

LEGISLATIVE COUNCIL.

Tuesday, 19th November, 1935.

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFREY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, (Mr. E. J. Waddington, C.M.G., O.B.E.)

The Hon. the Attorney-General, (Mr. Hector Josephs, K.C.)

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

Major the Hon. W. Bain Gray, C.B.E., Director of Education.

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. J. Mullin, O.B.E. Commissioner of Lands and Mines.

The Hon. F. J. Seaford (Georgetown North).

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

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

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

The Hon. Q. B. De Freitas, Surgeon-General (Acting).

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

The Hon. J. Gonsalves (Georgetown South).

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. A. R. Crum Ewing (Essequibo River).

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).

MINUTES.

The minutes of the meeting of the Council held on the 15th November, as printed and circulated, were confirmed.

ANNOUNCEMENT.

SAVINGS BANK DEPOSITS.

Mr. McDAVID (Colonial Treasurer): I am the bearer of the following Message from His Excellency the Governor to the Council:—

MESSAGE No. 8.

Honourable Members of the Legislative Council,

I have the honour to invite the Council to approve of the reduction of the rate of interest payable on deposits in Post Office Savings Banks which is at present fixed by sections 14 and 15 of the Savings Bank Ordinance, Chapter 48, at three per centum per annum with a minimum interest-bearing deposit of four dollars.

2. Early in 1933 consequent on the fall in the interest yield of "gilt-edged" securities the commercial banks reduced the rate of interest on savings deposits with them from three per cent. to two per cent., and later in the year the Legislative Council passed the Savings Bank Ordinance, 1933, (No. 4) limiting the amount which might be deposited in any year to \$1,000 per annum in place of the former maximum limit of \$8,000. The interest rate on deposits in the Post Office Savings Bank was, however, maintained at three per cent. with the object of encouraging thrift deposits.

3. The position was again examined by Government at the close of 1934 and it was

decided in view of the fact that the Savings Bank had shown a small working profit for the year that the 3 per cent. rate should be maintained for another year. In the face of the *continued low yield from investments it is now* apparent that this rate can no longer be justified and that its maintenance might involve a loss on the operation of the Bank.

4. The commercial banks have now further reduced the rate of interest payable by them on savings deposits to $1\frac{1}{2}$ per cent. with effect as from the 1st of December, 1935.

5. At the same time an Inter-departmental Committee appointed by the Secretary of State to examine savings banks systems in the Colonies has recommended that the rate of interest should not be higher than $2\frac{1}{2}$ per cent. which is the rate paid by the United Kingdom Post Office.

6. In these circumstances it is proposed to revert to the rate of 2.4 per cent. per annum with an interest-bearing deposit minimum of five dollars which was in force prior to the year 1915. (This rate facilitates interest calculations as it is the equivalent of a rate of one cent. per month on a deposit of five dollars). I accordingly invite the Council to pass a resolution in pursuance of sections 14 and 15 of the Savings Banks Ordinance, Chapter 48, giving effect to this proposal.

G. A. S. NORTHCOLE,
Governor.

18th November, 1935.

PAPERS LAID.

The following documents were laid on the table:—

Report of the Director of Education for the year 1934.

Report on the accounts of the Walter Mitchell Fund and the Mitchell Foundation Scheme for the year 1934. (*The Colonial Secretary*).

GOVERNMENT NOTICE.

SAVINGS BANK DEPOSITS.

Mr. McDAVID gave notice of the following motion:—

THAT, with reference to Message No. 8 of 18th November, 1935, this Council resolves in pursuance of section 14 of the Savings Banks Ordinance, Cap. 48, that interest shall be payable only on so much of any deposit as amounts to the complete sum of \$5 or any multiple thereof:

And that, in pursuance of section 15 of the said Ordinance, the interest payable shall be at the rate of 2.4 dollars per centum per annum.

UNOFFICIAL NOTICE.

SALE OF DRUGS.

Mr. DE AGUIAR gave notice of the following questions:—

1. What steps are being taken to prohibit the sale of drugs by unqualified persons?

2. Is there any control of the sale of drugs by unqualified persons? If not, why not?

3. Is Government aware of the danger to the public health of permitting the sale of drugs by unqualified persons?

4. Will Government undertake to introduce legislation, if necessary, at the present session of the Council to remedy the matter?

ORDER OF THE DAY.

REPLIES TO QUESTIONS.

Mr. JACOB asked the following questions, of which he had given notice:—

MEDICAL OFFICERS EMOLUMENTS.

Question.—What is the salary, and other fees, and duties in detail of the Medical Officer of the Kitty-Buxton, Vigilance-Mahaica and the Mahaicony-Abary Districts, each separately.

Reply.—The present Government Medical Officers, Buxton District and Mahaica District, are on a salary scale rising from £500 to £700 per annum. They draw fees, the amounts of which vary, for post mortem examinations, still-birth certificates and vaccinations; and they are allowed private practice.

Their duties comprise medical attendance within their districts on persons in lock-ups, all members of the Police Force and their families, all paupers provided with pauper certificates, all patients in the sugar estate hospitals and on payment of fees fixed by regulations, all other persons within their districts.

They serve also as Medical Officers to Infant Welfare and Maternity Clinics and Medical Officers of Health of their districts.

The Medical Officer of the Mahaicony District is a subsidized Medical Officer and receives a salary of £350 per annum with a free house.

His duties are the same as those described above, except that there are no sugar estate hospitals in his area.

DENTAL FACILITIES.

Question.—Will Government consider the advisability of extending the facilities of dental treatment given to school children of Georgetown only to New Amsterdam and Buxton?

Reply.—The answer is in the affirmative. Under Head XXI.—Medical—Hospitals and Dispensaries in the 1936 draft Estimates provision has been made for the establishment of a Dental Clinic at the Public Hospital, New Amsterdam, which will be available to children as well as adults. Pending the receipt of the report of the Medical Re-organisation Committee, Government does not propose to take further action in the matter.

MOTOR AMBULANCE.

Question.—Will Government consider the advisability of replacing the present motor lorry, which is quite unsuitable in every detail for the purpose for which it is used in the North West District, by an up-to-date motor ambulance?

Reply.—Government is aware of the condition of the vehicle now used as an ambulance in the North Western District, but in the interests of economy it has been decided that it should be repaired and run for another year instead of incurring the expenditure of a new vehicle. The matter will be further investigated early in 1936.

EXPIRING LAWS CONTINUANCE BILL.

THE COLONIAL SECRETARY (Mr. Waddington): I beg to move that "A Bill to continue certain expiring laws" be read the third time and passed.

Major BAIN GRAY seconded.

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

Bill read the third time.

BOERASIRIE CREEK BILL.

THE COLONIAL SECRETARY: I beg to move that "A Bill to amend the Boerasirie Creek Ordinance, Chapter 135, by empowering the Governor in Council by order to combine plantations and vary the acreage of any plantation" be read the third time and passed.

Major BAIN GRAY seconded.

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

Bill read the third time.

EVIDENCE (AMENDMENTS) BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to amend the Evidence Ordinance, Chapter 25, with respect to the reception of a medical report in the Magistrate's Courts" be read the third time and passed.

Mr. DIAS seconded.

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

Bill read the third time.

PLANT DISEASES AND PESTS BILL.

The Council resolved itself into Committee and resumed consideration of "A

Bill to regulate the importation and exportation of plants and to make provision for the prevention and eradication of diseases and pests affecting plants."

Professor DASH (Director of Agriculture): When the Council adjourned we were considering clause 10 of the Bill. Objections were raised by certain hon. Members to the clause and it has been reconsidered and an amendment framed to meet the objections. The proposal is that sub-clause (1) should stand, that a new sub-clause be substituted for sub-clause (2), and that sub-clause (3) be deleted. I formally move that amendment substituting for sub-clause (2) the following:—

(2) The Director shall be entitled to recover from the owner or occupier or person having the charge or management of the land, as the case may be, the reasonable expenses incurred in the doing of such acts: Provided always that the Director may dispense with the payment of part or all of such expenses in any case where the enforcement of payment will cause serious pecuniary embarrassment to the owner occupier or person aforesaid.

Mr. SEYMOUR: That amendment quite fills the gap.

Question put, and agreed to.

Clause 13—Penalties.

Mr. JACOB: I should like to ask Government to reduce the penalty. The clause provides for a penalty not exceeding \$100 for a first offence and not exceeding \$240 for a second or subsequent offence. I move as an amendment that the penalties should be \$25 and \$100. All agricultural industries are in such a parlous condition at the present moment that it should be conceded that the proposed penalties would create a great hardship. While it may be argued that the Magistrate has power to inflict a penalty of \$5, he may inflict a penalty of \$75, whereas \$5 might meet the case. Even imprisonment does not prevent people from committing crimes or from disobeying laws, and to my mind the smaller the penalty the better for all concerned. It should be borne in mind that there is very little hope of improvement in agricultural industries in the immediate future and with that particularly in view I respectfully suggest that the penalties be reduced.

Mr. PEER BACCHUS: In support of the amendment I ask that the penalty of \$25 be attached to sub-clause (2) and \$100 to the other sub-clause. The Ordinance which this Bill is intended to repeal carries a penalty of \$100, and I think that is sufficient to deter people from committing such offences. When the Bill was introduced at the last session I opposed this clause making it an offence for failing to give any notice which is required. I also opposed it at the Board of Agriculture. The onus of giving notice should be cast on the officer of the Agricultural Department, but having cast it on the farmer the penalties are too drastic and should be reduced.

THE CHAIRMAN: We are discussing clause 13—penalties.

Mr. BACCHUS: Yes, sir. My point is that if Government does not see its way to reduce the penalties of all the offences under the Bill, it would at least reduce the penalty in respect of clause 8 which requires farmers to give notice to the Director of Agriculture that there are pests or diseases in existence on the farms.

Mr. DE AGUIAR: I think what the hon. Member is trying to put before Your Excellency is that under clause 12 (2) it would be an offence to fail to give notice, and it being an offence it seems very hard to impose a penalty of \$100 under clause 13 and he is asking Government to see its way to reduce the penalty to \$25 for the first offence.

THE CHAIRMAN: The hon. Member must consider before supporting an amendment of this kind that failure on the part of one farmer to give notice may result in serious loss to another, and before reducing the maximum penalty it must be borne in mind that the Bill is intended to protect the good farmer against the bad farmer in a farming country. Government is unable to accept the amendment.

Mr. SEAFORD: I was present at a meeting of the Board of Agriculture when the hon. Member for Western Berbice objected to clause 12, not the penalties, and the other coconut growers were in agreement to the clause remaining as it is. Not being a coconut grower myself, I am prepared to be guided by their view. I do

not think it is likely that any Magistrate would impose the maximum penalty for a minor offence. All the Magistrates seem to be reasonable men and to temper justice with mercy in every case.

THE CHAIRMAN: Following the Standing Rules and Orders of the House, I will first put the question that the clause as printed do stand.

Question put, and agreed to.

THE CHAIRMAN: The amendment is therefore lost.

Clause 15—Certificate of Director to be sufficient evidence in certain cases.

Mr. SEYMOUR: Sometimes it is very difficult to say definitely what a disease may be. We have bud rot in coconuts. We are not all expert coconut growers, and where we have arbitrary provisions the Director may come along and say a disease is bud rot. That requires a lot of argument. I was told that I had bud rot on my estate, but it was not bud rot at all. A disease may not be bud rot but any other disease, and I am a little nervous on that point.

Professor DASH: I do not think the hon. Member has any need for fear. The whole question hinges on a notifiable disease. In a case like bud rot, which may arise from different particular circumstances, not necessarily parasitic in nature, naturally one cannot make a disease of that sort notifiable. It is a question of making notifiable a disease or pest whose life history has been worked out and the nature of the damage it does is well known. All those points have to be taken into consideration in making a disease or pest notifiable. In connection with notifiable diseases and pests in this Colony, I pointed out on the second reading of the Bill that fortunately, as far as I can see at the moment, we have very few. As a matter of fact, I think I have seen only two which I consider should be made notifiable at the moment under this Bill: that is, the coconut caterpillar and witchbroom in the North West District. Witchbroom we want to keep from. Farmers are not going to have any anxious time under this Bill at all from that point of view.

Mr. KING: Sub-clause (2) is a contradiction in terms with clause 8 (1), which says "The notice shall be served personally on the Director or shall be addressed to him and sent by registered post." If the giving of notice is by registered letter, the certificate of the Director that he did not receive the notice is sufficient, and I submit that sub-clause (2) should not be there.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I do not quite follow my hon. friend that this is a contradiction in terms. Clause 8 (1) provides how notice should be served: personally on the Director or by registered post. The certificate of the Director that no notice has been received shall be sufficient evidence for the purpose of any proceedings for failure to give such notice. It does not say that it is conclusive evidence but *prima facie* evidence, and if the Director does not receive the notice it does not prevent the person giving notice under clause 8 (1) from showing that he did all that was required under that clause. If he directs the notice to the Director and sends it by registered post, on his proving that he did so the certificate of the Director is disproved.

Mr. KING: The fact that the Director gives a certificate is proof that no notice has been received. The defendant would have to prove that the Director did receive the notice, as I understand the reading of the clause, but he could not rebut the certificate of the Director that he had given the notice.

THE ATTORNEY-GENERAL: There is little difference between the two. The point of the hon. Member is that the certificate that notice has not been received conflicts with the question of service. It is not for the person serving the notice to say that it has been received by the Director; it is enough that the notice has been served. I venture to think that the point will be met by changing the word "received" in clause 15 (2) to the word "served."

THE CHAIRMAN: Does that meet the hon. Member's point.

Mr. KING: Yes, sir.

Question put, and agreed to.

The Council resumed.

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

PENSIONS (VOLUNTARY RETIREMENT) BILL.

Mr. Mc DAVID (Colonial Treasurer): Sir, I beg to move that "A Bill to repeal the Pensions (Voluntary Retirement) Ordinance, 1932," be read the second time. The purpose of this Bill is set out in the title and the preamble. The Ordinance of 1932 was passed as an emergency measure in order to enable officers to retire on pension before fulfilling the normal requirements of the Pensions Ordinance in any case where economy could be effected. That Ordinance has outlived its usefulness and it is desirable that it should be removed from the Statute Book.

Major BAIN GRAY seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. Mc David*).

BILL OF ENTRY TAX BILL.

Mr. D'ANDRADE (Comptroller of Customs): I beg to move that "A Bill to amend the Bill of Entry Tax Ordinance (No. 2), 1932, by exempting certain articles from the Bill of Entry Tax" be read the second time. The object of this Bill is to exempt from the payment of the bill of entry tax the articles enumerated in clause 2. These exemptions will be additional to those appearing in section 2 (1) of the Principal Ordinance. The first amendment (c) is intended to give effect to a clause which appears in the licence which was issued by the Imperial Government to the Imperial and International Communications, Limited, to maintain and operate a wireless station at Thomas Lands. By

it all instruments, apparatus and materials which are necessary for the repair, extension and maintenance of the wireless station are exempted from all Customs and other charges. I may mention that a similar exemption will appear in the Customs Duties Bill exempting from duty similar goods. The next exemption (*d*) is in respect of articles and materials imported for the official use of the Consulate of any foreign country or place in cases where such articles and materials are exempt from duty under the Customs Duties Ordinance. The exemption referred to is that which appears in item 1 (4) of the Fourth Schedule of the Customs Duties Ordinance, Cap. 34, and the effect of the exemption will be that such goods will be exempt from the bill of entry tax in addition to being exempt from Customs duty. The third exemption (*e*) is of goods on which the tax has been paid on first importation and which are subsequently exported and re-imported into the Colony, the object being that the tax will not be collected twice in respect of the same article. The last exemption (*f*) is similar to what appears in the Customs Duties Ordinance and gives the Governor in Council power to exempt, in special circumstances, any other articles which may from time to time be imported. I move that the Bill be read a second time.

Mr. MULLIN seconded.

Mr. DE AGUIAR: There are two points that I am not clear about. First of all, I think I am right in saying that goods reimported into the Colony are entitled to drawback in respect of import duties as well as of the bill of entry tax. If that is the case it seems that paragraph (*e*) should not be in this Bill. I see the Comptroller of Customs shaking his head, indicating that I am not correct in my premise. I am also under the impression that the bill of entry tax is refunded. That gives me food for thought. I think it is manifestly unfair that dealers importing goods into the Colony should be deprived of a refund of the bill of entry tax on re-exportation of those goods. It seems to me that is the position, and I am glad that the opportunity has been afforded me to raise that point. Paragraph (*f*) is giving a very wide power. Members of the Legislative Council in and out of season come here and hand over their

privileges to the Governor in Council. In every Bill that comes before the Council there is this provision: "Any other articles and materials which may from time to time be exempted by order of the Governor in Council." I think it is going too far in taking away the powers of the Legislative Council by delegating them to the Governor in Council. Perhaps on another occasion I may have a lot to say on delegating powers generally to the Governor in Council. It seems to me that we are gradually getting to the stage of handing over all our powers to the Governor in Council.

Mr. D'ANDRADE: With regard to the bill of entry tax, the hon. Member is not correct in his assumption that the duty is refunded only in respect of goods which are re-exported within one month of importation, or in certain circumstances where it is proved to the satisfaction of the Comptroller that the goods are not what was ordered. In such a case the goods are allowed to be exported and re-imported. I think what the hon. Member has in mind is the question of drawbacks. It is only in very exceptional cases that duty is refunded on exportation. If a person leaves the Colony taking an article with the intention of bringing it back, he gives notice and on reimportation that article is exempted from payment of Customs duty and in like manner would be exempted from the bill of entry tax. In regard to the other point I do not think the hon. Member need feel very much concerned. The power of the Governor in Council to exempt any article from the payment of duty has been in force as far back as I can remember, and I do not think it can ever be contended that the power has been exercised in any case except in exceptional circumstances. It is impossible to make provision in the Customs Duties Ordinance to meet every case. Cases arise from time to time which cannot be foreseen and the provision is only intended to meet exceptional circumstances.

THE ATTORNEY-GENERAL: I might point out that the hon. Member's argument about the Governor in Council is probably based on some misunderstanding of the relation between the Legislative Council and the Executive Council. I do not know what the hon. Member means by

saying that Bills take away all the powers of the Legislative Council and delegate them to the Governor in Council. If he refers to the fact that there are provisions in Bills by reason of which subsidiary legislation for the purpose of carrying out any particular Ordinance is done by the Governor in Council, I refer him to explanations which have been made in the House from time to time. Perhaps no question has arisen since he has become a Member. In all the Parliaments of the Empire subsidiary legislation is not carried out by the Legislative Council but by a subordinate body acting under the powers conferred on them by the Legislative Council, and if they exceed those powers the matters are dealt with in courts of law. I do not know whether the hon. Member can contemplate with equanimity sessions of this Council taking place every week and lasting throughout the year. The provision is not new; it exists under the Customs Duties Ordinance, and it may be well to recall to the hon. Member that under our present Constitution, unlike what it was in the past, the Executive Council consists entirely of Members of the Legislative Council. It is not a separate and independent body, largely unconnected with it, as existed prior to 1928. The result is that these matters are dealt with by Members of this Council who happen to constitute the Executive Council, and for reasons of convenience because this Council cannot be summoned to deal with every matter.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. D'Andrade*).

EAST DEMERARA WATER CONSERVANCY BILL.

THE ATTORNEY GENERAL: I move that "A Bill to establish the East Demerara Water Conservancy for the purpose

of making better provision for the supply of water in East Demerara, to provide for the management of the Conservancy and for the purposes connected therewith" be read the second time. There is attached to the Bill an explanatory memorandum which sets out the purposes of the Bill, what it is proposed to accomplish, and matters of rating and so forth. I may point out that this Bill is providing for a single Conservancy, with added and extended powers in place of the present East Demerara Conservancy, the Lamaha Committee and the Shanks Canal. I may also mention that the circumstances connected with it have been under consideration for something like two years. The authorities affected have come together and discussed the Bill with the District Commissioner for the East Coast, Demerara, who explained to them the changes which would be effected by it, and the Bill before the Council to-day is a concrete measure by all the parties who are connected with it. A great deal of time and labour has been spent in working out the Bill and arranging for the powers to be conferred on the Conservancy, and generally in preparing things to work well and properly.

The first draft of the Bill reached this Colony some time in June last year, and it has been the subject of consideration by the authorities mentioned with the bodies of the present Conservancies. It is necessary that there should be constituted such a body with such powers as are provided for in the Bill because of changing times. Instead of having two or three small bodies, each with its own authorities and powers, which but for the good spirit in which they have been exercised might have led to conflict, we are creating one big Conservancy with extended powers to meet the requirements of estates and authorities requiring to be supplied with water. They will have powers over a greater area and a bigger conservancy and will generally be more useful. It has come from the fact that we have to take a broader view of these matters now than was done by our predecessors who legislated for just what seemed requisite then. I think hon. Members have familiarised themselves not only with the explanatory memorandum but generally with the Bill itself, and I do not know that it is necessary for me to go at any length into the particular clauses.

Part I. of the Bill deals with the establishment of the Conservancy and Board, and clause 5 sets out how the Commissioners are to be constituted. The District Commissioner for East Coast, Demerara, is to be *ex officio* a member, and he will represent those estates which in the Schedule are Local Authorities. Clause 6 deals with the election of the first Commissioners. The other provisions are general and include powers of the Chairman in an emergency, removal of a Commissioner from office, the filling of vacancies, power to employ officers and servants, and transfer to the Board of the property and obligations of its predecessors.

Part II. deals with the management of the Conservancy. It gives general powers to the Board to enter by its servants and agents on any plantation, to make contracts, to levy and collect rates, to buy at execution sales, to grant pensions or gratuities, and to do all acts necessary for the performance of its duties. The Board also has to regulate traffic on and the supply of water from the Conservancy.

Part III. relates to execution of works by the Board. What is of interest in connection with that is that a dam is going to be constructed on the Demerara River side of the Conservancy extending as far as the Sand Hills. For this purpose the Board is empowered to raise a loan not exceeding \$215,000 to defray the cost of the dam and the works authorised. These are very necessary for the extended operations of the Conservancy.

Part IV. deals with the borrowing powers and Part V. is financial. Clause 32 constitutes every rate or any interest or any amount expended on every plantation a preferent lien, subject, however, to claims of the Crown or the Colony. That is practically the same as exists now. Sub-clause (2) was intended to make provision in respect of the enforcement of a preferent claim, but in Committee it is proposed to move that this sub-clause be deleted. The reason for that is that it would not be proper to give to a particular corporation the special power of enforcing the recovery of its rates which is not part of the general law of the land. It would not pass muster in the High Court, and it is contrary to principle, but the position

will be met. There is at the present time a Committee which is engaged in preparing an amendment to our local law dealing with the enforcement of statutory liens in favour of Government, Local Authorities and bodies such as this, and also of mortgages. The law dealing with that is very much in need of amendment. It is not only primitive but, to use the language of an affidavit, I verily believe that it is difficult of comprehension even by the most learned members of the legal profession, and the endeavour of the Committee is to put on modern principles the methods of such recovery. We hope that we shall accomplish that work, and it will serve a very useful purpose to the Colony generally.

Part VI. deals with the acquisition of land by the Board. It gives power to the Board to present a petition to the Governor in Council, and an order may be made and the land may be acquired following the usual procedure in which land is acquired for public purposes. Part VII. deals with provisions relating to proprietors. That is practically as it is now. Part VIII. provides for powers of the Governor in Council much as they are today. Parts IX. and X. are also practically as they are now. I do not think there will be any difficulty in the Council passing this Bill, and it will be creating a public utility which we hope will play a very important part in the economic prosperity of the Colony and develop agriculture in the County of Demerara.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 5.—Constitution of the Board.

Mr. DE AGUIAR: Apart from the District Commissioner, who will have a permanent seat on the Board, I hardly see any of the small proprietors or villagers represented on it. There seems to be a general mix up between the interests of villages and sugar and rice plantations. I would prefer to see the Schedules separated and sugar estates put in one and villages

and small proprietors put in the other. Unless that is done the villages and small proprietors have not the slightest chance of direct representation on the Board.

Mr. GONSALVES: At the present time the Georgetown Town Council is represented by four Councillors on the Lamaha Committee and the East Demerara Water Conservancy. It is now proposed that we shall have only two representatives while the sugar and other plantations will have six between them. I move that subclause (1) (b) be amended by substituting the word "three" for the word "two." The Council looks with suspicion on the tendency to reduce our representation in any matter where we are concerned, and there does seem to be some justification for that suspicion in the reduction of the number of Town Councillors from four to two. I am suggesting three as a compromise.

Mr. DE AGUIAR: Who is going to be the representative of Kitty and Le Repentir?

Mr. GONSALVES: Perhaps the third member I suggested might represent Le Repentir. (Laughter).

Mr. SEAFORD: The hon. Member for Central Demerara has suggested that the Schedules should be changed to one for sugar estates and another for villages and small proprietors. If he had read the Bill carefully he would have realised that that was not possible because the amounts payable under the First Schedule vary from those payable under the Second Schedule. It is necessary to separate estates on the East Bank from those on the East Coast. As regards representation, it is exactly as it has been in the past. The Commissioners are elected by the proprietors, who have votes according to the number of acres owned by them. Although the small villages have equal votes— one vote for every 100 acres—the amount they pay in assessment is less than that paid by sugar estates. The sugar estates pay both for maintenance and construction works the full amount, while the villages and small proprietors pay two-thirds where the area in cultivation is 100 acres or more and one-third where the area under cultivation is less than 100 acres. Although the amount paid by the

villages and small proprietors is considerably less, they have exactly the same voting power per acre as the sugar estates.

According to the hon. Member for Georgetown South, the Town Council feel that we are trying to reduce their representation on the Conservancy. The representative of the Town Council sat on the Committee which considered the Bill from beginning to end and the point raised now was then agreed to. Three members of the Town Council sat on the Lamaha Committee and very often none of them turned up at the meetings. One representative of the Town Council also serves on the East Demerara Water Supply Committee, so there is not in fact four representatives on the two Committees. The principle of this Bill has been agreed to, as has been pointed out by the Attorney-General, by the Town Council, all the villages and districts and members of the Shanks Canal, and I felt that there could not possibly be any opposition to the Bill when it came before this House.

Mr. JACOB: I desire to support the remarks of the hon. Member for Central Demerara. I think his point can be met by dissecting parts of the Schedules and allowing the villages to elect their own representative. The question of water supply has always been a very big one for the villages and it is particularly so at the present time. In times of drought the villages hardly get sufficient water to irrigate their crops, and, as I am hoping that the inauguration of this system will prevent the Colony from importing products which can be grown here, it is absolutely essential that the villages should have representation on this very important Board. There has always been trouble in the Mahaica district, and in times of drought they have never had adequate representation. In times of flood also certain measures are taken, and to my mind rice proprietors have always been left in the background. As the Schedules are prepared the villagers will not have any opportunity of electing their own representative, but by the change I have suggested I have no doubt that they will get representation, which they do require on this Board.

Mr. SEAFORD: The hon. Member who has just spoken said that the Mahaica dis

tract has always been in trouble in times of drought. The East Demerara Conservancy has nothing at all to do with the Mahaica district. That area is supplied with water by the Shanks Canal. Another point was about village representation. The villages had no representation until this year when the District Commissioner was put on the Committee to represent them.

THE ATTORNEY-GENERAL: I should like to say a word or two. I am afraid that hon. Members have only read the Bill cursorily or not studied the question. The question as to why estates have been grouped as they are could have elicited an explanation and answer quite different from the innuendo that members of the Conservancy and others who have been dealing with the Bill have been guilty of grave injustice and ought to be impeached at the bar of this House for depriving people of their rights. We can get very easily an explanation of these things by a little talk, and it saves a good deal of mistakes and many misunderstandings. This grouping of estates has nothing malign about it, and the hon. Member will find that it follows very much what has been done before. These estates were grouped according to their proximity and everything has been going along quite well all these years. As I mentioned, the matter has been discussed at length with the proprietors of the villages concerned, and it has been explained to them and their approval has been obtained. It would be difficult to get these plantations which are really village property to elect Commissioners. One knows that there has been a great deal of difficulty in connection with it, and it would most likely be a contested election.

The hon. Member for North Western District says that in times of drought there is a shortage of water. Drought applies not only to villages but to sugar estates. The best endeavours are made to make a fair distribution of water. In times of drought there is a proportionate distribution of water; and in times of flood that comes from the heaven. In relation to the Second Schedule it is provided in the Bill that the District Commissioner has *ex officio* a seat on the Board, and the District Commissioner is now on it for the purpose of representing the villages. Village properties are grouped

under the Second Schedule, and with respect to them he has power to vote at meetings either under the first part of the First Schedule, or the Second Schedule according to where they are situated, and it is very much better that these properties should be grouped as they are than that there should be any separation of them according to what is produced on them. I think that if we had an opportunity of discussing some of these matters with hon. Members, not in Council, we would have been able to arrive at a *modus vivendi* and some of these points would not have been raised.

Mr. DE AGUIAR: Nothing has been said to convince me to the contrary of the point I made. In actual practice it has been found that no village on the East Coast will obtain representation on this Board in spite of the voting power given to them, which in my opinion will carry no weight. I find that these villages would be entitled to approximately 150 votes.

Mr. SEAFORD: To a point of correction. They will have a vote because the District Commissioner is appointed to represent the villages.

Mr. DE AGUIAR: I will deal with that after dealing with my point. The villages will be able to exercise approximately 150 votes and the other proprietors will have two or three times that number. In what way can the villages hope to obtain representation with such an overwhelming majority against them? It is easy to say that provision is made for them to have representation, but they can never hope to have that representation. Capital has been made of the fact that they are going to pay only one-third of the cost. Very well, give them one-third representation; but I maintain that they should have some representation. As regards representation by the District Commissioner, the hon. Member for Georgetown North has forgotten that there is no longer on the Board a Stipendiary Magistrate, who was Chairman of the Lamaha Committee. I agree that owing to his interest in the villages the District Commissioner would look after their interest to a certain extent, but it can hardly be argued that the District Commissioner is on the Board for the purpose of representing the villages. I submit that he is taking the

place of the Magistrate on the Lamaha Committee.

Mr. JACOB: I speak with intimate knowledge of this matter. I have been a member of the Canals Polder Authority for two years and I know what is happening there. When the proper time comes I shall say what I have to say of the situation there. I do not want the same situation to occur on the East Coast and the East Bank now that there is an opportunity of putting things right. There should be an adequate distribution of water in times of drought and adequate provision for relief in times of flood also. It is no use having an Ordinance which gives the villages no representation, and I beg to differ with those who consider that they will have representation. As we all hope that there will be a revival of agricultural activities, it is imperative that this Council should take every step to regulate the water and see that there is adequate representation on the Board to look after the distribution of that water.

Mr. SEAFORD: The hon. Member for Central Demerara suggested that the District Commissioner is going to take the place of the Magistrate who looked after the interest of the villages. The Lamaha Committee had nothing to do with the villages. The villages only came in after the scheme was started by the Lamaha Committee because they required water. Originally there was no representation of them at all. When the canal was made the estates got so many shares in it according to the number of slaves they sent to work on it and the assessment was paid according to the number of shares they held in the Conservancy. I am told that the whole arrangement was made between three representatives of the estates and three representatives of the Town Council, and the villages never came in until later.

THE CHAIRMAN: Does the hon. Member for Georgetown South wish me to put his amendment?

Mr. GONSALVES: I feel that we should have one representative more, but if the feeling is to make no amendment to the Bill it seems a waste of time, and I will leave the matter at that.

Mr. DE AGUIAR: I think I ought to

move an amendment. To put myself in order I propose to move the insertion of a new paragraph, *i.e.*, "(e) one person elected by the villages named in Part III. of the First Schedule," and I suggest that the villages named in Part II. of the Schedule should become the new Part III. of the Schedule.

THE CHAIRMAN: Does the hon. Member contemplate what effect that amendment would have on the other parts of the Bill?

Mr. DE AGUIAR: I do not know that there will be any consequential amendments at all.

THE ATTORNEY-GENERAL: There would be several.

Mr. GONSALVES: The hon. Member might suggest that one representative of the electoral division should be appointed a member of the Board.

THE CHAIRMAN: Does the hon. Member wish me to put his amendment?

Mr. DE AGUIAR: If the amendment is going to have the effect indicated by the Attorney General I will withdraw it. My view is that the villages should be represented. The villages have to pay something and, however small, they should have representation on the Board.

Mr. JACOB: What is the fear? The sugar plantations will have four representatives. I think two representatives for the villages would not be too many.

Mr. SEAFORD: The hon. Member cannot possibly have considered the property at stake. The vote is according to the acreage and the value of that acreage is the only correct way of dealing with the question.

Mr. DE AGUIAR: I ask the hon. Member not to press for two representatives. I concede that the District Commissioner will represent the villages, and if Government will make provision for direct representation of the villages my objection will be met.

Mr. SEAFORD: Does the hon. Member realise where the \$215,000 is coming from?

THE ATTORNEY-GENERAL: I wish to point out that the object of representation is to have adequately represented the people who are most interested in the water supply. The Town Council are represented because they themselves have great interest in the water supply, and that is why they have two members of the Town Council on the Board. The Town Council represent practically all the inhabitants of Georgetown, and Georgetown has a very vital interest in the water. The sugar plantations also have a vital interest in the water supply, for the production of rice or sugar or anything else, as the case may be. The villages have a supply of water for domestic purposes, and representation of the villages has been really arranged with reference to that. For some reason which I do not understand, some hon. Members seem to discount entirely the capacity of the District Commissioner to represent the villages. I certainly do not follow them. I imagine that it will be his duty to watch the interest of his constituents, and his constituents are the village properties and the villages interested in those properties. That is what he is there for, and I think he ought to be a man of sufficient strength and personality to make himself felt as representing the villages. I do not know that it is suggested that any District Commissioner is likely to be inferior in that respect and that there can be better chosen out of the villages somebody who can more effectively and adequately represent the village properties. It may very well be asked, if the Commissioner is not considered to be sufficient in himself and you are going to have somebody else, how are you going to elect him. As I understand, the villages run from Mahaica down to the East Bank.

I cannot conceive of the election of some person who would carry more weight than the Commissioner, and I think hon. Members have not quite weighed the question from that point of view. This Bill has been under consideration for two years, and after many proposals it is now presented to the Council as the solution. May I suggest that if the Commissioners as a whole fail to perform their duties in representing the villages, it would be open to this House to raise the question and point to facts in such and such respects where the Commissioner has been incapable

as the representative of village properties. After people have given so much time and thought to the question it does seem captious on the spur of the moment that a suggestion should be made which would destroy the framework. Nobody has offered to do all the redrafting that will be necessary to carry out the idea, and it does seem captious that all this work should be attacked and an endeavour made to weaken it. The people who are most concerned are satisfied with what is being done. Let us carry out what has been agreed upon, and you can always come back to this House with amendments that experience has shown to be necessary. I do not think that any Member of this House is going to claim that he represents any particular class of person. I venture to suggest to hon. Members to withdraw the amendments, and I repeat that if the Bill fails to work out in practice this House has power to make any amendment necessary.

THE CHAIRMAN: I think all that is necessary to be said on the subject has been said.

Mr. JACOB: I quite appreciate what has been said by the Attorney-General, but basing what I say on previous experience and knowing too well that we cannot do anything in this House without the co-operation of Government, I appeal to Your Excellency to allow a little time for redrafting the Bill. I cannot see why there should be any fear in allowing the villages to have two representatives on the Board. I am beginning to feel suspicious. I know that the plantations have a large stake in the community, but the villages too have some stake, and if the plantations have four representatives the villages should have two.

Mr. SEAFORD: I have been connected with these schemes for a considerable number of years and I can honestly say that I have never known of any inconvenience or difference of opinion. Everything has always been settled in an amicable manner.

Mr. WALCOTT: When this matter first came up there was a Committee of which the District Commissioner was a member that considered it. It was arranged that estates other than sugar

plantations should pay the full rate, but in his wisdom the Commissioner got the Committee to agree that they should pay only two-thirds. Representations were also made to the Committee on behalf of the villages and for them the rate was reduced to one-third. The villages are going to benefit considerably and I do not think they have any grouse.

Mr. SEYMOUR: I look upon this discussion as a waste of time, unless there is a mandate for amendment. This Bill must have had a long time spent on it and the District Commissioner and the people must know whether they want representation or not in the manner suggested.

Mr. DE AGUIR: This is the hon. Member's first experience as the people's representative. As time goes on he will begin to realise that it is the duty of a Member of this House to raise any question on matters affecting the constituency he has the honour to represent. It very often happens that when a Member raises a question in this House his constituents get alive to their own interest. They are not always familiar with what is going on in matters of this kind. It is the duty of a representative, with or without a mandate, to raise any question which in his opinion affects his constituency. I claim that any person who has to pay should be represented. The district I represent is the biggest cane-farming centre and I have the interests of the cane-farmer before me. If for some reason the supply of water is suddenly cut off and that condition remains for any period it would certainly affect his interest. I do not say that the District Commissioner will not adequately represent the interest of these people, but I do say that the people are entitled to some representation.

Mr. SEYMOUR: I very much appreciate the advice which has been given to me by the hon. Member, but what I should have done is to go round and consult my constituents and not wait until I come here.

THE CHAIRMAN: This point has been discussed sufficiently, and it is not relevant to the discussion.

The Committee adjourned for the luncheon recess.

Mr. SEYMOUR: Before we resume the

discussion, sir, I wish to suggest that the District Commissioner should tell us whether he himself laid this matter before the various districts concerned. If that is done it would expedite the discussion.

Mr. LAING (District Commissioner): The present position, sir, under the East Demerara Water Supply Ordinance in regard to representation of villages, is that the Governor appoints an officer to exercise the right of voting for those villages which are mentioned in the Schedule of the present Ordinance. That officer was the Chairman of the Local Government Board. On the introduction of District Administration the District Commissioner for East Demerara succeeded the Chairman of the Local Government Board and he does actually represent the villages. With the amalgamation of the East Demerara, Lamaha and Shanks Canals a Committee was appointed and the District Commissioner for East Demerara was appointed a member of that Committee. He is a useful member of that Committee by reason of the fact that he has to visit all the villages, inspect the conservancies water supply, and he is himself Chairman of the Shanks Canal Commissioners. On that Committee we went into the Bill, and as soon as it was produced a draft copy, with a complete statement of its objects and what it would mean in expenditure to them, was submitted to the Local Authorities. Meetings were held at which I was present and a resolution was passed by every Local Authority approving of the objects of the Bill and of the Bill itself, subject to any alteration this Council may make. The Bill was also sent to the Mahaica villages, which are irrigated by the Shanks Canal, and a similar resolution was passed by them approving of the scheme and the draft Bill. Since the Bill has been revised—the objects have not been altered—a copy of the Bill now before this Council has been sent to the Local Authorities and the Shanks Canal Commissioners for any remarks, and so far we have had no remarks from the Local Authorities themselves.

THE CHAIRMAN: I think that meets the point of the hon. Member for Western Essequibo.

Mr. SEYMOUR: Yes, sir.

Question put, and agreed to.

Clause 6—First Commissioners, how chosen.

Mr. HUMPHRYS: I am slightly puzzled over this clause and would like the assurance of the Attorney-General that it is quite in order. The first Commissioners are to be elected by the East Demerara Water Supply Commissioners and the Committee for the management of the Lamaha Canal. As both the East Demerara Water Supply Ordinance and the Lamaha Canal Ordinance are going to be repealed, I am wondering if it would not be well to insert a saving clause giving the Commissioners and the Committee power to elect the new Commissioners notwithstanding the repeal of the Ordinances. If the Attorney-General is quite satisfied that it is alright that is all I wish to say.

THE ATTORNEY-GENERAL: The matter has been carefully considered. If this Bill is passed it will come into operation on such date as the Governor shall fix by proclamation published in the *Gazette*. The repeal of the Ordinances is in clause 64, with a proviso. The clause provides that the Commissioners shall be elected "after the passing of this Ordinance by the East Demerara Water Supply Commissioners and the Committee for the management of the Lamaha Canal." That expression means that as soon as this Bill is passed and before it comes into force they have the power of making the election. That will be the doing of a thing before the Ordinance comes into force in this manner. The power of carrying out an Ordinance is taken from the English Interpretation Act, 1889, which was the result of decisions that where an Act provides that things should be done after the passing of the Act they may be done before the Act was brought into force. Since then it has been regulated by the English Interpretation Act as well as the local Interpretation Act. So that before this Bill is assented to and brought into force the Commissioners would be a live body, but they would not take their seats as Commissioners until the Ordinance is brought into force under clause 65.

Clause 18—The Board to regulate traffic on and the supply of water from the Conservancy.

Mr. JACOB: I do not think it is necessary, nor is it advisable, to refer to clause

5 which has been passed; but I appeal to Government to postpone this Bill so that proper representations may be made to the House when it comes up again.

THE CHAIRMAN: I have given consideration to the suggestion made this morning to defer this Bill. I can see no reason for it. The representation on this Board was founded on long experience in the past which has proved to be entirely satisfactory. There is strong objection to postponing it as the Bill is long overdue.

Clause 32—Preferent lien conferred on Board for rates and sums due.

THE ATTORNEY-GENERAL: I move that sub-clause (2) be struck out and sub-clause (1) stand as clause 32. The reasons have been already given.

Mr. SEAFORD: I hope it will not be long before something of this kind becomes the general law of the land, otherwise I see difficulties ahead of us.

Question put, and agreed to.

Clause 34—Board may shut off water from a plantation where the proprietor is in default.

Mr. WALCOTT: I ask permission to revert to clause 34. I happen to be connected with an estate on East Demerara where four different estates are served with water through one koker. I should like to know what my position would be if one of the other three proprietors did not pay his rate. Would they shut down the koker through which I get water; or how do they propose to get over the difficulty?

Mr. SEAFORD: Clause 34 provides that "in the case of any koker serving more than one plantation, where any one or more of such plantations is or are so in arrears" the Board may at any time "enter upon any of the plantations served by such koker and cut off the supply of water from the defaulting plantation or plantations by any means available." That is to say they can dam up the waterway after water has been distributed to the various plantations. In the case of a koker leading to more than one estate it is not the intention to stop the water from

going down the waterpath to each individual estate.

The Council resumed.

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

WORKMEN'S COMPENSATION (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Workmen's Compensation Ordinance, 1934," be read the second time. The Bill makes certain amendments in the Workmen's Compensation Ordinance. The principal ones are in section 3 and section 14 of the Principal Ordinance. The point about section 3 is the repeal of paragraph (d), which provides that the employer shall not be liable for compensation should "death be caused, or if and so far as incapacity be caused, continued or aggravated, by an unreasonable refusal to submit to medical or surgical treatment." Consequential amendments are to be made in clause 14, to which three sub-clauses are to be added dealing with medical examination and treatment of workmen. The reason for it is this. In paragraph (d) there is an attempt to deal with a number of causes in a manner which is not conclusive, and which would lead perhaps to a lot of argument and difficulty in arriving at what is the probable cause of the subject matter. That is repealed. Section 14 deals with medical examination after notice of accident. The additional clauses to be added to that section are extensions of it and additions which are found in the usual Ordinances on the subject. It has been pointed out that it would be well that those should be included. I may point out in passing that in clause 3 (7) a printer's devil has substituted the word "capacity" for the word "incapacity."

There is also an amendment of section 5, which provides for the amount of compensation in cases of permanent total incapacity, permanent partial incapacity, and temporary incapacity. There is another amendment to re-enact section 23, which applies to workmen in the employment of the Crown. That section pro-

vides that whenever a workman in the employment of the Crown is entitled by law or regulation to the grant of a pension or gratuity the amount so given to him is to be taken into consideration when compensation is awarded to him under the Ordinance. At this stage I will point out that for this purpose a workman means a person whose remuneration does not exceed \$960 a year. A servant of the Crown receives more than that sum and does not come under the Workmen's Compensation Act at all. In the case of officers who do come under the Ordinance, if they are entitled by any provision of the Pension Law to a gratuity or to a pension by reason of injuries sustained in the performance of their duties and a grant is made, the amount of that grant has to be taken into consideration in awarding compensation. That is the law as it stands now. The object of the new section 23 is to follow exactly what is being done elsewhere. The point therefore is that if a workman or his dependents is entitled to compensation that compensation should be given entirely under the Workmen's Compensation Ordinance, so the new section 23 does away with the provision of the existing section 23. By enacting this section the existing law will remain applicable to all workmen who have been in the Service prior to 1st January, 1936, but in the case of workmen joining the Service from the 1st January, 1936, they will come entirely under the Workmen's Compensation Ordinance.

There is a Bill to amend the Pensions Ordinance which is also down for second reading. This Bill is complementary to this particular provision because it provides that Regulation 15 of the Pensions Regulations, 1933, which empowers the Governor in Council to make a special grant to an officer on the pensionable establishment where he has been injured in the performance of his duties or to his dependents where he has been killed in the performance of his duties, shall not apply to any workman who joined the Service after the 1st January, 1936. A new workman will come entirely under the Workmen's Compensation Ordinance, while an existing workman will come partly under the Pensions Ordinance. I may mention that so far as workmen under the old Pensions Ordinance prior to the enactment of

Ordinance 20 of 1933 are concerned, there is no provision for compensation to them if they are injured or if they are killed. There has been compensation in the past by means of a compassionate grant. Now they will be able to claim under the Workmen's Compensation Ordinance from the time that Ordinance came into force. The matter is somewhat complicated but I hope I have succeeded in making it clear, and if there is any point that any hon. Member has not followed I shall be glad to explain it further if I can.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 3 (2) (7)—Medical examination and treatment.

THE ATTORNEY-GENERAL: I move that the clause be amended by the substitution of the word "incapacity" for the word "capacity" in the eighth line.

Question put, and agreed to.

The Council resumed.

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

PENSIONS (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I have now to move that "A Bill to amend the Pensions Ordinance, 1933, by making provision for the cessation of special injury awards to, and of special awards to the dependants of workmen in cases where there is a right to compensation under the Workmen's Compensation Ordinance, 1934," be read the second time. In moving the second reading of the Bill which has just been considered I made reference to this. As I said, the measures are complementary. Section 20 of the Pensions Ordinance, 1933, makes elaborate provision for gratuities and pensions to the dependants of an officer killed on duty,

and Regulation 15 of the Schedule, as amended by Ordinance 12 of 1934, also makes provision for officers who retire on account of injuries received in the course of their duties. The object of this Bill is to provide that section 20 shall not apply in case of the death of any officer who was appointed to the service of the Colony on or after the 1st January, 1936, if his dependants, as defined in the Workmen's Compensation Ordinance, 1934, are entitled to compensation. Similarly, Regulation 15 shall not apply in the case of any officer selected for appointment to the service of the Colony on or after the 1st January, 1936, if he himself is entitled to compensation under the Workmen's Compensation Ordinance.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

ESTATE DUTY (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Estate Duty (Amendment) Ordinance, 1934" be read the second time. An unfortunate mistake crept into the Ordinance in section 3 (3), which provides that "the Governor in Council may, by proclamation in the *Gazette*, apply this section to any British Possession where he is satisfied that, by the law of such Possession, either no duty is leviable in respect of property situate in such Possession when passing on death, or that the law of such Possession as respects any duty so leviable is to the like effect as the provisions contained in sub-section (1) of this section." In the fourth line the words "such Possession" should have been "this Colony." Unfortunately, it has not been possible to apply the Ordinance to British Possessions by reason of that verbal mistake, and the object of this

Bill is to substitute the words "this Colony" for the words "such Possession."

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

PUBLIC GARDENS AND AGRICULTURAL SHOWS BILL.

Professor DASH (Director of Agriculture): I beg to move that "A Bill to make provision for the control of public gardens and grounds and Government agricultural stations and for the holding of agricultural shows" be read the second time. This is a small Bill but the necessity for it was overlooked. I claim some blame for the oversight when the old Board of Agriculture Ordinance was repealed and the new Board of Agriculture Ordinance came into operation with an Advisory Board instead of an Executive Board. The powers of the old Board having therefore passed to the Governor in Council, it was thought at the time that sufficient legislation existed to control delinquents in the gardens and experiment stations, show grounds and so on. In the light of recent experience, however, existing legislation has not proved sufficient for us to bring delinquents to book. People who break traffic rules in the gardens for one thing and a number of other points have arisen, which we find that we cannot fully control without some enabling Bill. This short Bill therefore puts the matter in order.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL

Mr. LAING: I beg to move that "A Bill to amend the Local Government (Village Councils) Ordinance, 1935, by making provision for the election of a Chairman of a Village Council if a vacancy occurs during the year of office of a Chairman, and for the resignation of a Chairman" be read the second time. Under section 26 of the Ordinance each Village Council shall elect one of their number to be Chairman for the ensuing year. Provision is also made in sub-section (5) that in the event of an equality of votes the Chairman shall be elected by the registered voters of the village in the same manner as is provided for the election of Village Councillors. Owing to inadvertence no provision was made for the election of a Chairman if a vacancy occurs through causes other than the expiration of office or effluxion of time. This Bill provides for such an election. It also provides that in the event of an equality of votes the Local Government Board shall select one of the Councillors to be Chairman who received the equal number of votes. The Chairman so selected by the Local Government Board shall hold office for the unexpired portion of the year. That is slightly different from the provision of the Local Government (Village Councils) Ordinance, 1935, which provides that in the case of an equality of votes the Chairman shall be elected by the registered voters of the village.

This provision obviates the necessity of an election by the ratepayers, but it does not take away from the Village Council the right to elect their Chairman, for the reason that the Local Government Board is restricted in selecting one of the Councillors who have received an equal number of votes in the Village Council. One or two elections might have to take place to fill the vacancy of a Chairman who might resign or vacate his office for some other reason, and the election of a Chairman by the ratepayers themselves will necessitate the

appointment of Returning Officers, the preparation of polling booths, and the printing of ballot papers, etc. The provision that the Chairman who is selected shall only hold office for the unexpired portion of the year will obviate that. I think it would be advantageous to the villages, and certainly a saving of expense to them, if this clause is adopted. The Bill also provides for the resignation of a Chairman in writing addressed to the Board through the Commissioner. I formally move that the Bill be read the second time.

Mr. MULLIN seconded.

Mr. DE AGUIAR: I do not know if any useful purpose will be served by my making any observations on this Bill. Be that as it may I desire to do my duty and to do it as fearlessly as I can when the representations I make seem to be in the interest of those whom I represent. In this particular instance representations were made to me, so I have a mandate on this particular Bill. The grievance is in connection with clause 2 (5): the election of the Chairman by the Board. It means that in the event of a vacancy arising and there is an equality of votes the Board will elect the Chairman for the balance of the term.

Mr. LAING: To a point of order. The Board can only select one of the two Councillors who received an equal number of votes; it does not appoint the Chairman. The office of Chairman of a village district is very important. It is one that creates feuds among people, and it is the duty of Government to remove any doubt.

Mr. DE AGUIAR: The people are saying that they must have the right of electing their Chairman. It seems to me that the privilege of the people is being taken away. If it is felt that they should not have the right of electing the Chairman on a vacancy arising during the year I have nothing more to say. I have done my duty in bringing the matter to the attention of this House.

THE ATTORNEY-GENERAL: Perhaps it may help if I endeavour to narrow the issue in respect of this matter. We need not advert to past history. The fact is that under the existing law, which has just

come into force, each Village Council will elect its Chairman who will hold office for a year. That will be done every year. If in the course of the election of a permanent Chairman there is an equality of votes of the Councillors for two of their number, then the matter is referred to the registered voters of the village to elect one of the two. They are restricted to electing one of the two for whom there is an equality of votes. That is for the purpose of electing the Chairman to serve for the whole year. Ordinarily Chairmen are or ought to be immortal for a year, but if in the course of the year a Chairman is so ill-advised to die or to become incapacitated from holding office, it is only for the rest of the period it is necessary to elect a sort of stop-gap Chairman to hold office. The provision in the Bill is to meet that case, and that case only. It will not often happen and therefore it is not necessary, I venture to submit, to go to the expense of an election by the ratepayers in such a case.

Where you are electing a permanent Chairman the position is different. This is going to happen only occasionally; perhaps you may have one a year, or you may have none for some years. Is it right for the purpose of a stop-gap Chairman to put the Local Authority to the expense of an election by the ratepayers? That is the position. It would be met quite easily by the Board selecting one of the two. When there is an equality of votes it means that the Council is agreed that either man is equally fit to be Chairman, and the Board says "Very well, if there are "A" and "B" I select "A." There is another way of looking at it. It is perfectly true that a permanent Chairman may die shortly after assuming office. It is also true that general elections are to be held in November and the permanent Chairman may demit office in August. Would it be right in these circumstances to have an election by the ratepayers when the purpose is equally well served by somebody selecting one of the two that the Council has decided are equally capable? I submit that no harm is done, nor is there any invasion of the rights and privileges of the Councillors or of the people who elect them.

Mr. JACOB: One finds himself in a very difficult position sometimes. I wish to endorse all that has been said by the

hon. Member for Central Demerara, and, like him, I also have a mandate in writing apart from representations that have been made to me verbally. Just a few hours ago a challenge was issued and I commend its acceptance to Government. The District Commissioner was able to tell us that the East Demerara Water Conservancy Bill was agreed to by the several villages. Clause 2 of this Bill is contradictory to Ordinance 16 of 1935 and I do not think it is the intention of Government to pass two Ordinances differing from one another. My instructions are that section 26 (5) is the same as clause 2 (5) of the present Bill. Secondly, sub-clause (6) should be deleted.

THE PRESIDENT: I suggest that if the hon. Member wishes to move an amendment or the deletion of the sub-clause the best time to deal with the subject would be when we go into Committee.

Mr. JACKSON: I think it is the intention of this Bill to expedite matters in the election of a part-time Chairman, and I do not for myself see that it is intended to take anything from the rights of the villagers. The clause to which objection is taken does not take away from the Council the right to elect its own Chairman but rather directs itself to expediting matters and saving expense in the election of a Chairman for two or three months. There can be no reasonable objection to the Bill as proposed and I will give it my unstinted support. I am of the opinion that the villagers themselves will be glad of the opportunity of saving expense in connection with a by-election when perhaps within the next two or three months the occasion might arise for the election of a permanent Chairman. As was mentioned previously, this is an occurrence which might not take place frequently, and I do not think that the whole machinery of going to the rate-payers for the election of a Chairman who will serve for a short time should be put into execution. I am satisfied that the Bill is intended to save expense and to dispose of matters quickly and I shall support it.

Question put, and agreed to.

Bill read the second time.

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

Clause 2 (5)—Election of Chairman of a Council where vacancy occurs in the office of Chairman.

Mr. DE AGUIAR: I beg to move the following amendment in substitution for sub-clause (5):—

(5) If there is no election under sub-section (4) on account of an equality of votes, the Council shall immediately fix a day for the election by the registered voters of the Chairman, and the election shall be held and conducted and a return on election made in all respects in the same manner as provided for the election of Village Councillors.

THE CHAIRMAN: Following the Standing Rules and Orders I will put the question that the original motion as printed stand. The question before the Committee is not one of high principle but one of detail only. Government's view is that on the very rare occasions when there is a tie in the votes for the appointment of a temporary Chairman it would be necessary to leave the matter to the Village Councils as in the case of the annual election. That is a matter of opinion. I am therefore prepared to leave this amendment to the open vote.

The Committee divided on the question, and voted:—

Ayes—Messrs. Jackson, Seymour, King, Crum Ewing, Humphrys, Austin, Dr. Singh, Dr. De Freitas, Laing, Major Craig, D'Andrade, Seaford, Mullin, McDavid, Professor Dash, Major Bain Gray, Dias, the Attorney-General and the Colonial Secretary—19.

Noes—Messrs. Jacob, Peer Bacchus and De Aguiar—3.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed (*Mr. Laing*).

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