the decision reversed. He should know and does know that, apart from that ordinary procedure of appeal, the Attorney-General has power under the law, even when there has been no appeal, to ask the Supreme Court of the Colony to review a decision given by any Magistrate within three months of the time the decision is given. That is another safeguard under the Summary Appeals Ordinance, and therefore it is clear that if any case arose where there was a scintilla of proof that something of an improper character had taken place, it is always open to the hon. member or the litigant who felt himself aggrieved, to proceed by way of appeal, or to proceed by way of petition or representation to the Attorney-General, and the Attorney-General, if satisfied that an appeal was not the best method of putting the matter right, could by his own motion go to the Supreme Court and ask for a review of the matter by the highest Court in the land. The point I am trying to make is that, with those safeguards in our law and procedure, it is not right and proper that hon. members should come to this Council and make attacks of the nature and of the character that have been made this morning.

I want to be quite fair to the hon. member on the question of principle, because I know that he held the view, and sincere view, that it would be in the interest of the efficiency of Magistrates that they should not spend more than four years in any one district. If he had put his remarks

in that way, and had limited them to the question of efficiency, which I think is the way the hon. member for North Western District (Mr. Jacob) has put the matter, I think he would not have earned the censure of this Council. But on that question it is quite impossible to lay down as a rigid principle that every Magistrate in this Colony should only be in one district for a particular length of time. I think just a little reflection must show the Council that it would be impossible to adjust the magisterial *cadre* in that way. After all Magistrates are appointed at different times. They become ill at different times, they are promoted at different times and go on leave at different times. All those are factors which must be taken into account in adjusting interchanges between the different Magistracies. But I will go so far as to say that, in my opinion, circumstances may arise where it may be shown that a Magistrate has become stale in one district, simply as the result of environment, and in those circumstances it may be in everybody's interest that he be given a change of scene and environment. For that reason I should certainly deprecate the principle being laid down that when a Magistrate was appointed to a particular post he was there for good and all. That is not the policy that has ever been adopted in this Colony so far as I am aware, and certainly it is not the policy of Government at the present time. Magistrates know that they are always susceptible to being transferred to another district if the general interests of the Service demand their transfer. That is perfectly well understood by the Magistrates themselves. Therefore, there is no question of this Government having to reconsider any policy in the matter.

As regards the observations of the hon. member for Georgetown South (Mr. Gonsalves), which are supported by the hon. member for North Western District (Mr. Jacob) in regard to the filling of the vacant Magistracy, I can give both these members the assurance that that vacancy will be filled by permanent appointment in the normal way, and in the normal time. Of course, hon. members are aware that that appointment rests with the Secretary of State.

Mr. LEE: I desire to thank the hon. Attorney-General for his excellent advice,

and to say that at no time whatever did I mean to cast any reflection on the Judicial Bench of the Colony. At the present moment we have three Judges whom the public and all legal practitioners respect. I was only dealing with the principle of the transfer of Magistrates from one district to another.

Mr. WOOLFORD: I have risen to express the hope, which has been in part fulfilled by the hon. and learned Attorney-General, that the vacancy which has arisen in the County of Berbice will be filled—he said in the normal way, and I think he added in the normal time, and I should like to add at the normal pay. I know it rests with the Secretary of State, and I wish to say now in connection with the matter I brought to the attention of the Council a few days ago, that it will be possible, having regard to the provisions of the Civil List Ordinance, for the Governor of the Colony to recommend to the Secretary of State that the appointment be made at a lesser salary than the previous holder of the post received. I knew the time when the magisterial duties were performed in a most perfunctory manner in that constituency. It is perfectly true that the appointments were then held by laymen, but I am not prepared to say that they were any better performed by some of the qualified men who succeeded to that position. It is a large constituency, one in which there is a large number of East Indians, especially at a place like Whim, and I do not think it is within everyone's capacity, however well-trained he may be, to preside with the degree of satisfaction that is necessary for some of these magisterial cases.

Theoretically every case should be tried. That is to say the issues should be quickly laid before the Magistrate who would decide. I can assure you that that is not always possible, even with the most gifted of men, and I feel, and feel very strongly, that Government will not easily be able to find a successor to Mr. Hill who will be able to do as well as he did. Mr. Hill is a very able man who had not, perhaps, a wide legal knowledge, and who had not had any very great experience, but he was a specially adaptable man. It is absolutely necessary that the appointment should be filled by a man of his capacity and his peculiar gifts, if not the only alternative would be to revert

to the position of having two Magistrates. It does affect the question of pay, and I hope Government will see its way to make this appointment at what I call the higher figure. A great deal has been said in this Council about an extra £100 being paid to the Magistrate of the Berbice district. I do not wish that to arise again, but I do hope this appointment will not be made at £500. It is worth more as, apart altogether from the amount of travelling, it is the volume of work that he must do at night. His head office is in New Amsterdam, where he must reside, and he has to go to the country courts and rise early in the morning. Owing to the numerous cases he cannot finish his work before 4 or 5 p.m., and then he has to return to New Amsterdam. I am asking that before Government decides on what is to be the future magisterial policy in that district the Attorney-General should obtain the views of one or two men who are practising in that constituency. There are two members of the Council who practise in those Courts, and I do not pretend to know as much about it as they do. I have been approached by perhaps the most prominent citizen there as to the anxiety of the community with reference to this vacancy.

There is another matter in connection with Magistrates. There is a tendency on the part of Government, with a view to economy perhaps, and also with a view to relieving the pressure on the Magistrates in Georgetown, and in some cases to extend the jurisdiction of trials, to place the adjudication of those cases on the shoulders of other Magistrates. I am thinking of the procedure by which cases at Providence Court, which were formerly taken by the Magistrate in Georgetown, are now being heard by the Magistrate of the West Coast. The Attorney-General very kindly spoke to me about that matter, and I agree in theory with the proposal, which is still capable of further trial, but when I say I have been there on four or five occasions in connection with one case, and that the Magistrate was bound to postpone it at certain times, you can well imagine the difficulties arising there. It is a very undesirable state of things, and if, as I understand, there is a suggestion to have another district added to Georgetown, I would ask Government to give that matter equally careful consideration. I

have said here before, and I say again, that the time is fast approaching when we will want an additional Magistrate. He will be wanted for several purposes. I can indicate many directions in which his time would be occupied. He would be a relief Magistrate. It is absurd that the Registrar should leave Georgetown to go to Essequibo, and that the Magistrate of the West Coast district and three gentlemen should have to go to Essequibo to decide whether so many annual licences should be granted. That is a matter which should be done by the District Commissioner. I am speaking of cases where there is no opposition to the licences. I could never get the late Attorney-General to see that point of view. I could not get him to see other points of view, and I may add that if I cannot get the present Attorney-General to see my point of view I will move that the item providing for his travelling be struck out. (laughter). My aim is to relieve congestion from time to time.

I also plead for the last time, and this in the presence of the Director of Public Works, that he should relieve practitioners and the public of having to sit on the window sills of the court-rooms. I strongly object to it. There is no accommodation for the public at some of those courts. I am referring to certain magisterial courts, and I have mentioned the matter to the District Engineer. If the hon. Mr. Dias were here he would tell the Council that the last time we met at the Stewartville Court there was one bench, and there was nothing on which to rest our books. We usually go into the court-yards and sit in our cars, or on a bench. I think when a member of the Council brings these things to the notice of Government he should not be met with the statement that Government has no money. I would undertake to do it without funds. It shows a lack of respect engendered by the remarks of certain hon. members of this Council in relation to public officers. It shows a certain lack of respect for the representations of the public. There are Government officers who say "It does not matter what the member for the division says, I am not going to pay any attention to it." I am not the representative of any of those divisions, but I hope and expect that some attention will be paid, not to my personal remarks, but to the necessity for these conveniences. This is

the third consecutive time I have asked that these things should be looked after, and I hope the necessity will never arise for you, as Colonial Secretary, to attend there. In the Georgetown Magistrates' Courts there are electric fans and electric lights on the bench. I cannot understand why those amenities are provided in Georgetown and not in the country courts.

I notice that this Council has passed without comment a vote for the purchase of books for the Attorney-General's library. The Magistrates are very greatly in need of a library. This alleged inefficiency, on which some members have remarked, is largely contributed to by the absence of any law books, even the ordinary text-books, and I again suggest for the last time that a duplicate set of laws, properly written up, should be provided in every Magistrate's Court—not for the lawyers. I wish to emphasise that these laws be properly written up. Even the laws in this Council Chamber are not properly written up. If such a state of affairs exists in the Legislative Council it is even worse in the Magistrates' Courts. Government can employ some poor practitioner—there are several of them—to make the revision of the laws. Government cannot justify the Attorney-General being given extra books without providing the whole legal machinery with similar accommodation. It is not right or fair, and despite what the Judges have to say in the matter, the Law Library has far too many books, too many duplicates, and too much money is spent on it every year. It is not necessary. I propose to ask that the vote for the Law Library be reduced to £20, and a separate vote provided for the Magistrates' Courts.

As regards the question of Magistrates' travelling, I do not know whether Government has had any representations about the matter, but I know it is not what it should be.

THE CHAIRMAN: Perhaps the hon. member will deal with that matter under the particular item.

Mr. JACOB: I would like to express my gratitude to the hon. Attorney-General for letting us know that if a litigant is not satisfied with a Magistrate's decision he may approach him, and that he has power

to refer the matter to the Supreme Court. I think that is not generally known, and it was purely on these lines that I have suggested that there should be frequent transfers of Magistrates. It is true that there are adequate safeguards in the law, but law is a very expensive process, particularly in small matters.

Mr. ELEAZAR: I would like to endorse what has been said by the hon. member for New Amsterdam (Mr. Woolford) with respect to the pay of the Magistrate in the County of Berbice. There was a time when there were three Magistrates, one on the West Coast of Berbice, one on the Corentyne, and the other in New Amsterdam. I do not think at that time they had the amenities that are provided now. Later on there were two Magistrates, but they could not get on well; one complained that the other threw all the work on him. The result was that one of them suggested that if Government gave him £100 extra he would do the whole job. Government took him at his word and saved the salary of one Magistrate, an extra clerk and travelling expenses as well. But I regret to say that very soon afterwards Government was guilty of a very serious breach of faith, because one or two other Magistrates received the extra £100, but immediately after they were removed from the district and another Magistrate was appointed he did not get the extra sum. The Magistrate who has just gone away was never my great friend or my foe, but he was the only man who succeeded in doing the work of the whole County with some time to spare, yet he never got the extra £100. I do not think it is fair. From my experience I think the work can be done by one man, but it is still more than what one man should be asked to do for that salary. I suggest that £100 should be added to the salary of the post.

The hon. member for New Amsterdam (Mr. Woolford) has certainly covered the ground about the furniture in the Courts, which is worse than the buildings themselves.

THE ATTORNEY-GENERAL: The hon. member for New Amsterdam (Mr. Woolford) and the hon. member for Berbice River (Mr. Eleazar) have put in what I think must be described as an unusual

plea for greater luxury in the Courts, but I do not think the matter has been entirely overlooked, because it is dealt with under Public Works Extraordinary. There is an item of \$600 under that head for the erection of a building for the storage of furniture at the Magistrate's Court, Georgetown. That item has been put in there in order to get rid of a great deal of impedimenta which at present impedes the office where the clerks do their work. I just mention that as an example that in preparing the estimates I was not unmindful of the convenience of the Magistrates. I can go further than that, because the Select Committee of the Council has recommended that a new item be inserted under the same head to provide \$800 for new furniture for Magistrates' Courts, and I think out of that sum Government ought to be able to provide a chair for the hon. member for Berbice and a table for the hon. member for New Amsterdam. (laughter). I hope that the situation will be to some extent improved during the coming year.

Mr. WOOLFORD: I would like to explain to the Attorney-General that the reason for the increased accommodation for the storage of furniture at the Magistrate's Court is for the storage of the goods and chattels of people who have been levied upon. There is no place to store them.

Mr. GONSALVES: I would like to know whether there is under consideration certain amendments of the Magistrates' Court Rules. We were told that new Rules were being made. There are certain things which practitioners have always complained about. I do not know how far the matter has gone.

THE ATTORNEY-GENERAL: I understand that a Committee has been considering those Rules for some months, and I believe it has almost concluded its labours, so that the enactment of new Rules should be only a matter of time. While I am on my feet I should like to mention one point about what has been said about filling the vacant Magistracy. I do not want hon. members to get it into their heads that anything I have said or anything which has been said in this Council means that the appointment will be to the vacant Magistracy in Berbice.

The appointment to be made by the Secretary of State will be an appointment to the general *cadre* of Magistrates.

Item (f)—8 Assistant Clerks (\$288 by \$24 to \$480,) \$3,144.

Mr. LEE: I have pointed out to the Council the hardship that is being experienced by three of these assistant clerks who joined the Service in 1932, and I suggest that the item be altered to provide for 3 assistant clerks at \$450 to \$600 and 5 assistant clerks at \$360 to \$480. When the Bain Gray scheme was under consideration I do not think those three clerks who joined the Service between 1930 and 1932 were considered.

THE COLONIAL SECRETARY: This question has been considered and it has been necessary to adhere to the general principle adopted in introducing this scale. It was really not possible to differentiate with regard to those who had served at an earlier date, and it is therefore necessary to adhere to the item as printed.

Mr. ELEAZAR: I hope Government will find it possible to deal with each case on its merits. These new arrangements have created hardships in several departments. The Magistrate's Office is one of them. There are young men who joined as assistant clerks with the hope that eventually they would be promoted as clerks as the occasion arose. They have been told that as the result of this scheme they have no hope of becoming clerks, as men with better educational qualifications will be appointed as vacancies occur. There should be some rule which would give Government the advantage of having men with higher qualifications, but that should be left to future appointments. A young man from my office with secondary training was given six months leave and he joined the Service at a lower salary with the hope that he would get promotion.

Mr. SEYMOUR: These lads are not eligible for transfer to other departments and therefore have no chance of promotion. If that is the case they are under a great disadvantage which does not obtain in other departments, and they should be given consideration on that ground alone.

THE COLONIAL SECRETARY: With

regard to the possibilities of promotion those assistant clerks are actually very well situated because, if hon. members will look at the Fixed Establishment they will see that there are eight Class III. clerks. The assistant clerks are really better off than probationers in regard to promotion.

The point raised by the hon. member for Berbice River (Mr. Eleazar) with regard to the question of educational qualifications does present some difficulty, but that can be got over by fixing a date before which those qualifications would not be required. That date would probably be 1934.

Item put, and agreed to.

Item (h)—Bailiffs, \$5,748.

THE COLONIAL SECRETARY: I move that this item be increased to \$5,772 in order to provide for an increment for one of the bailiffs, which was overlooked at the time the estimate was being prepared.

Item as amended put, and agreed to.

Item 2—Travelling Expenses, \$4,592.

THE COLONIAL SECRETARY: I move that this item be increased by \$100 to provide additional travelling allowances to bailiffs in the Berbice district.

Item as amended put, and agreed to.

Item 5—Crown Witnesses Expenses, \$1,500.

Mr. WOOLFORD: I will endeavour to explain the difficulties under which this vote is administered, and I will speak as clearly as I can, because it is a matter of some considerable importance. When the Police institute prosecutions, as they frequently do, and as they frequently should not do, it is their duty to procure witnesses. I will give an illustration of an actual happening. A man was assaulted in the Kamuni creek which, for the information of members of the Council and the member for the Division, is in the Demerara river. (laughter). An investigation of the circumstances under which the offence took place had perforce to be made by the N.C.O. at Providence police station, and his method of investigation

involved the attendance of witnesses from the Kamuni creek at the station. They were told that they had to be in attendance at a certain time. Statements were taken from them, and in some cases they were summoned by the Inspector in charge of the district. During such periods witnesses are kept at considerable distances from their homes. They are required to attend Court, which in this particular case was at Christianburg, and they were told they had to find their way there as best they could. They had to find the necessary money to go to Christianburg and to maintain themselves there. That involved several days' absence from work, and during that period of time they were not paid. No money was provided for their passage to Christianburg by steamer; they were not even given a pass.

The Police are not provided with funds. This vote is intended to cover that expenditure, but the witnesses are not given the actual money because the Police have none to give them. It may not be known to members, but the Police hesitate to keep money in their safes for any purpose. It is a curious thing. If any member of the Council, or a responsible member of the public, has any surplus funds—which most of us never have—and he wishes to put it in safe custody, he may take it to the Brickdam Police Station. I prefer to carry it on my person. The fact is that Government will not entrust money to the Police. These poor people are kept waiting for payment. It seems to me that is a very bad system. I told the men that if I were in their place I would not attend Court unless the Police paid me. Then I thought that that would not be a proper thing for them to do. You cannot compel a man to attend Court as a witness unless you provide him with conduct money. He is not bound to attend. That is why some police prosecutions fail. Sometimes a witness turns up and shows his dissatisfaction by saying he does not remember all he has told the Police in his statement. It is just a matter of reprisal. I ask that that system be changed. In the vicinity of most police stations there are post offices with ready cash. I ask that the matter be investigated at once, not this day next year. The Inspector-General of Police knows the difficulties because they were explained to him. It is a highly illegal thing, and I strongly object to it.

It is all because Government cannot conceive a method of entrusting the Police with money to pay these people. The matter can be remedied in a few minutes, and I think it ought to be done.

Mr. ELEAZAR: That is one phase of the question, but there is another phase which I think is a very serious one. Apart from the fact that some people make a minor industry out of giving evidence as Crown witnesses, there are people who give evidence for the Police and are told to ask the Judge to decide whether their evidence was material before they are paid. In some cases witnesses attend Court for over a week and get nothing at all. Sometimes they are not called as witnesses, but they have to attend. People who know nothing about a case are paid while honest witnesses get nothing. I think some enquiry should be made into the matter.

Mr. McDAVID (Colonial Treasurer): I am very grateful to the hon. member for New Amsterdam (Mr. Woolford) for having pointed out the difficulties of the situation, and it is only because of my attendance in Council that I have not done anything in the matter. The point is that previously the vote was administered by the Police Department, and it was thought some years ago that it would be better administered by the Magistrates, but it was overlooked that in some cases witnesses ought to be advanced money before they attend Court. As matters now stand the witnesses are paid, but only after they have given evidence, and on the certificate of the Magistrate. It seems to me that the remedy is that a portion of the vote should be restored to the Police Department to be administered by them. There is no difficulty about cash. The Police have cash, but the only difficulty is that they are not at present authorised to administer the vote. Each police station has a small imprest, and there is no difficulty as long as they are authorised to spend money. I can assure the hon. member that the matter will be investigated at an early date.

Item put, and agreed to.

Item 7—Miscellaneous, \$588.

Mr. WOOLFORD: This item covers a

multitude of sins. It is really for the renewal of books and furniture in the Georgetown Magistrate's office. It emphasises what I said, that some officers are being supplied with everything they require. The Magistrates in Georgetown have just had electric fans installed in both courts. The new item of \$500 may not find its way to Sisters Court. On the next occasion the hon. member for Berbice River (Mr. Eleazar) may be invited to sit on a kerosene oil tin as I was. I ask that each Magistrate's Court be provided with a separate sum. I would like to see the item Miscellaneous made what it should be. If it is a Public Works expenditure then it must be deleted.

Mr. McDAVID: The explanatory note to item 7 refers only to the increase between 1937 and 1938.

THE COLONIAL SECRETARY: An item of \$800 was recommended in Select Committee for new furniture in Magistrates' Courts.

THE CHAIRMAN: I think hon. members will realise that \$800 is not the only vote for furniture, but a special vote to supply furniture at the present time, and this vote is a recurrent vote for renewals.

Item put, and agreed to.

#### MEDICAL.

Dr. SINGH: I desire to make some general observations under this head. Before Government appointed a Committee to consider the re-organisation of the medical service complaints of dissatisfaction were made to some hon. members of this Council by persons who were patients in the Georgetown Public Hospital, by persons who attended the Out-Patients Department and the Dispensaries, and by residents in the various medical districts of the Colony. The chief causes of dissatisfaction were that owing to overcrowding in the wards many patients had to take floor beds. In some cases people complained that the medical officer saw them fully 24 or 36 hours after admission. At the Out-Patients Department persons are kept waiting for hours before they are seen by the medical officer on duty, while at the Dispensary it is impossible for the doctor on duty there to attend to the large number of people who seek attention,

with the result that many of them return home without seeing the doctor.

In the country districts residents complain that medical officers charge very high fees for special visits, and that in cases of emergency it is very difficult to obtain the services of the medical officer owing to the distance between the patient and the doctor, the lack of telephonic communication and conveyance. Sometimes, before the patient arrives at the doctor's house, he or she is either in a dying condition or already dead. Those complaints were brought to the notice of members of this Council, and Government thought it fit to institute an enquiry into the medical service. We have had the report of that Committee, and it is unfortunate that although recommendations have been made to remedy that state of affairs Government has delayed in the matter and is thinking only of the highest branch of the service—specialising. What is needed is prompt attention and the adoption of some means of preventing over-crowding at the Georgetown Hospital. Provision should be made for prompt attention after admission of patients to the wards, and that people who go to the Out-Patients Department should be attended to as promptly as possible. It is impossible for one doctor to look after so many patients at the Dispensary. There are so many patients that the medical officer in charge has to work six hours a day. If he devotes five minutes to each patient it means that he attends to 72 patients in six hours. It is impossible for him to attend to so many patients because he has to do minor operations and to attend to cases of injuries. It is impossible for him to devote more than one minute to each case, and it is very necessary that an extra medical officer should be employed.

As regards the country districts, I remember that 30 years ago there were four medical officers on the West Coast, one at Vreed-en-Hoop, one at Leonora, one at Tuschen and one at Leguan. It is said that in those days there were sugar estates, but nevertheless the population is the same. Two years ago there were two medical officers, one at Leonora and the other at Tuschen. It is difficult for one medical officer to look after that district. We want to maintain our man-power in

this Colony, and if Government can see its way to appoint another medical officer to the district it would be a life-saving arrangement. As an alternative, dispensaries might be established at Verge-noegen, Hague or Den Amstel, and at Fellowship. Those dispensaries would be helpful in cases of emergency.

It is all very well to have an assistant surgeon and a physician at the Georgetown Hospital, but what is needed is that patients at the Out-Patients Department should receive prompt attention.

Mr. LEE: Last year I drew Government's attention to the report of the Medical Re-organisation Committee, and I must call its attention to it again to-day. Paragraph 114 of the report states:—

"The above considerations refer to appointments to medical districts in the settled coastal areas, but the Committee as a whole recommends that, when funds are available, Government should employ part-time non-pensionable medical officers in areas such as the Demerara River district and Wakenaam, at rates not exceeding £250 per annum, to be based on the services to be rendered to Government. The Committee regards the present arrangements for the medical care of the inhabitants of such areas as inadequate, and recommends their improvement along these lines."

It is sad to say that since last year three women died in child-birth in Leguan, and one in Wakenaam. The medical officer who visits those islands only goes to the dispensary, and patients who require his attention have to walk several miles in some cases, and the doctor has a limited number of hours to attend to those patients. He visits Leguan once a week, and Wakenaam twice. I suggest to Government the appointment of part-time medical officers for the lower West Coast and Essequibo.

Last year I was told that Government was trying out the district surgeries; which it had been trying out for a few years previously. I would suggest that the East Bank, Demerara, which is supposed to be a first-class district as regards private practice, be tried out in respect of the district surgeries in order to see whether the experiment will be successful or not.

Before the Council adjourned last year the Surgeon-General told us that he had received a cheque, and that the League

nurses would be given back the amounts which had been taken from their salaries. On enquiry of one of the nurses I was told that they were only refunded as from July 1, although I understood that it would have been as from January 1. When promises are made by Government they should be carried out.

Mr. JACKSON: I would like to join in the appeal for better medical service on the lower West Coast, Wakenaam and Leguan. I think if Government could see its way to appoint a part-time medical officer to those districts it would be doing an incalculable amount of good to the people of the districts. It is practically impossible for one medical officer to do the work which the present officer is trying to perform, and that is to attend to the West Coast, Demerara, East Bank, Demerara, Essequibo and the island of Leguan. While there are two dispensaries, one at Parika and the other at Leguan, I think it absolutely necessary that the services of a qualified medical officer should be placed at the disposal of those people. I should be satisfied if even a part-time officer was found for Leguan and Wakenaam only, but I do think Government might well consider the appeal made in that direction, and render the assistance that is absolutely necessary.

Mr. SEYMOUR: I am very much struck by the composition of this Department. It is all above and very little below. It is only human that a part-time officer does part-time work—at least in Essequibo. These part-time men say they only get \$120 per month and they will give \$120 worth of service. They do not even give that. I have known of a case in Essequibo where a part-time medical officer was called to see a woman who had just had twins. It was a very bad case and the midwife suggested to the husband to call the doctor. The doctor went but when he discovered, after going into one room, that the husband had no money he told him point blank that unless he paid him he would not go into the other room. That is not an isolated case. I can relate several other cases of a similar nature. The idea of these part-time medical officers is to get their pound of flesh, and perhaps it is human, because \$120 for a medical officer is a farce. The whole service is going from bad to worse. In fact it is

not a service; it is a joke. Some years ago there were two experienced and well paid doctors in Essequibo who did justice to people who could not afford to pay.

The health of the people in Essequibo is suffering and will continue to suffer. Later on we will hear about nutrition. I thank Government for establishing two dispensaries at Anna Regina and Charity, but they do not fill the gap when cases of emergency arise. Even for the salaries Government is paying we are not getting a square deal from these medical officers. Doctors who have been trained for years at the Georgetown Hospital should be sent to the outlying districts. I am sorry to say that from what I have seen on the Essequibo Coast there is not even professional etiquette among the medical officers. The Surgeon-General should send the best type of men to the country districts. I sincerely trust that Government will investigate these matters.

Mr. DEAGUIAR: The importance of the medical service to any colony imposes upon a member of the Legislative Council the obligation to make representations. It is not surprising, therefore, that at the annual session members take the opportunity to bring to the notice of Government what they consider great hardships on people, especially those in the outlying districts of the Colony. I should say at once that so far as this Department is concerned I am somewhat in sympathy with the endeavours of Government to improve the medical service. My first complaint, however, is that there has been too long a delay in affording the relief that is usually suggested. Can Government give a reason why at the present moment there are so many vacancies in the medical service, and why they have not been filled? It seems to me that the long delay is the reason why there have been so many complaints in connection with the service. Where is the Surgeon-General? Where has he been for such a long time? Is there any doubt that the Department is suffering in the way of administration? I do not wish it to be understood that I am attempting to criticise the present acting holder of the office. It is must be borne in mind that the acting officer has more than his ordinary share of work to do, and to expect him to carry out the onerous duties of Surgeon-General of the

Colony in addition to his other duties is certainly expecting too much of him. Added to that, he has an inadequate staff.

There are four or five vacancies in the medical service to be filled, and as far as I know no attempt is being made to have those posts permanently filled, but I do know that makeshift arrangements are being made. The complaints made by the hon. member for Western Essequibo (Mr. Seymour) are due to the manner in which those vacancies are being attended to. He referred to the part-time medical officer on the Essequibo Coast. Is that one of the vacancies to be filled, and is it Government's intention to continue filling it with a part-time officer?

In the outlying districts where the best surgical attention is so far away, it is Government's duty to do the best it can for the people. I am informed that it is almost impossible for a pauper to get medicine. I spoke to the Surgeon-General on the subject, and he told me that was a matter for the Poor Law Commissioners. In the past it was dealt with by the Medical Department. On whose authority has the Medical Department shifted the responsibility for issuing medicines to the Poor Law Commissioners? I would like the Surgeon-General to answer that question to-day.

A great deal has been said about district surgeries. Even the doctors are in favour of them, but it seems to me that Government is riding for a fall, and it is my duty to sound a note of warning, otherwise we will be faced with a position later on which will be worse than it is at present. I am in favour of district surgeries, but I do not think Government should make the terms of appointment so difficult that the right type of doctor will not be secured for the job. What are the leave rights to be given these officers? They are to have half passage to England, and it is also conditional on their finding *locum tenens* approved by the Surgeon-General. Is that leave for a professional man? If it is the intention of Government to introduce those conditions with regard to the appointment of district surgeons, I can assure Government that the support I gave to the creation of those posts in the past will be withdrawn, because it seems to me that Government will be only catering for

the type of man we do not want to have in the Service. We must have competent medical officers in the districts of the Colony. They are too far away from Georgetown, and unless we have men who are able to take care of the needs of the people in the districts it seems to me that we are going to create distinct hardship on the people.

Mr. ELEAZAR: After a painful extraction I was instrumental in getting Government to appoint a committee of enquiry. At length the Committee met, but they took particular care to keep certain people out of it. They did not want certain things to come out. I got Government to subsidise some of the districts. There again, when Government accepted the suggestion and put it into execution it was done in a way that it should not succeed. One would have expected that if Government was only giving a doctor a subsidy he would be sent to a district where private practice would give him a decent living. After all a doctor has spent a certain amount of money in getting his profession, and should be adequately remunerated. Government removed an officer from a district and sent him to another where there was little private practice, and gave him the miserable sum of \$100 per month without any travelling allowance. The result was that he began to extort money from the people in the district, and eventually had to clear out. When I asked the Surgeon-General why he had offered a subsidy of only \$100 to a doctor he said he did so in the hope that no one would apply.

The Committee met and made recommendations, and one thought they would have been carried out. But what do we find? The case referred to by the hon. member for Western Essequibo (Mr. Seymour). If that doctor was even being paid a shilling per month he should have been dismissed at once. Government offered him \$120 per month to help him to live in the district and use his skill. If he was so inhuman in a case of that kind he should have been relieved of his appointment. It shows a lack of administrative ability or lack of supervision in certain directions. That is not the only case. There are other respects in which the Medical Department, if it were vigilant, would be able to ameliorate condi-

tions. For instance, in the Berbice river some ladies got together and established a clinic for expectant mothers. Near to that clinic is a Government dispensary, but for the want of a two-roomed house where a patient who goes to the dispensary may be able to stay for a night or for a day or two, persons have been known to die while travelling back in a canoe. I am inclined to think that the present Surgeon-General is a very nice officer. I do not know his qualifications, but for all the service we are getting we can do without a Surgeon-General.

Yesterday I jocularly remarked to the acting Surgeon-General "I see you are putting up a crematorium in Berbice." He replied "I hope so." I went on to add that it was being built to cremate people while they were still alive. Government has gone to considerable expense in putting up a building in the Mental Hospital compound which is supposed to house human beings even if they are mad, and attendants have to be there too. When I heard that the work was being done I took a walk into the compound one Sunday afternoon. I had walked fully a mile without perspiring, but after I had walked through the building I was pers-

piring profusely. Small air holes are all the ventilation in the new building, and the carpenters told me it was built according to plan. I suggest that an enquiry be made at once with a view to rectifying the building. Nobody should be allowed to go into it. I do not know who designed it. It is a nice building but that is all.

Some time ago the Matron lived outside the institution, while the Steward lived in the compound. Then a scene which was both amusing and pathetic occurred, and it was decided that the Matron should live in the compound. The Steward was removed from the compound and given a house allowance, but the house in which he lived, which could only accommodate one family, was divided into two, the chief attendant occupying one half and the Matron the other. The result is that two families are occupying what is practically a two-roomed house. What sort of morality is that? It is nobody's business to remedy these things, but they should be remedied.

The Council resumed and adjourned until Tuesday, 16th November, at 11 o'clock.