

LEGISLATIVE COUNCIL

Tuesday, 28th November, 1944.

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT.

His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President.

The Hon. the Colonial Secretary,
Mr. W. L. Heape, C.M.G.

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

The Hon. the Colonial Treasurer,
Mr. E. F. McDavid, C.B.E.

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

The Hon. J. A. Luckhoo, K.C.
(Nominated).

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

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

The Hon. H. N. Critchlow (Nomi-
nated).

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

The Hon. F. Dias, O.B.E. (Nomi-
nated).

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

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

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

The Hon. Peer Bacchus (Western
Berbice).

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

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

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

The Hon. J. W. Jackson, O.B.E.
(Nominated).

The Hon. A. M. Edun (Nomi-
nated).

The Hon. V. Roth (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 10th of November, 1944, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

LOCAL AIRFIELDS.

The PRESIDENT: I have an announcement of some importance here which was prepared in the form of a Message but has not gone forward. I thought I might put it on the record of the minutes of the meeting and hand copies to the Press, which might save us having to issue it specially as a Message. It reads as follows and is about airfields:—

GOVERNOR'S MESSAGE NO. 22.

Honourable Members of the Legislative Council,

1. I have previously informed Hon. ourable Members that a free grant of £50,000 has been made to this Government, under the Colonial Development and Welfare Act for the construction of an airfield at Mackenzie to accommodate planes of the British West Indies Airways.

2. This work is drawing to completion and I am now pleased to be able to announce that, as a result of an application made by this Government on the advice of Mr. B. C. H. Cross, D.F.C., His Majesty's Government has approved the expenditure of an additional sum of £82,900 to provide an extension of the airfield at Mackenzie so as to accommodate international air traffic.

3. At an informal meeting of Members of Council Mr. Cross indicated the reasons for the selection of the site at Mackenzie for the first principal airfield in the Colony, but, for general information, I now explain that the main considerations were as follows:

- (1) The site at Mackenzie was particularly suitable and a field had already been cleared.
- (2) The essential machinery was available on the spot.
- (3) An airfield of the necessary size and suitable for transatlantic traffic could be completed within twelve months at Mackenzie at reasonable costs, and during the period of construction it will be able to accommodate medium size planes such as used by the British West Indies Airways.
- (4) Mackenzie is a nodal point for interior development.
- (5) The construction of an airfield at Houston must be exceedingly more costly and cannot be commenced until hostilities in Europe have ceased and machinery is available: it would take a minimum of two years to complete on that site.

4. It is obvious, therefore, that if this Colony is not to be left without an aerodrome when hostilities cease it is necessary to have an airfield completed as soon as possible. It is fortunate therefore that there had been selected and prepared a site at Mackenzie which has been found entirely acceptable to the Secretary of State's Adviser.

5. The field when completed will contain a runway of 5,000 feet by 150 feet, paved and sealed, which can still further be extended, if necessary, at

a cost which would not be prohibitive, although proportionately higher than the present scheme.

6. The airfield will be maintained and controlled by this Government under the advice of His Majesty's Government, and it will be necessary to appoint the staff for the purpose. It is intended that a shuttle service be maintained between Georgetown and Mackenzie by the British Guiana Airways Company, using a new aeroplane which is being obtained by the Company, and it is envisaged that this ferry service will be operated in conjunction with additional air services which Government hopes will be started to points in the Interior.

7. If the supply of crushed stone can be maintained, it is expected that the airfield will be able to accommodate machines of the British West Indies Airways in a comparatively short time. British West Indies contemplate running regular weekly schedules between Mackenzie and Trinidad and direct to Barbados, and perhaps later on much further afield.

PAPERS LAID.

The COLONIAL SECRETARY (Mr. W. L. Heape) laid on the table the following:—

Report of the Joint Colonial Fund for the year ended 31st December, 1943.

Defence (Transport and Harbours Ordinance Amendment) (No. 2) Regulations. No. 20 of 1944.

GOVERNMENT NOTICES

INTRODUCTION OF BILLS.

The ATTORNEY-GENERAL (Mr. E. O. Pretheroe) gave notice of the introduction and first reading of the following Bills:—

The Drainage and Irrigation (Amendment) Bill, 1944.

The Civil List (Amendment)

The Audit Department (Amendment) Bill, 1944.

The Transport and Harbours (Amendment) Bill, 1944.

UNOFFICIAL NOTICES

RICE EXPANSION SCHEME.

Mr. EDUN gave notice of the following questions:—

1. Has any of the Reserved Fund of the Rice Marketing Board been utilised in the Mahaicony—Abary Scheme?
2. If the answer is in the affirmative please state when, how and for what purpose or purposes such sum or sums of money have been spent?
3. If the answer is in the negative, will the Board make a public declaration that no portion of the reserved fund shall be spent in the aforesaid scheme?
4. Has any of the profits of the Board (unreserved fund) been spent in the Mahaicony—Abary Scheme?
5. If so, how much and for what purpose or purposes?
6. Wouldn't expenditure of the Board's Funds in the aforesaid Scheme be a violation of the Defence (Rice Control), Regulations 1939, page 5 paragraph 2.
7. In the event of such expenditure would not any rice producer have the legal right to seek an injunction and damages against this violation of the aforesaid regulations resulting into loss of his monetary rights?
8. Is the Board contemplating distribution of the profits to the rice producers in the form of bonus or otherwise as was the original idea of participation in the profits?
9. How many acres of padi were cultivated and how many bags of padi reaped on the Rice Expansion Scheme? What is the average yield per acre in other rice areas in the Mahaicony—Abary district?
10. What is the total expenditure in the cultivation and reaping process, the cost of production per bag of padi reaped, and the total capital outlay in the inauguration of the aforesaid scheme?
11. What work was done under contract, piece rate and time systems?
12. What is the total number of employees working presently and how many were dismissed?

PRESIDENT'S ADDRESS.

The PRESIDENT: Before proceeding to the Order of the Day, hon. Members of Council, I should like to take this opportunity of expressing to you my personal pleasure in being again able to preside over your meeting. As far as I have seen, you have been having a busy enough time during my absence. I am only sorry that I cannot foresee any immediate respite to our labours in this present Council. Quite apart from the ordinary legislation which is coming forward, we have got the Budget upon us next month and then we have the legislative steps necessary to effect the change in the franchise. I hope we will at least be able next month, December, to get along quickly enough with the Budget not to leave any overhang at the 31st of the month.

I think I should take this opportunity also of speaking quite briefly on the more salient things which were the subject of discussion between myself and the Secretary of State for the Colonies and his officers and many others in England or elsewhere. I am somewhat handicapped by not having been able yet fully to acquaint myself with all action locally in my absence but I would not wish to delay giving you what information I have. I will detain you briefly before proceeding with the first item on the agenda.

In the first place I should like to say that I found in operation at the Colonial Office a system new to me since my last visit there. I found — quite apart from discussion of individual matters with the particular departments of the Colonial Office which deal with our affairs—a practice of discussing the more important matters such as those which touch more widely on questions of policy, in round table conferences presided over by the Secretary of State himself, or the

Parliamentary Under-Secretary of State or Sir George Gater, the permanent head of the office. I felt that in such meetings the affairs of a colony can and did receive attention and interest from the widest angle and moreover with a degree of realism and of authority that I very greatly appreciated.

CAPITAL EQUIPMENT.

At the first of such conferences I was asked to comment generally on the condition of this Colony. I trust I dealt very faithfully with that subject. I did not hesitate to state very strongly and in language which I think no one in this Council could have regarded as mild, those features of our condition which are far from satisfactory, and which are in so much need of amendment. I endeavoured to set out the point of view of a candid but sympathetic critic, and to emphasize that principal objective, the need of, to use the Secretary of State's own phrase "capital equipment" in a number of particular directions, without which I cannot see any prosperous or happy future, economic or political, for the Colony. I did not fail to give credit for those features which are satisfactory in our present set-up, and I emphasized the buoyant and progressive eagerness of our population as it is today and which merits this assistance from His Majesty's Government.

At this initial meeting the particular subjects of importance — such as the franchise and the major developmental projects whether of the coast lands or of the interior—were not pursued in detail but were the object of immediate discussion in the next days, and certain of them with Sir Frank Stockdale. I was fortunate enough to catch the Comptroller in London on the 8th August, and so had several opportunities of discussion with him before his departure on, I think, the 13th of August.

The question of the interior was only briefly touched on in the first of these

discussions with the Comptroller, and I will revert to that in a moment or two. Sir Frank posed the question as to the comparative importance of early progress with the development of the interior and of that of the coast lands, and we both must take the view that if there is a question of priority in execution or in provision of funds for either, the coast lands must remain our first objective. I emphasized, however, that in my view there must not be exclusion of the one by the other, and the first step for the interior need not make a great demand for funds though they make a certain demand for fresh personnel and planning.

DRAINAGE AND IRRIGATION.

Touching the coast lands, however, the view was again taken at the next conference, at which not only the Comptroller and myself but also the Agricultural Adviser to the Secretary of State, Dr. Tempany, and a representative of the Treasury were present, that the execution of drainage and irrigation schemes on a comprehensive scale must be a first pre-occupation of Government and receive priority in prosecution. As members are aware, the two principal schemes for East Demerara and the Corentyne are under immediate consideration now. The Comptroller has expressed himself as in full sympathy with both schemes, and that these on general grounds have his support. I on my side made the enquiry particularly from the representative of the Treasury who was present, as to finance, and received again the assurance that funds could be provided by His Majesty's Government. A very large figure was mentioned and the kind of terms for its provision such as should put no difficult burden on the Colony.

On the immediate question of prosecution, Members are aware of the difficulties which have materialised over the rising cost of drainage of East

Demerara, largely owing to an Act of God in the silting of the seashore. The very strong view was expressed by Sir Frank Stockdale, Dr. Tempany, the Agricultural Adviser to the Secretary of State and by myself that this matter is of urgent importance. The Comptroller had expressed his inclination to place the East Demerara scheme, that is for new irrigation water supply, in higher priority for execution than that of the Corentyne, if, as he expressed it, gravity drainage was found to be practical. I have had with the greatest of regret to telegraph to the Secretary of State and to the Comptroller last week that gravity drainage has not been found to be practicable for the whole area or even for the principal part of it. The present position is that we are faced with an estimate of capital costs of over three million dollars on drainage alone, principally drainage by pumping, gravity drainage only for minor parts, and that without any estimate for land acquisition and compensation. This again is in addition to the estimate of two million dollars for the original scheme, which was for the supply of irrigation water. I greatly regret this result, but we have got to face up to that position. It would serve no useful purpose to go into details at this moment, the report is now circulating with Executive Council and I have asked for the position to be discussed with all interests concerned, whether sugar estates or local authorities. Whether it be wise to commit ourselves to expenditure of this order on the drainage of the area in the hope of bringing down costs of drainage but scarcely of effecting really cheap or economic drainage, or whether it would be better and possibly cheaper to temporise for a period of years, will have to be discussed at an early date.

Quite apart from the question of priority in prosecution, what I have pressed for and am pressing for, is the decision that it is the firm intention to

proceed with both these schemes as quickly as equipment and expert personnel is secured and details worked out and in such stages *ambulando* as is practicable. We cannot confidently make firm plans for the future of almost any important kind in the country districts unless we can be sure that the essentials of good drainage and irrigation will be met, and that on a comprehensive scale for large areas of the country such as the Corentyne in one or the East Demerara.

At one of these meetings with Sir Frank Stockdale present a decision was at last reached on the proposals for teachers' salaries. A decision was also made on the matter of provision of houses for primary school teachers, and a grant of funds has been made. I think Members of Council realise also the very difficult problems of policy touching primary education which the heavily rising costs involve.

DEPARTMENT OF THE INTERIOR

With regard to the interior, this was discussed at several meetings of the type I have described and ultimately with the Secretary of State. The results are embodied in a despatch which is now circulating to the Executive Council. The position as urged from this end is in general accepted, that is the first necessity of much more intensive surveys of every kind acknowledged, the need of communications—particularly in the first instance by air, the need of more efficient administrative organisation and so on. The proposal of the Interior Development Committee that we require something of the character of a Department of the Interior with a Commissioner of adequate background and experience in charge, was accepted and it has been intimated that an application for funds for this purpose will meet a favourable reception. There is of course no question of the division of the Colony into two, a proposal which was tentatively made years ago but which I should

myself have never favoured. The Colony must remain one, but the organisation of interior development should be so arranged and so financed that its continuity be not hampered and not interrupted by pre-occupation at headquarters with the coast lands.

AVIATION DEVELOPMENT.

As regards aviation development a good deal has been already done and I have just read you a record. The Secretary of State's Air Adviser has submitted his report, further funds have been granted by the Imperial Government and further work is proceeding forthwith at Mackenzie and to proceed at useful points in the interior. I have telegrams from London only last week in regard to both these purposes. I am in communication also with the Admiralty authorities for experimental assistance in establishing one service, and while in Canada and the United States I was able to bring I hope to conclusion negotiations for further aircraft to be available, and for a colonial representative now at the Civil Air Conference at Chicago to assist us in certain matters of detail in person in the United States of America before he returns to London.

POST-WAR PLANNING.

The finances of the Colony and the post-war economic plans were the subject of further conferences of the type I described with the Financial and Economic branches of the Colonial Office.

The Treasurer's memorandum which I took home with me was well received. As regards post-war planning I received the strongest advice that this is a matter which cannot be carried light-heartedly by a few local officials or unofficials giving of their spare time, that it requires special full-time direction which no senior officer in the colony or other person here as far as we can see can supply. The recommendation which we had previously made and which had been discussed with Executive Council and I think men-

tioned in this House before I left the Colony, that we press for the appointment of a first-class Economic Adviser, was therefore completely accepted, a certain rate of remuneration suggested and the Economic Section of the Colonial Office is trying to find an available man. I wish I could say that he would be easy to find or that I see the arrival of such a person just around the corner.

INCREASED PRODUCTION.

What was emphasised in this and every other circle in which our economic position was discussed was the prime necessity for increasing production of everything we can produce at a competitive price in world markets. This applies to all our major products whether for export or for local consumption, sugar, rice, timber, gold and other minerals, food-stuffs and local industries of all practical kinds. It applies primarily of course to sugar, on the maintained export of which at a high figure will depend very largely the standard of these services of Government for which we must pay in whole or in part out of our own revenue. There is a possibly unlimited demand for sugar in the immediate post-war years and if we are to get a share of it we must produce economically, by whatever the means we can best find—I should imagine partly by developing mechanisation but most certainly by ensuring a much better output from our labour resources. The same principle applies also most certainly to rice if we are to secure and hold a post-war export market. I was told on all hands and in all places that if we are to hold that we must keep down our costs of production and hold our export price for rice delivered in the Caribbean at a competitive figure. As regards minerals, there is no reason whatsoever to fear that we should not do well with gold. I am not sure if Members are aware of the good hope there is now of getting those intensive geological surveys we so much need

from a "pool" of geologists under the auspices of the Research Council and not have to depend on a local department which we would find it very difficult adequately to carry. The continued production of all food-stuffs with which we can replace importations should continue, I am assured on all hands and quite specially at a discussion with the Secretary of State. The necessity to keep down importation of anything of this character or of products of minor industries that we can reasonably develop ourselves must remain a most important objective.

BAUXITE PRODUCTION.

With regard to our mineral bauxite of which the peak of production reached phenomenal heights in the last two years, we cannot expect an increase but rather and most certainly a substantial fall to reach adjustment with post-war demands. That difficulty has of course been expected but it has materialised very quickly owing to certain sudden developments not only in the progress of the war but in some other factors. The immediate difficulty is to scale down production so as to ensure the least possible prejudice to our local position pending adjustment to post-war demands. Of this latter there are some optimistic hopes and I know we can rely on the utmost and most efficient endeavours of the Aluminium Company of Canada in this regard. The present development only came to my knowledge when it reached me by telegram from Canada as late as the middle of October, and I immediately proceeded to the Colonial Office who were till then unaware of what was happening. I have said I think all that there is to be said in the matter from our angle, in Ottawa, Montreal and Washington, and now by telegram from here, and I must now await the upshot of the negotiations which are proceeding.

I should not like to detain Members with the considerable number of other particular subjects which came up for discussion in London, most of which touch details of our administration. The Civil List decisions of the Secretary of State I have intimated to Members at an informal meeting and we have now the resulting bill before us. I think Members may not be aware that the Secretary of State after some discussion accepted the recommendation on a motion by the Honourable Member for Western Essequibo, that we should put our Pension Law on to the same footing as all colonies which claim to be of good status. The necessary bill is only awaiting some detail, now accepted by London, before being communicated to you.

I was twice in touch with the Colonial Products Research Council, firstly on the proposal that a full experiment be made in this Colony with the spraying of malaria-infected areas with the new D.D.T. preparation. I was given a demonstration of its working and I very strongly pressed this proposal. The experiment is to be carried through as already announced to you in my absence. By what is said of the new preparation and claimed for it surely a new future should be in sight for health conditions in such a country as this.

The other matter was that of hydro-electric power, particularly in regard to timber and other interior development. The first requirement is again precise technical survey and the Interior Development Committee will pursue.

The question of experimental dredging of the Demerara bar was discussed pursuing correspondence of earlier in the year and as you know a grant of funds has been made.

HOUSING SCHEMES.

The terms for financing of Housing schemes had been under consideration before my visit and I only

subsequently learned of the precise terms of the offer which the Comptroller can make in the case of ordinary housing schemes, not necessarily slum clearance for example. That is, a subsidy of one-third of cost to each householder who will build a house, the rest to be on a business footing of long term loan at very low interest, the householder to be liable for such repayment of loan and interest, though Government must of course be behind the loan and liable in the event of failure of individuals to carry their obligation, I should say this, that although in accordance with the strong recommendation of the Royal Commission I have opposed and continue to oppose the taking of uneconomic interest-bearing obligations from the Imperial Exchequer by this Colony we cannot resist the correctness of the principle in this type of scheme whereby the individual receiving peculiarly individual benefit must carry a business liability for a substantial part of the financial help afforded him. An application for an initial scheme has gone forward on the scale which the Comptroller will initially recommend, and copies will be circulated to members.

A very disappointing feature of my London visit has been the answer to my demand for specialist officers, particularly engineers, drainage and irrigation personnel especially. The present outlook appears to be almost hopeless though there seems no doubt whatever that the personnel will be available at the end of the war. I might however say that some people regard us as better off in this colony than in many others. We remain also woefully short of mechanical equipment. In some respects we have not done altogether badly, in such things as some rice machinery and quite recently in sight, some little of the timber working equipment of which we have been so short. It will be moreover of sovereign importance to secure

one of the dredges now working in the river which will be suitable for cutting main irrigation canals in East Demerara or the Corentyne.

WEST INDIAN FEDERATION.

The question of West Indian federation has been raised, Members may have noticed, by the Jamaica Legislature amongst others, suggesting reference to all the colonies concerned. I was asked to comment on the subject in London, and did so, particularly touching the long-proposed Leeward-Windward Islands federation, and also as regards wider possibilities. I have now received a communication from the Governor of Jamaica covering a resolution of the Jamaica legislature last June, and asking for comment. I should anticipate that we will be asked sooner or later to consider this matter more formally. I do not propose to trouble members at this date but should any member care to discuss it with me informally, I should welcome it.

Of other things constitutional the system of Advisory Committees of this Council, introduced by our own initiative was explained by me to the Secretary of State on his request, and met with a lively interest.

FRANCHISE.

I have said nothing as to the franchise, which must be my last subject to mention. I scarcely think it necessary for me to elaborate on the Secretary of State's statement. The matter was discussed at several meetings and I can assure you that every representation and every point of view urged was given the most sincere attention. Of that the Executive Council have a clear indication in the telegraphic communications that went between Georgetown and London. I would ask every Member of this House, whether he agrees with the ultimate decision or not, to believe that in

general the acceptance of the report of the Commission was not made in any automatic manner. The other view and variations were given the most sympathetic attention. The decision must be regarded as the combined agreement of the Secretary of State and of this Government, on which we stand, and which we will present to this Council, for that is also part of the decision, as soon as ever I receive the necessary documentation from London. Members will be aware we require an Order-in-Council and an Ordinance. We await the former and I am telegraphing now as to its expected date of receipt. There must follow our own ordinance and then the registration of voters.

It would be rash to attempt to prophesy any date for completion of these steps but it is our obvious duty to get on with the utmost possible despatch. I feel I have detained Members already a considerable time. Under great pressure of work on return, I have thought it simplest to make this statement today. Should any Member or Members desire to have a personal discussion on any points with me, I am sure they have only to ask. I will be happy to give them the fullest information that I can.

ORDER OF THE DAY

BILLS—FIRST READING.

The ATTORNEY-GENERAL moved, Mr. WOOLFORD seconded, and the following Bills were read the first time:—

A Bill intituled "An Ordinance to amend the Drainage and Irrigation Ordinance, 1940, with respect to the vesting in the Drainage and Irrigation Board of certain lands adjacent to works."

A Bill intituled "An Ordinance further to amend the Civil List Ordinance by increasing the amount which shall be payable annually to His Majesty for defraying the expenses of certain services."

A Bill intituled "An Ordinance to amend the Audit Department Ordinance, by increasing the salaries of the Auditor and the Assistant Auditor."

A Bill intituled "An Ordinance to amend the Transport and Harbours Ordinance, 1931, with respect to the power of the Board to make regulations."

DRAINAGE AND IRRIGATION (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: I move that the following Bill be read the second time:—

A Bill intituled "An Ordinance to amend the Drainage and Irrigation Ordinance, 1940, with respect to the vesting in the Drainage and Irrigation Board of certain lands adjacent to works."

When the present Ordinance was drafted all drainage works were on the coastlands, all below sea level, but some of the larger schemes of irrigation now being carried out are away from the coastline. It so happens that whereas in the past all drains and trenches were retained by dams they are now draining through sand hills, and the actual trench runs through excavations. Section 20 of the Ordinance provides that all lands within 12 feet of certain specified works shall be the property of the Drainage and Irrigation Board. Of course where a trench is excavated and runs through a sand reef there is no part of it mentioned in that particular section, so that 12-feet within the facade of that trench does not belong to the Drainage and Irrigation Board. The result is that cattle feed right up to the trench, and being excavated through sand they break down the bank and cause a very great deal of damage to the irrigation works.

In two of the large schemes already prepared there is quite a long area which runs through sand reefs and will be affected by this Bill. It was intended by the original Bill that all lands within 12 ft. of any works shall belong to the Board. It is merely an act of drafting that in the case of a trench which has no retain-

ing dam that does not happen. The amendment proposed is the substitution of the word "work" for all the words mentioned in clause 2. I move that the Bill be read a second time.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time and passed.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read a third time and passed.

CIVIL LIST (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: I move that the following Bill be read the second time:—

A Bill intituled "An Ordinance further to amend the Civil List Ordinance by increasing the amount which shall be payable annually to His Majesty for defraying the expenses of certain services."

On the 19th May this year by resolution No. XLIV this Council requested Your Excellency to give directions that a Bill to amend the Civil List be prepared, and that certain specific amendments be included in that Bill. Your Excellency gave those directions as requested, and this Bill now before Council is the result. The main amendment to be made by the Bill is the substitution of a new Schedule. That is proposed to be done by clause 4, and the other clauses of the Bill with the exception of clause 5, are purely consequential on the substitution of the new Schedule. They stand or fall by clause 4. I therefore propose to address the Council in regard to clauses 4 and 5 regarding the Schedule itself.

This Council in that resolution gave precise instructions as to what that Schedule was to provide. Those instructions, with one exception, have been followed precisely. The Schedule now set out in clause 4 follows that resolution word for word, with the exception of one item which is the first on the list—the emoluments of the Governor. With regard to that hon. Members are aware that in the resolution they put forward a suggestion as to what the emoluments of the Governor of the Colony should be. There is correspondence with the Secretary of State, and His Excellency when in London discussed the matter with the Secretary of State. The result is that the figures which appear in clause 4 are slightly different from the arrangement, and slightly different in total from those hon. Members passed in that resolution to which I have referred. The arrangement now is salary, duty allowance, and allowance in lieu of exemption from Customs duty, and the total is not quite as large as that hon. Members had proposed. I think it is £250 less, but it does substantially meet the wishes expressed by hon. Members, and I understand that the total figure is the same as that drawn by the Governors of Jamaica and Trinidad. I think that is the reason why that particular figure was chosen for insertion in this Bill. The Secretary of State has already expressed his willingness to approve of a Bill passed in the terms of the Bill now before the Council.

Hon. Members are aware that Unofficial Members of the Council held a number of meetings concerning this matter and, I believe, it also came before the Finance Committee. I was not present at either of those meetings and probably know less about the matter than anybody else in this Council. That being so I shall give way as soon as I possibly can to somebody who knows about it. It is just necessary to draw attention to two facts. The first is that it is only material to make provision for the total amount set

forth in the Schedule. The last item provides for 8 Magistrates, and the total sum mentioned is the maximum salary of the whole eight. That is contingent on all being at the maximum together. It is a most unlikely contingency.

The second point is in respect of clause 5. I think I am correct in saying that the resolution did not actually state in so many words that this Ordinance should take effect as from the 1st January, 1944, but I was informed by those who were present at those meetings, including His Excellency himself, that that was the intention of hon. Members. Therefore clause 5 has been inserted. That, of course, is the same principle followed in all the other adjustments of salaries in all Departments and all ranks. I formally move that the Bill be read a second time.

Mr. WOOLFORD: I beg to second it. I have consulted Members during the short time since I received Your Excellency's minute, and I am of the opinion that the majority, or almost all of them, would like the consideration of the Bill adjourned until the next meeting of the Council. There are at least one or two items about which some remarks may be made by hon. Members, and if it meets the views of the Council generally I would ask that that be done. I believe that one hon. Member has excused himself from another place in order to be present to-day, and I too would like to speak on the Bill.

The PRESIDENT: Do I understand that Members wish to speak on the second reading particularly, or can we pass the second reading and take up any question of detail in the Committee stage?

Mr. WOOLFORD: To save time those who wish to speak now may do so.

The PRESIDENT: My general advice is that now that we have reached

the stage when we can put it through with the Secretary of State's concurrence, the sooner we can get it off our chest the better. I am rather inclined to suggest that such comments as may be considered desirable may be made in the Committee stage, and we can proceed with the second reading now. I do not know what principle there is involved that we need to postpone the second reading of the Bill. I observe that some Members wish to go on with the second reading.

Mr. J. A. LUCKHOO: I have been excused from another place in order to be here to-day so as to have this matter dealt with. I see that with the exception of one or two Members we have a full Council. We may not get a full Council on another occasion.

The PRESIDENT: I think we should get on with the second reading. The Deputy President can reserve his right to speak. My only comment is that we have been 20 months on this Bill and we have reached complete agreement a good many months ago, except on the vexed question of the Governor's salary. That I have dealt with in London with some embarrassment to myself, and the result is now known to Members. I need not say anymore except to repeat what the Attorney-General has said—that the Secretary of State took the view that the cash value should not be put at such a figure as would cause reactions in other Colonies. That is the reason for the figures placed before Council. The question of Customs allowance was also discussed in London. It is not a new thing; it merely reverts to a position that obtained in this Colony between 1907 and 1916, and because all other Governors in this part of the world have either exemption from Customs duty or an allowance in lieu. The Governor of the Leeward Islands has had an allowance of this kind amalgamated into his salary, and the Governor of Trinidad gets his specific allowance. If Members propose to discuss the question on principle I will remain in the Chair, but should the

debate develop into a consideration of detail I should ask to be excused and that the Deputy President take the Chair. For the time being I am quite prepared to listen to the debate.

Mr. deAGUIAR: I share the view of the hon. Nominated Member, Mr. Luckhoo, as regards a further postponement of the Bill. I agree with him that the Council to-day, and now that we to-day, and some of us have come here at very great inconvenience. I include myself among that number, but what strikes me as peculiar about the request that the matter should be postponed to another meeting of the Council is that this Bill is nothing new. It was discussed in Council in May last when a resolution was passed, and I recall very vividly the discussion that took place at that time. On that occasion the proposal was that the Civil List should be divided into two parts. The suggestion was that the salary of the Governor should be placed in a separate Ordinance. Since that time the whole matter has been thoroughly gone into, and now we have a Civil List in its proper form. That is the form in which this Bill appears before the Council to-day, and now that we have had full opportunity to discuss the matter on so many occasions I think we should dispose of it to-day.

I have very little to say except to draw attention again to what appears to me to be an anomaly. I refer to the salary of the Registrar which still appears at £900. It was hoped that it might have been thought fit to put the Head of that Department on the same salary scale as the other Heads of Departments. As I understand it, the idea behind the whole matter was that Heads of Departments should fall into two categories—one carrying salaries of £1,200 and the other £1,000 a year. I think that more or less appears in the Schedule to this Bill, with the exception of the Head of the particular Department I refer to. I do not like to flog a dead horse, but if it is not too late I still think the suggestion should

be made that the salary of the post of Registrar should be carried out at £1,060, thus bringing it into line with those of other Heads of Departments. I do not want to lay stress upon the importance of that particular Department. There are other Members who are probably more capable of doing so, but as a layman I have occasion to visit the Deeds Registry very often and I know the value of the work done there, the importance of the deeds that are filed, and, generally speaking, the importance of the work involved in that Department. I think we should do justice in that way because, after all, this Department is a very important one, and the Head must be a very responsible person. The responsibility he has to carry is one which I think myself cannot be measured in terms of dollars and cents. I am really speaking on the principle and I hope other hon. Members will see the matter in the same light. Finally I think we have reached the stage where we should proceed with the Bill and carry it through all its stages.

Mr. J. A. LUCKHOO: I quite agree with the remarks of the last speaker and I think I should amplify his statement by the experience I have gained with respect to this office over a period of nearly 33 years. I am happy to see that in this Bill provision is made for other officers and Heads of Departments who deserve an increase of their emoluments. The high cost of living has not only hit the man lower down but those higher up, because in these days of stress they are called upon to push their hands deep into their pockets in order to meet the various charitable demands made on them during this strenuous period of the Colony's history.

The post of Registrar is an important one. I am glad to see the Bill to increase the salary of the Colonial Auditor from £900 to £1,000 per annum, and the explanation given that the increased salaries proposed to be given to the Auditor and the Assistant

Auditor are the same as those proposed to be granted to other officers of equivalent rank in the Civil Service. I venture to express the opinion that the Registrar should rank equally with those officers who are listed above him in this Schedule—the Crown Solicitor, Postmaster-General, Commissioner of Police, Commissioner of Lands and Mines, the Director of Education and the Comptroller of Customs. The duties of the Registrar are many and important. He is not only the Registrar of the Supreme Court; he is the Registrar of Joint Stock Companies, Registrar of Friendly Societies, Registrar of Trade Marks and Titles, Investigator of Titles and Industrial and Provident Societies. In short his duties now embrace ten different heads.

He is really the right-hand man of the Judges and his position, sir, is more or less that of a liaison between the Judges, the members of the legal profession and the general public. He has to keep abreast of recent decisions—English decisions—on Company Law, Trade Marks, Patents and Licences, and also to see that the administration of probate and estate matters is carried out in accordance with our laws. That requires study. He is not a person who, some may think, goes to his office at 8.30 in the morning and leaves at 4 o'clock in the afternoon and has nothing more to do. He has to carry on his study of the law outside of his office hours in order to administer that Department properly. He performs at the present time even judicial functions; he is the person before whom transports, mortgages and long leases are passed. That duty formerly was performed by one of the Judges of the Supreme Court. He has to keep also himself not rusty in Roman-Dutch law because now and again points under that system come up for his investigation and elucidation.

I am not going to say anything further because, I think, what I have already said justifies that the holder

of this particular office be given an increase in emoluments commensurate with that of other Heads of Departments. I have already mentioned those Heads on this list, and I do not think that this is one inferior in status to those I have mentioned. For that reason I would like with my hon. Friend on my right that this Bill should be put through as speedily as possible.

The PRESIDENT: I would just like to make two remarks. The first is practical politics. Put this Bill through in the form in which it stands. The other is that if an amendment is raised I know I cannot do that. I should have to refer by despatch to the Secretary of State for the Colonies a copy of what hon. Members have said, and the question, therefore, will be held up. I do not want to argue the question on its merits. Those I would expect to be thrown in the melting pot. There is a good deal in the consideration of our legal officers, and I leave that to the hon. the Attorney-General to speak on if he likes, but I feel sure it will end in a hold-up. I cannot say for how long. The matter need not be regarded as completely closed by the passing of this Bill. It is still possible to legislate on it later. I do not suppose in the ordinary course the ~~only~~ will come to us comparatively early. The matter may be taken up in that way rather than by pressing for the holding-up of the Bill now. That is my personal advice.

Mr. J. A. LUCKHOO: As I understand Your Excellency's view, we must pass the Bill as it stands and the question of amendment to increase the emolument of this post from £900 to £1,000 can be done later on.

The PRESIDENT: There is nothing to stop it being brought up and considered with others.

Mr. C. V. WIGHT: I do not intend to say very much, but my hon.

Friend, the Member for New Amsterdam, (Mr. Woolford) seems rather diffident and shy to take part in this debate. This Bill, wholly or partially, is due to him and, perhaps, in some degree to myself and one or two other Members of this Council who stood by him and formed, as it was thought necessary at one time, an obstructing minority. It was felt, perhaps, that we were wrong. One hon. Member in this Council while speaking declared that Your Excellency must be in your chair in the Colonial Secretary's room saying "Save me from my friends!" because we had objected to the two Bills. However, our objections seem to have brought forth some measure of success, and this Bill has been brought with those two Bills as one. I think I can speak for my hon. Friend on my right (Mr. Woolford). It is a matter of principle, as we had thought at the time, and one largely of constitutional principle, and it was on that score we raised the question. It does seem a matter of fact that in this Council we are too easy and ready to give way on certain principles. We are too easy, I think, to compromise and, if necessary, to appease. There are certain points, I think perhaps this is one, whereon if this Council stood together firmly we would be able to carry much more quickly and, perhaps, with much more force.

As the result of what you have said, sir, I am not going to touch on the salaries of any of the individuals concerned. I would only like, therefore, to express the wish here that the raising of these emoluments would in no way mean shutting the door to any local person being appointed to any of these posts. Let me once and for all say that I hope I will not have the opportunity to say anything, if given the privilege or not. I do not mean by saying "local person" anybody because he happens to be A, B or C. I mean a local person fully qualified. There is at the moment a tendency to advocate the claims of certain indivi-

duals for certain posts, just because they happen to be local persons or to be A, B or C and no consideration is given to their suitability and adaptability for the posts. It is obvious that if we do not in the future take into consideration questions of that kind in the filling of these posts, the very advocacy of the filling of these posts, the very desirability of filling these posts by local persons, whether born here or in the West Indies, will be defeated and justly and rightly so.

The only point, perhaps, I would like to mention is that I do think the Officers placed on the Civil List should be in their substantive posts. They should not be acting elsewhere, and there should be no acting appointments in posts on the Civil List. If it becomes necessary—and it should not be necessary — to have an acting appointment, that acting appointment should be of the least possible duration. It is not satisfactory to have persons acting in posts on the Civil List for any considerable period of time, and I do ask you to see that is carried out.

The last point I wish to make and again I repeat, is that these emoluments being increased and placed on the Civil List it is impossible to shut our eyes to the question of the salaries of the Judges. It is absolutely impossible. It is not because I happen to be a Barrister at Law and have to plead before them that I urge this matter. It is a logical conclusion. You have certain Officers here being paid certain salaries, and you have the Judges of the Supreme Court who are arbiters between Government and the people drawing a paltry \$20 or \$30 in some cases and a little more in others than those very same Officers. I suggest the time is near, if not now, when we will have to consider increasing the Judges' salaries corresponding to the increases of salaries on the Civil List,

Mr. DIAS: I would like to join those hon. Members who have advocated the consideration of increasing the salary of the Registrar. I think it would be conceded that the legal Members of this Council are better fitted to express an opinion on the work the Registrar has to do and how it is performed than any other Member, because most of us, if not all, must go to the Deeds Registry nearly every day of our lives for one thing or another. We are, therefore, able to form an opinion of the ability of the Registrar, the nature of his work and how it is discharged. That office has developed considerably and the work there has increased, and I think Government will appreciate that from the revenue it has been receiving for some years past, and especially in these war days the revenue has gone up considerably, all as the result of the increased work there. Every increase of the work of that Department is an increase of the work the Registrar has to do. He has to discharge several functions, as the hon. Nominated Member (Mr. Luckhoo) stated, and I do know that to be so, as I had a matter with him on the other side which involved some important questions and large sums of money to Government and which finally had to go to arbitration. The work of the Officer has certainly improved the status of that post. I do not want to go into details. What I do know is that we are in a position to tell you that the other Officers you see here on the List with higher salaries have not the work with the responsibility that the Registrar has. One sees that. As one hon. Member stated, he is responsible not only to the public and to the Judges to whom he is their right hand man but he has to do other work as well. He has to do all sorts of work, and it is not like some time ago when the Registry had a Deputy Registrar.

The Deputy Registrar has disappeared and the Registrar remains alone and has to do not only his own

work but that which the Deputy Registrar assisted in doing. He is there alone and has to be all about. It must not be forgotten—that is one matter the hon. Member left out—not only has he to do with the Deeds Registry proper but he has to do with the Marshals' Department as well, which for the purpose of working is an independent department. He has all that to carry on his shoulders, and this we do know that he does not keep his eye on the clock. He is at office before 8.30 o'clock in the morning and leaves after 4 o'clock in the afternoon. He is a very vigilant officer. I speak of the office and not the individual. I feel, if it is possible to make Government accept the suggestion to delay this Bill for a few days longer, we should do so as we do know that the Civil List cannot be touched for a good period after. Supposing we adopt your suggestion to bring this matter up again, how are we going to get it on the Civil List?

The PRESIDENT: . By a simple Ordinance amending the Schedule. That can always be done.

Mr. DIAS: That did not occur to me!

The ATTORNEY-GENERAL: The last amendment was made in 1933.

Mr. DIAS: What I do think about it is, that I wish Government may know this matter so as to adjust these figures in such a way that all these Officers will be equally treated. We are seeking to point out that one of them is not placed on his proper level. We do that because we have the experience that other members of the public have not and even Government has not. Government does not go there and has no business there. When Government has work to do there it is done through the Crown Solicitor. The Crown has not got one half of the work of that Department and, I do

believe, this Officer should be placed on the same level as the other Officers on the Schedule, some of whom have not the same responsible work as this particular Officer.

Mr. GONSALVES: Lest it be said that as a legal man I sat around this table and was not in agreement with what has been said as regards the post of Registrar, I have risen to say a few words. I desire first to endorse what has been said by those hon. Members who have spoken in respect of the duties performed by the Registrar, whoever the Officer may be. I am speaking of the office. In addition to what has been said by those Members who have spoken as regards the emoluments of the Registrar, there is one point that struck me and that is, before this amendment to the Civil List the principle seems to have been recognized that the Registrar's salary was higher than that of a Magistrate. Within recent times there had been promotion from the Magistracy to the post of Registrar. If that is so, the position as I see it in this List is that the Registrar and the Magistrates are on the same scale, the Registrar will be getting £900 and the Magistrates £900 also. In support of the suggestion of £1,000 for the Registrar, I think, that is one ground on which the increase should be made in order to maintain the possibility of promotion from the Magistracy of a man qualified and competent to discharge the duties of Registrar. I see the Solicitor-General is down for £1,050. If the principle to be followed in connection with this Civil List in the line of promotion may be from Registrar to Solicitor-General, then I suggest the difference between the salary of the Registrar as it appears now, £900, and that of the Solicitor-General is too great. For that reason I support the suggestion which has been made that the salary of the Registrar be increased to £1,000. These are the two grounds—(1) it should be possible for a Magistrate to be promoted to Registrar, in

which case he will go from £900 to £1,000, and (2) further promotion to Solicitor-General—I advance further in support of what had been said as regards the several duties performed by the Registrar.

Personally, I think the post of Registrar is just as responsible as that of Commissioner of Lands and Mines. Some of us may think there is greater responsibility, but I certainly do think the responsibility is not anything less than that of Commissioner of Lands and Mines. For that reason I support the suggestion. If it is not possible, as Your Excellency said it should not be done now, I rather agree that rather than hold up the Bill, if we are all agreed to what is here, we should pass it, and when the time comes for the introduction of another Bill the foundation would have been laid for the increase.

Mr. JACOB: Speaking on the principle of this Bill. I am opposed to it and shall vote against this Bill. I am opposed to it because I consider the principle to be bad and that this Legislature should not pass a Bill tying down future Legislatures for five years at this time when the Constitution of the Colony is to be changed. I am going to make a few general observations. If it is necessary to have a Civil List — I do not think it is necessary to have one—if the Imperial Government thinks that a Civil List is necessary in order to maintain Imperial hold on this Colony.—

The PRESIDENT: I just like to say "No" to that straightaway. The Imperial Government will be quite happy not to have this fuss and bother. I think it is rather a constitutional right which hon. Members discuss. I would like to acquit the Imperial Government of trying to enforce this kind of Civil List on the Colony.

Mr. JACOB: I thank you for the explanation, but I was saying that if

it is intended to have a Civil List then the Governor of the Colony and the other three Officials who are permanent Members of the Legislature may form that Civil List. I think the Civil List when it originated in the first instance was with the object of having certain Officials who could be Members of the Court of Policy and the Combined Court and who could sit there and carry out Imperial policy. All that has been changed and that very slowly. I am not going to be a party to making the change of this very slowly changing policy go slower still. We have been told that this Colony is to be raised to the status of a first class Colony so as to be in line with Jamaica and Trinidad. That is, that the salary of the Governor of this Colony should be raised to the level of the salary of that post in those two places. I have no objection to that or to the Colony being raised to a first-class colony, but I do object to the manner in which it is being done.

Here we have Jamaica, a first class colony, having been given a Constitution that is acceptable to the majority of people of that Colony—in fact to everybody. Trinidad has had certain constitutional changes which are far ahead of British Guiana. British Guiana lags in the background. On the question of franchise, the first elementary principle, we find that every individual man or woman is entitled to the vote in Jamaica, but that facility has not been granted the people of this Colony by the Secretary of State for the Colonies. I say, if this Colony is to be a first class colony, if it is to rank in line with Jamaica and Trinidad in some respects, then it should rank with them in most respects, and not only the Governor's salary must be similar. It is not the Governor alone who administers this Colony. We have several permanent Officials. Why the salary of the Colonial Secretary be not that of the Colonial Secretary of Trinidad and of Jamaica? Why then should

the salaries of the Attorney-General, the Colonial Treasurer and other Officers be not the same as of those in Trinidad and Jamaica? I cannot understand why this differentiation, and to tell us that because you raise the Governor's salary you raise the status of the Colony to that of a first class automatically, I will not accept that. I will not be fooled any longer.

I wish those in authority to understand what I mean when I say that. Let the status of the Colony be improved. Pay all the Officers adequately. You have at least a dozen permanent Officials here on the List who should be adequately paid. If this Colony can afford to pay the Governor £10,000 per annum, as is paid the Prime Minister of Great Britain, and can collect two-thirds of that by Income Tax, let it be done. That is the position. We have in all these Colonies a system that is to my mind entirely against the democratic principles of the world. It is the British system, and most of us immediately it is stated say we agree. Most of us are "Yes men" and agree to anything especially when it comes from the highest British source. We have in this Colony a system of government, that has been perpetuated for some time owing to existing conditions, to keep the people down to a state of — shall I say—domination or serfdom. Certainly it has kept the people down. Throughout the West Indies what do we find? We find that the standard of living is low; we find that the administration has been conducted in such a way as to make some of us feel that they are not human beings who live there. Take example from Puerto Rico, the Virgin Islands and other places not necessarily American.

I do not favour this principle of passing a Civil List for a period of five years. It is not like the Summary Jurisdiction Ordinance in relation to the Judges' salaries. Why not put it in the same way as the Auditors'

salaries? Once this Bill is passed, for five years we can say absolutely nothing and as a fact, this Legislature has no right to increase the emoluments of officers. Some of my hon. Friends referred to the Registrar of Deeds. Immediately this Bill is passed, it is only by some special rule that salary can be increased, but this Legislature has no right to increase it from £900 to £1,000. I am surprised that hon. Members do not know that. We can reduce it.

Mr. de AGUIAR: To a point of information! Do I understand that a Member of this Council has no right to suggest that Officers' salaries should be increased?

Mr. JACOB: It is best for me not to answer. My hon. Friend knows perfectly well what I am saying. He has been here practically five years before me. I am saying, taking the Registrar's salary as it is on the Civil List, this Council has no right, no power to increase it. Perhaps it may be stated that I am against the increase of the salary, but I am certainly not. Looking at the salaries in the Schedule it will be seen that in some cases the increases are too high, in some cases too low and in some there has been none at all.

Mr. C. V. WIGHT: This is one of the only cases in which the Electives have the right to increase the salaries on the Civil List.

Mr. WOOLFORD: I have previously directed hon. Members' attention to that. It is the only occasion on which Members of Council have the right to suggest or move an increase of salaries.

The PRESIDENT: The hon. Members are quite correct. Under an Ordinance Members of the Council have greater powers than they would have if it were an item on the Estimates.

Mr. JACOB: This Legislature is going to pass this Ordinance for five years and I hesitate to think that a subsequent Legislature would want to undo what this Council has done. It has been the custom in the British House of Commons. I am not going to be fooled by what legal Members may say.

Mr. C. V. WIGHT: I object to that remark. I am trying to point out to the hon. Member what is a constitutional vote.

Mr. JACOB: As a layman, sir, I continue. (laughter). I find that the salary of the Comptroller of Customs is listed in the Schedule to the Civil List, Chapter 52, at £850. It is now proposed in this Bill to increase his salary to £1,000. The salary of the Postmaster-General was £825 and is now to be increased to £1,000. I also observe that the salaries of three other officials listed at £900 are to be increased to £1,000, but the salary of the Registrar is to remain at £900. Other hon. Members have referred to the importance of the post of Registrar. I am not concerned about the officer and the volume of work. It is Government's decision that the salary should remain at £900, and I say nothing more about that. I leave it to those in authority to decide whether it should be increased or not.

I find that the post of Assistant Colonial Secretary has been removed from the Civil List, and that of the Solicitor-General substituted. I have no objection to that, but I think that to complete this strangle-hold on the Colony we should have on the Civil List the Consulting Engineer, who gets £1,500, the Conservator of Forests and the Commissioner of Labour who receive over £1,200 each. Why shouldn't those offices be included in the Civil List if we are to have a Civil List? Why this differentiation? Why should only certain officers be on the Civil List?

That brings me back to the point that it was done in the first instance when officers selected by the Secretary of State came to the Colony and were appointed Members of the Court of Policy and Combined Court to see that Imperial interests were adequately protected, regardless of what happened to the interests of the people of the Colony. This Civil List has been, is and will continue to be a drag on the Colony, keeping it down very much longer than we expect to live here. I hope I will not be misunderstood. I am in favour of the Colony being managed by the people of the Colony--government of the people by the people for the people. I am not in favour of the present system continuing. I am in favour of its being changed in some form to give us the idea that we are going to have the Colony run in a way which will benefit the people who have to labour and settle here all the time.

Only a few days ago I saw a despatch to the Secretary of State and his reply on the subject of land settlement. This Legislature's decision has been turned down and the Land Settlement Officer is to make recommendations as to what should be done in future. I think he should also be included in the Civil List, and I think the Commissioner of Local Government should also be included. I think the inclusion of his post was actually suggested by certain Members of the Council when the matter was being discussed in Finance Committee. The post of the General Manager of the Transport and Harbours Department was also suggested for inclusion. All of these officers on the Civil List are to have security for five years and to be free from criticism by this Legislature. The whole system is wrong, and I do urge the Imperial Government and those responsible to change it as swiftly as possible.

Mr. PERCY C. WIGHT: Sir, I am in entire agreement with you that there should be no delay in passing

this Bill. I am afraid that the last speaker did not give this matter his customary thought. In his speech he accused other Members of being "yes-men." I have never been a "yes-man" anywhere. I am a layman and I have heard the legal Members speak of the Registrar in glowing terms. During the past 45 years I have had more to do with that office than most lawyers. I do not have bills taxed but I go there in connection with transport and joint stock company matters. I support the suggestion that the salary of the post of Registrar should be increased to £1,000. The duties of the officer have increased considerably, and in the report for 1944 it will be interesting to see the amount of revenue collected from transports and stamp duty. I am not going to stand in the way of the Bill going through, and I consider Your Excellency's advice to us quite sound.

Mr. CRITCHLOW: As an ordinary layman I, too, strongly support the recommendation that the salary of the post of Registrar should be increased to £1,000. The Registrar sometimes acts as a Judge, and I do not think it is fair that he should get the same pay as a Magistrate. I do not wish to hold up the Bill as I know that Your Excellency and the Attorney-General are anxious to get it off your brain.

Mr. EDUN: I consider the examination of the Civil List a constitutional right which is afforded this Council every five years to examine the merits or demerits of the officers concerned. In the past when the Civil List came before the Legislature it was considered an historic event, but today I observe that Members are so complacent about it that they do not want to say what is passing through their minds. I consider this Council to be a sort of directorate of this Colony's business, and every five years it has the statutory right to consider whether the officers of Government deserve increased emoluments or

whether they ought to be criticized for not carrying out the policy of the directorate. I am therefore going to take this opportunity to endeavour in my own way to examine critically all the officers from the Governor down to the Registrar, because I will not have a say again in this matter for the next five years. It is my business to examine the credentials of the officers concerned because I am here representing the people as a director, watching their interests, financial and otherwise.

First of all I think that the salaries in the Schedule to the Bill should have been stated in dollars and cents instead of in pounds. If we are going to amend the Civil List we should do so in a rational way. The public should be able to see how much money is involved in the actual currency of the Colony. By setting out the salaries in pounds we will give the average layman or schoolboy the impression that there is not much money involved. I think the first thing to do is to have this Bill revised in dollars and cents, the currency of the Colony.

In the past the discussion of the Civil List was considered an opportunity by the people of this Colony to win political concessions, and I am sure that if the people of this country were fully organized into a political party which was well represented in the Council the opportunity would have been taken to win political concessions. Instead we have Members of this Council expressing views in their own manner and talking about one officer—perhaps a favourite of theirs—instead of examining and trying to win political concessions for the people whom they represent. Such puny-minded expressions I have never heard, and from men who are considered to be the intelligentzia of this country. So far as this Council is concerned there is no hope of winning any political concessions in a matter like this. In the past the plantocracy did it. Why the

people cannot do it nowadays? That is the question I want every Member of this Council to examine within his soul.

As I listened to your speech this morning, sir, I felt a gloomy creeping sensation enveloping my mind. When we examined this Civil List we were promised all sorts of things—the millenium for British Guiana—and we thought we had raised the status of these officers to the first class in order to have that millenium. But what do I hear? In a clash of policy between the Governor of the Colony and the Colonial Office we find that the Colonial Office has succeeded in having its own way, and all our dreams were merely day dreams. When I supported this measure in Finance Committee and subsequently in open Council the idea in my mind was that I agreed to the increase of the emoluments of these officers because I expected greater things from them. But all this must go by the board because it clashes with Imperial policy; it clashes with the policy of those who can pull strings here and at the Colonial Office. That is what has happened. As I see it today, it has resolved itself into a clash between the export sugar economy and self-sufficiency of the people of this country, and it is expressed fully by you, sir, when you say that sugar is to be the bulwark of our economic system, the mainstay of all of our services. If we are to continue the sugar plantation system for another decade I do not think it is justifiable that we should increase the emoluments of the officers of this Colony at all.

I was eager to learn what Your Excellency had to tell us this morning. As directors of this Colony's finances examining the credentials of these officers, we have the right to tell the Governor that as the servant of the people of this Colony we want you to forward our policy affecting thousands of the people as against the

policy that has been carried out for years, resulting in what we call the appalling abuse of Imperialism in these parts. If we had responsible government here it would have meant that either the Colonial Office would give in or we would carry out our policy, but we are still a Crown Colony, and no matter what we do or say in this Council or throughout the length and breadth of this land, sectional interests of those people who govern the policy of the Colonial Office—Mr. Oliver Stanley and his colleagues—dictate the policy of this Government. I want to show how much they are interested in the sugar industry of this Colony. Who is Mr. Oliver Stanley? He stands between us and our own interests in British Guiana. If we are paying our Governor we have the right to see that he carries out comprehensive drainage schemes, even if we have to go to America to borrow the money. You cannot do it because it is not in the interest of certain people there.

We speak about more production of sugar and other things. That is very good in its way. More production of sugar may mean a little bit more pay for the labourers but a lot for those absentee people who are trying to live off the substance of the people of this country. I want them to know that we are conscious of these things and we are not going to allow them to continue any longer. If we had a party we might have been able to turn the tables and make it an opportunity to win political concessions for the people. I want to assure you, sir, that the people of this country, except for a very few at the top, cherish a love and admiration for you as one who will assist them in this crisis, and one will assist this country on the road to prosperity. You have seen for yourself how great is their admiration for you. No other Governor of this country could say the same. It is simply because you have seen in a rational way how to put this country on the road to progress. That is the

policy every man, woman and child should follow. We have read all of your despatches and examined them critically. In those despatches lies the solution of the problems of British Guiana. But what has changed the whole story? What is behind that story? Are the expectations of all these motions to be just thrown overboard because it pleases certain financial plutocrats in Downing Street to have their way about it?

I take this opportunity to examine the question of the salary of the Governor and to protest against it. I do not yet feel that our hopes are shattered. I am not thinking about establishing huge industries in which thousands of labourers would be semi slaves; I am thinking of the progress of British Guiana—cottage industries, farm lands and a happy peasantry. I am thinking that instead of having people coming to Georgetown to look for transient work they would be in their own surroundings and carrying on life as God wishes it, in some sort of comfort and happiness. But if we are to produce sugar under the same conditions that obtain to-day then we be unto this country. When Your Excellency told us this morning that drainage and irrigation will come after the war—

The PRESIDENT: I think I said that the pursuit of drainage and irrigation schemes on a comprehensive scale was the first pre-occupation of this Government. You seem to have forgotten that that is recorded in the report of my conference in London.

Mr. EDUN: I wish I could add £1,000 more to the salary of the present Governor. Many people would be glad to give it because, after all, money is not everything that counts. It is the service which has been given them in the last few years.

I will now go a little further down the list and deal with the post of the Colonial Secretary, but before I do so

I wish to make this point that the Bill has now come before the Council as a single Bill whereas the Secretary of State previously wanted us to pass a separate Ordinance dealing with the salary of the Governor. I thought that would have been committing suicide—severing the head from the trunk. Strangely enough the Members of this Council banded themselves together and said they wanted one Ordinance. Perhaps Your Excellency did your share on the other side in that respect, and we now have before us one Bill instead of two.

We have one single Ordinance including the Governor's salary. That is in itself proof to every Member of this Council that if we stand together on any principle unanimously, His Majesty's Secretary of State for the Colonies is bound to respect the wishes of the majority.

The PRESIDENT: I do not want to burst the bubble, but you seem to be making a great deal of there being one Ordinance instead of two. The suggestion to have two Bills was made some months ago simply in order to get on with the job. The whole thing was being held up because of the Governor's salary. I do not think any great question of principle was involved. Members preferred to hold it up to the end of the year in order to get the Governor's salary settled.

Mr. EDUN: I do not agree with you. I have my own suspicion about it. Maybe I am wrong. I thought it was an opportunity for the Colonial Office to have things their own way. I am supporting this Bill in its entirety, but I want to reserve the right to examine not the personnel of the various departments—I do not wish to do that at all—but the departments themselves, because in doing so I want to bring attention forcibly to certain defects in the departments, grave defects at that. I want to refer to the Colonial Secretariat. I am very much perturbed about

the delay of replies to communications sent to the Colonial Secretary. I think that all the Officers in that Department are the servants of the people and if I, as a Representative of the people, ask for any information or try to get the Head of that Department on the telephone, it is their duty to accord me the courtesy I deserve because I am not going to waste their time. I have no time to spare myself. But, sir, I am perturbed in this way: For weeks I could not get replies from the Colonial Secretary as early as I desired in order to carry on certain negotiations and representations. I want to absolve the Head of the Secretariat, as at the moment he was not there. Those communications should have been answered forthwith but took weeks, and in the meanwhile the people were getting disturbed in mind about the matter. As recently as in the matter of mechanics of the Rice Marketing Board I was trying to get representation direct to the head, the hon. the Colonial Treasurer, and failed. That is not good enough for public men to be wasting their time in that way. I had been trying to get him on the telephone for nearly fifteen minutes but without success, and in the meanwhile there were not less than fourteen men running every day to my office and asking me what was being done for them. Therefore I feel that these Departments ought to create a liaison between the Trade Union Officials and Members of this Legislative Council.

The COLONIAL SECRETARY: To a point of explanation! The hon. Member tried to get me on the telephone on Monday. I went into the Executive Council meeting at 12 and came out at 3.30. During that interval Mr. Edun rang me up. He then rang again at 4 o'clock and I answered him. He told me that he had tried to get me the whole day, and I informed him that I was in Executive Council all day and could not be in two places at one and the same time.

Mr. EDUN: That explanation is sufficient, sir, (laughter) but that cannot be said about what happened a few weeks ago. What I want to point out is this: I am feeling perturbed about it, when I am dealing with a Head of a Department who feels that he ought not to be bothered and he has no time to spare. I want to tell such Head of a Department that he is being paid to do his job, and lucrative payment at that, and it is his duty to see to the business of those people from whom his salary comes. I have seen the tendency on the part of some of these Official Heads to envelope themselves in a kind of "See, I am boss of my department." I agree that he may be bossing his department and the personnel therein, but he cannot dare to boss a Member of the Legislative Council in the person of Ayube Edun. No matter what he thinks, when I go to him it is in the interest of the people of this country. I do not go to him to ask for favours. I have never received favours from this Government at all and I do not intend to receive any. I think this is an opportunity for me to say it, because some Officials do speak like that. I am prepared to begin first with your position so as to show how some of these Heads do act in matters of importance to the administration of public offices, and if that is the kind of complacency they are prepared to carry on then I want to say as forcibly as I can that they are servants of the people from whom they receive their pay and when they retire will receive a pension; they must be prepared to do their job or get out. As the hon. Member for North-Western District said, we have the right to challenge salaries every year, and the man who does not do his job ought to be thrown overboard. I am, however, concerned about these delayed replies. I am further concerned about—

The COLONIAL SECRETARY: To a point of order! May I ask the hon. Member to state what letters are unanswered? I will see that they are answered.

Mr. EDUN: I am going to submit them to His Excellency. They are about matters concerning certain departments.

The COLONIAL SECRETARY: I think, you said the Colonial Secretary does not answer your letters. Can you tell me what letters are they?

Mr. EDUN: Not right away, but I can later. I am quite concerned about the Heads of Departments shirking their jobs. To substantiate that, when you go to them they tell you "Why don't you go and see Mr. So-and-So." That is the kind of thing that occurs. I will not stand for that. I am prepared, sir, to give every Head of Department all the money he needs, provided I can see progress, provided I can see that he is doing his job and that the inhabitants are benefiting from their administration. I do not want to see certain Heads of Departments—

Mr. de AGUIAR: I have no desire to interrupt the hon. Member, but we have been listening to a number of general statements. I think we have had quite a lengthy discussion on this subject, and I do ask the hon. Member to inform this Council again in black and white following the hon. the Colonial Secretary's enquiry whether there are any letters remaining unanswered at this date.

Mr. EDUN: I do not know why the hon. Member speaks at all—

The PRESIDENT: He is making a request. If I thought it was completely irrelevant I would have ruled it out of order. I have not done that. He suggests that you should have these complaints put in black and white for your guidance.

Mr. DeAGUIAR: Otherwise it would be a waste of time.

Mr. EDUN: Whether hon. Members like it or not, that is their business. But so far as I am concerned—

Mr. GONSALVES: I think that view is erroneous and my hon. Friend should be told it is wrong. He cannot sit here and waste the time of the Council.

The PRESIDENT: It is on the records of this Council.

Mr. EDUN: When I began, I said I shall take this opportunity to examine why these Officers should get more money. I do agree that they should get more money, but I want to say certain things in order that they should know how they should work for the money. Is not that a commonsense way of telling them what I think they should do? After all money is involved. They need the salary and we are giving it. Is it not our duty as Representatives of the people to demand from them *quid pro quo* for the money they get?

The COLONIAL SECRETARY: I gave the answer. The hon. Member said I do not answer letters. I have asked him to give me an idea of the letters I have not answered. If he is going to make complaints in this Council, I ask him to justify them.

The PRESIDENT: The hon. Member is perfectly in order to speak on the List but I do ask him to make his points precise.

Mr. EDUN: I shall proceed in spite of the interruptions. In Finance Committee, I remember, when we examined certain details of the Attorney-General's Office there was a general howl of dissatisfaction as to how that Department is being administered. I see now every legal Member is so quiet and tame, and those views have not been put. Why are they afraid? Not a word have they said about it; it is just glossed over **here**.

Mr. WOOLFORD: At least there is one legal Member who has not yet spoken. I believe I belong to the legal profession, and I have not yet spoken.

Mr. EDUN: In Finance Committee the hon. Member did make certain strong observations on how that Department is being run. I will not say what words were used. I do not intend to say them here, but if that is true, then I think that Department ought to be told how to work, how to function in the administration of justice. Sir, you will agree with me, and I think every Member will do the same, that on the administration of justice lies the bulwark of our British democratic institution. No Member of this Council would think that His Majesty's Attorney-General is not impartial. I will not suggest it. I dare not suggest it. But, sir, it has been levelled here, and I have heard it all over the Colony, as to why certain legal practitioners can be securing appointments to prosecute at the Demerara, Essequibo and Berbice Criminal Sessions in preference to the others. Those are the things which ought to be told the hon. the Attorney-General, what the public is thinking about the administration of that office. In the Magistrates' Courts you find litigants going there week after week and month after month to have their cases heard. Lawyers, too, have the unfortunate experience of wasting time there. The Magistrates cannot cope with the work and a bottle neck is there in the administration of justice stifling the expression of human grievances. On that administration is dependent the range of human passions. You go before the Magistrates and get your cases heard whether you are satisfied or dissatisfied with the decision. I know specific cases were to be heard in February and up to today they are not heard. That is not good enough for the administration of justice in the Magistrates' Courts and, I think, in giving the Magistrates more money—and they are deserving of it—something ought to be done to relieve the situation, the bottleneck. It is a very important question in so far as the common people in the rural districts are concerned. You want to clear these

people from the Courts. They can be working and so assist to produce more sugar, but instead they must be running day after day to the Courts to have their cases heard. I do not blame the Magistrates; I do not blame the lawyers. I blame the system. It is not a rational one; it is not properly demarcated. Some legal men should get together and make a system whereby something can be done to relieve the situation. That is so far as the Attorney-General's Office is concerned.

Of course, the general complaint is "We have got the staff now, experts are doing the work, and why there is not more drafting of Bills." There are so many of these experts, and I think they ought to assist the Attorney-General who is doing that work. I think he should stand as an impenetrable head just to look after the administration rather than to be drafting paragraphs, but he must have his hands on all the points. That should be his duty. If that can be done with those subordinates doing the drafting job though he should see the final drafts, I think we will be contented. It is suggested by prominent people in this Colony that the Attorney-General should appear in the Supreme Court to prosecute in criminal cases. I consider that as Head of the Department his duty is to be there in the office and not in the Courts prosecuting. He has greater administrative duties and the capacity to do the work. Let him do it in the office. I should ask the hon. the Attorney-General whether or not some system cannot be devised to eliminate "touting." There is a racket going on with this "touting" in the Magistrates' Courts. I do not know whether the legal practitioners will agree with me, but I think the legal profession is considered—so they say—a noble profession and should assist in the administration of justice rather than to be a party to "touting" in the Magistrates' or the Supreme Court. I expect the members of that profession to assist in the administration of

justice and not to have touts in the Magistrates' Court. I would like to know whether or not some law can be introduced to make it an offence for touting to be done. Sometimes these touts create and manufacture cases and so keep away people from their work by wasting their time at the Courts. The time has come when this Department should rectify the whole system from the top to the bottom, and the Attorney-General should as Head of the Department be able to put his hands on the weak points and rectify them.

Now we come to the Colonial Treasurer. I am satisfied that we have in the person of our Colonial Treasurer a genius at figures, but I will not say like the hon. Member for North-Western District that he is a genius at juggling with figures. But if I were to examine his last Budget Statement along with his last note on the future and prospective financial position, I think the former is a better specimen of what I might call financing while the latter is put in a rational way to let the figures in his life. I have not got much to grumble about in respect of that Department as I have not much to do with the Treasury, but I do know that certain people, pensioners and others who have to receive payment there, have complained that they have to go there for days to get their money. I think something should be done about that. Of course the test will be when the hon. the Colonial Treasurer gives us his next financial statement. I will then be privileged to examine last year's with the note on the financial position and the Budget Statement at the end of the year.

There are others which I would not like to say anything about now. As regards the Director of Public Works, hon. Members may have seen this morning that I tabled a motion asking for an enquiry into the Public Works

Department and the Drainage and Irrigation Schemes. Maybe I will have an opportunity then to have my say. I will not say anything about the Director of Agriculture because I have seen some good production of food. The Director of Medical Services—I have a bitter complaint to make. I do not know whether it is a clash among the experts, but I have been told time and again by Drs. Giglioli and Bevier that to plant banana suckers round about the houses of the sugar estates will be to harbour mosquitoes. I took their opinion for granted. But would you believe me if I tell you that banana suckers have been planted within the compound of the Best Sanatorium? When I told the Director of Medical Services that it was a breach of sanitation he, as an expert, said "No". It was good enough to harbour mosquitoes within the compound of a hospital but not good enough to give food to the working people, the real producers of sugar. Then I became suspicious. I wanted the Director to concentrate his mind on public health more than on talking about sanitation and the building of houses, and wasting time talking about latrines and drains. Members of the Council have heard what Dr. Platt had to say about nutrition. I want the Public Health Department to concentrate on the bigger problem of prevention rather than on cure, but I do not see anything practical. I hear of grandiose schemes of nutrition but maybe they are all dreams. For instance there is no legal connection between the Director of Medical Services and the Government Medical Officers on the estates. There is no legal obligation on a G. M. O. to visit estate hospitals and see whether they are standard hospitals, and report on them. I am going to table a motion, perhaps next year, and perhaps I will get the Sugar Producers Association to agree with me that all estate hospitals should

be taken over by the Government and run through a central organisation in Georgetown.

Those are the things I expect Government to tackle, but I find so much time is being spent on anomalies and salaries in the Civil Service. I am willing to give civil servants better salaries, provided they are doing their jobs. In the case of the Director of Medical Services I feel that he ought not to confine himself to the administration of hospitals. Perhaps there will be amalgamation some day of the Public Health Department with the Medical Department.

Perhaps I should not say more, but I propose to take the opportunity when my motion comes up for discussion to say something about the Public Works Department, but now that we are putting the Civil List on a strong financial foundation, and certain officers will be guaranteed their emoluments for five years I, as a representative of the inhabitants from whom the money comes, would ask in all sincerity that something more than ordinary routine work should be done by these Heads of Departments. I want to see some planning done. Let us have a three-year or five-year plan for all the Departments now that there will be a five-year plan for monetary security. I expect that in the Budget statement some actual planning will be done. I heard Dr. Platt whose lecture intrigued me very much. I think the various Departments should take a more rational view than a traditional view. There is a traditional view from top to bottom about routine matters.

With those remarks I support the Civil List Bill, and I shall endeavour, if I am in this Council, to examine critically the work these officers do from 1945 onwards. I trust Your Excellency will forgive me for taking up so much of your time and the time

of the Council, but I regarded it as an opportunity for me to have my say on this matter and I have done so.

MR. WOOLFORD: The hon. Member who sits on my left (Mr. C. V. Wight) intimated to me privately his intention to ask that the question be put, and I have risen to speak on the Bill as it involves a question, as I have always thought, of very great importance to this Council and to its future membership. There still appears to be grave mystery or difficulty in understanding what this provision of the Civil List gives to the Colony and its inhabitants. It is a very old institution, and I venture to think it is absolutely unique in the British Empire. If Members will look at the permanent Ordinance, of which this is only a proposed amendment, they will discover that this very valuable privilege has been on the Statute Book since 1836, and has been renewed from time to time for periods of five years and sometimes for seven years. It is in fact a statutory arrangement whereby the Crown surrendered its control over the entire revenues of the Colony, colonial and otherwise, which were once payable to the Crown in return for a guarantee sanctified by Ordinance, whereby the principal officers of Government are secured certain salaries. It is the one opportunity afforded Members of this Legislative Assembly to examine that provision, to move increases or decreases as seem fit to them for an arrangement embodied in section 5 to the Principal Ordinance, whereby the entire revenues are surrendered to the control of the Colony whose inhabitants are represented here. One of the difficulties of following it is because the Bill is put forward only in its amended form, but again I would ask Members to look at sections 4 and 5 of the parent Ordinance, and they will find in section 5 these words:

5. The entire revenues of the Colony, of whatever nature or description they may be and however arising, which of

right or by custom would hitherto, in the absence of any provision for a Civil List, have been payable to His Majesty's predecessors for the uses of the Colony, and which have accrued or shall hereafter accrue to His Majesty, his heirs and successors, shall during the continuance of this Ordinance and no longer be payable to the use of the colony.

In my view—and I believe I am supported generally by the legal view—if the Civil List Ordinance is abolished we would lose control over the revenues of the Colony, and there would be nothing from which we could make suggestions generally for the public expenditure and a good many other things.

I am not anxious to delay the Council. We are on the eve of the constitution of a new Council, and I may be wrong but I am one of those who believe that not only the Member for North-Western District (Mr. Jacob) but others who feel like him may be induced to submit a proposal to the new Council, and it may be carried, whereby the Civil List Ordinance may be abolished and every public officer's salary would be put on the ordinary annual estimates. If I am thinking rightly the occasion may arise when the salary of the Governor, if of course the Imperial Government desires to extend self-government as it seems to me anywhere and everywhere, and it pleases His Majesty's advisers in London to give to this Colony self-government, if only for a period, some of us may live to see the spectacle of the salaries of the Governor and the principal officers being reduced at the whim and caprice of Members of this Council, and a subordinate officer getting up one morning to find that the Legislative Council has refused to vote his salary. Of course in all such cases the officer automatically goes on pension. The Governor's reserve power has never been used in this Colony. It was first given in 1928 but has never been used. I believe that the only occasion on

which it has ever been used in the British Empire was when the salary of some officer, I believe in Jamaica, was denied by the Legislature.

It is necessary for the support of the Government that we should pass this Civil List Ordinance as a permanent Ordinance only in name. It will be observed that the Ordinance is to take effect from the 1st January, 1944, but it remains a permanent Ordinance subject to alteration every 5 or 7 years. There is an understanding, not expressed in the Statute, that so long as the Civil List is voted by the Council so long do we control the revenues of the Colony. Not only is that privilege given but I would commend to the hon. Member for North-Western District who takes a very deep and abiding interest in politics, that the right to discuss the annual estimates is the rights we enjoy from passing this Ordinance. If this Bill is not passed the hon. Member would lose the opportunity, which he so relishes, of coming here at the Budget session and attacking this and that item. Is the hon. Member willing to lose that opportunity? He does not like to attend meetings of the Finance Committee because there is not that opportunity.

Mr. JACOB: I would certainly like to see the present system abolished completely.

Mr. WOOLFORD: I do not know to what system the hon. Member refers. He has always suggested that the Civil List should be abolished. If the Civil List were abolished I do not know what other opportunity he would have to speak as often as he does. I am speaking quite candidly to him as an old Member, and on the eve of going to the hustings. I hope he will not tell his constituency or mine that he has endeavoured in this Council to persuade his colleagues not to pass this Bill because of the great and immense benefit to be gained by having the

Governor and his subordinate officers on the Civil List so that at any moment he could refuse the Governor a pound there or the Colonial Secretary or the Colonial Treasurer any salary at all, which I think is one of his chief aims.

I am particularly pleased to see the Civil List embodied in one Ordinance. I should not have liked to see the Governor's salary provided for in a separate Ordinance. I am also particularly pleased to know that the Secretary of State for the Colonies, who is a Member of the British House of Commons, and I almost believe all of his immediate advisers who have been consulted on this question probably are—were prevented from denying to this Colony a constitutional privilege which, to the credit of the Legislature of the Colony, it has always respected, and I have no doubt that with the assistance of the Governor who knew the feelings of Members, this very valuable privilege has not been taken away from us. I hope it never will be.

Many remarks have been made about individual officers and their claims. I know what the difficulties are. I would like to see the salaries and emoluments of some officers on the Civil List increased. I agree with all that has been said about the Registrar. I am one of those who never have bills taxed, therefore I can speak with a great degree of independence. But in case some Members say that lawyers have advocated an increase because of their gratitude to that officer for his liberality in taxing fees, I can say that I have never once attended a taxation. I am not indifferent to money but to the method by which it is arrived at there. I have seen the anxiety of lawyers in the cockpit which the Taxing Master's office discloses, and I do not envy the Registrar the task he has in arriving at what a bill should be. For that alone, and the number of disputes

and appeals that arise, the exercise of his judgment is alone worth an extra £100 a year.

There is a great deal to be said for the post of Registrar. I have said in the Committee and before the Attorney-General came to this Colony, that an important post like that should not be left at that salary. As a lawyer and legislator, and as a result of my communication with responsible legislators in the Colonies of Trinidad and Jamaica, and having regard to the numerous Statutes this Council has passed, I have no hesitation in saying that the work of the Attorney-General in those Colonies is not comparable with that of the Attorney-General of this Colony. We had an Attorney-General of Jamaica doing service in this Colony, and we all know the effect it had on the legislation which for some reason or other, seems to be necessary in this Colony, and which the Attorney-General has to model and produce here. He was a young man on his appointment here, and I have no doubt that he was glad to get experience, but I doubt very much whether, with the experience he got, he would have recommended anyone to accept an appointment in British Guiana at £1,600.

You will allow me, sir, to say something which does concern that post. I have said it to almost every practitioner in this Colony, and I have mentioned it to the Attorney-General himself. It is a matter of administration, and I speak with very long experience of the effect that this particular official direction has had on the morale of Magistrates. There was a Magistrate who was known as the "*sine die* man." All of his cases were postponed *sine die*. He heard no cases and regretted that he was ever appointed a Magistrate. He said he never asked for that position. I believe it was the result of representations from the profession. I recall a deputation com-

ing over here and asking that that undesirable state of things should not continue. What has been the result? The result has been that the Magistrates of the Colony are the only public officers I know who are required to submit to the Attorney-General a monthly return of the number of cases heard or disposed of. We practitioners who after all represent public taxpayers, and those whom we represent are frequently being reminded of the inconvenience of postponements because of those returns that have to be submitted to the Attorney-General's office for inspection. I do not think I should be making an improper remark when I say it offends the *amour-propre* of any Magistrate who has to do it. I know that Heads of Departments submit annual returns to the Governor through the Colonial Secretary, but of what value are these returns except to keep a close watch on the Magistrates?

I have framed a motion with regard to the Magisterial districts. Why there should be a Georgetown, East Coast, West Coast or Berbice Magistrate I do not know. My own view is, and I have risen to suggest most respectfully that every appointment of a Magistrate should be made on the understanding that he is a Magistrate of the entire Colony. There is no reason why that should not be so. It would allow of a Magistrate being removed from one district to another without any dislocation. I do not know what legal objection there is to it but I think it would be a good thing if that could be achieved.

One Member has mentioned to me the question of licensing. It happens that a Magistrate is called upon to exercise the function of a Licensing Justice and has the whole district dislocated because he happens to go to Georgetown one day. I know that the reason for that is the number of Magistrates available. There were only seven Magistrates provided for in the Civil List

and two or three of them were acting men. I think that this complement of eight should be maintained, and I commend to the Attorney-General and to you, sir, the advisability of stationing three Magistrates in Georgetown. There is no question about it that there is available work for them to do. About their administrative and judicial functions I shall have something to say when the motion is made—all in the spirit of improvement and satisfying the public. At any rate the Attorney-General has not been responsible, as some people seem to think, but the system which he has inherited. I think that as he himself has expressed the desire to be relieved of that responsibility he will give the Committee the benefit of his experience and not allow the control of the administration to go to the Colonial Secretary or even into the hands of the Chief Justice, both of those officers being more unsuitable than he is to do so.

I know that neither the Colonial Secretary nor His Honour the Chief Justice would be the best person to control the administrative part of the Magisterial machinery, but the division of the Colony into certain Magisterial Districts and assignments to those districts can be done by a Committee of the legal profession, the Law Society, including His Honour the Chief Justice who will be good enough to give the benefit of his experience. He has said he will be happy to do so. That will put a stop to criticism which is levelled against the Attorney-General as if he is responsible. Members of the legal profession know what I am saying. It is not the Officer nor the office. That has nothing to do with it; it is the system which prevails and which does not allow of any improvement. I suggest that the commencement salary of £500 should have been greater. I do not know that reference to the Secretary of State for the Colonies is necessary for that. To give a Magistrate \$200 per month less Income Tax, I do not think it is a good commencement

salary. I do not think that any person who may be appointed a Magistrate is earning in private practice less than that amount. There will always be acting appointments—men going on leave. It is the evil of these acting appointments I would like to accentuate. Appointees do not know when they will have to return to private practice and so have to finish off their work or do a certain amount of private practice which supplemented their income at the Bar. As an incentive to persons to act it was agreed that the lower scale was wrong because, as we all know, during their term of office though their private interest was in conflict with their magisterial work they were able to carry on the duties of their office with some advantage.

I am not going to go into details over other matters. I take it we all wish that this Ordinance should be passed this afternoon, but I do hope an opportunity will be given at an early moment to examine some of the details not only with respect to the salary of the Governor of this Colony about which I will say nothing now except that it is by the emoluments of the Governor of the Colony that its status is largely gauged not by ourselves but by aspirants to that office, men who have a career and who are anxious to improve that career. Whatever may be said of this Colony, I have never known a Governor, either during his administration or after he has left the Colony, who was not fully grateful that he had the experience of administering this Colony. It is to the credit of this Colony, whatever its difficulties or problems may be, this Colony is admittedly the most difficult to govern. Most Administrators have found, and in a good many cases have said that in their experiences, they have never had the experience abroad which fitted them to put forward their best efforts here without examination of conditions. I am glad to know that you, sir, have been able by our efforts to give

effect to it. I do not know what personal part you have played, but you have said that you did all you could in representation to the Colonial Office. I can imagine I hear you pressing for the few constitutional privileges of this Council to be maintained.

The PRESIDENT: The debate on the second reading has lasted for two and a quarter hours. May I take it that I can call upon the hon. the Attorney-General to reply to any points on which he wishes to comment? No other hon. Member intervening I call upon the hon. the Attorney-General to reply.

The ATTORNEY-GENERAL: The first note I made of points to be replied to is — “The hon. Member for Central Demerara—Registrar.” The next is “The hon. Nominated Member, Mr. Luckhoo—Registrar;” then “The hon. Member for Western Essequibo — Registrar;” The hon. Nominated Member, Mr. Dias—Registrar”; and so it goes on. The suggestion has been made by all these hon. Members and supported by most of the others that in their opinion the salary of the Registrar should be changed from £900 to £1,000. Whatever I may say, I hope hon. Members will realize my intention is not to oppose any member of the Service having an increased salary but, as His Excellency has pointed out, that will mean reference back to the Secretary of State of the whole Bill. The question is whether that point should be considered separately which means passing the Bill and delaying that to the new year, or delaying the whole Bill until after the new year. I am not expressing any opinion on the point. If hon. Members desire the salary of the Registrar to be considered, it is a very easy matter to give notice of their intention and opportunity may be arranged for that to be done.

I only say this in regard to the merit of the case. One must recollect that the salaries of the Judges, the

Registrar, the Magistrates, the Solicitor-General and the Attorney-General are all inter-related, and to alter one you throw the others out. I only mention that so that you may know that in making that particular Officer's salary £1,000 you may be throwing the whole thing out. In this case it is so obvious that there is a general desire on the part of hon. Members that the matter should be considered, and I suggest that His Excellency's suggestion be adopted—this Bill be allowed to go through and that particular matter be dealt with not this month nor next month as the Annual Budget will be coming on but early in the new year.

The hon. Member for North-Western District said quite a number of things. One thing I could not understand. He insisted and maintained on three or four occasions that if and when hon. Members of this Council pass this Bill today they will have to shut their mouths and remain so for five years. I do not quite know what he means by that. It is quite true the Governor himself gave an undertaking that the Civil List Ordinance will be brought up every fifth year, but that only means every fifth year it will come up. That is the maximum period. But there is nothing to stop any hon. Member who wishes to bring an amendment before then doing so in the ordinary way. If an hon. Member in those five years thinks an amendment is necessary he may move Government to do so or bring a private Bill.

I do hope hon. Members appreciate the fact that in passing this Bill today there is no question that this Ordinance when enacted is more permanent than any other Ordinance on the Statute Book. Every Ordinance on the Statute Book is liable to be revised or amended by the Legislature, and is liable to be repealed by the Legislature. It does not matter which Legislature, either this or the new Legislature when this Council is re-elected, it always has the right to amend or repeal any Statute

on the Statute Book, and the Civil List Ordinance is no exception to the rule.

The hon. Nominated Member, Mr. Edun, had quite a lot to say principally about my own office. I like his free and gentle attack of my office and my administration of that office. In my last degree papers for the LL.B., University of London, part of one question was "What are the duties of Attorney-General?" I tried very hard to let the examiners see how onerous they are. The hon. Mr. Edun displayed a lack of knowledge himself in some of the statements he made. I do not propose to correct what he said, but to refer to two of the errors. The first is this: He mentioned conditions at the Magistrates' Court, the delays and all the rest of it. That is known and I by virtue of my office can do nothing about it either one way or the other. As Attorney-General of this Colony I am administrative head of the Magistrates' Department, but inside their Courts as far as I am concerned not in criminal matters they are completely autonomous. I cannot direct them to hear any particular case or to expedite the hearing of any particular case. They do as they like as far as I am concerned. It is no good asking me to exercise any power I have to expedite the hearing of cases or to speed them up. I know perfectly well there are a large number of cases on the waiting list. This Bill gives authority to appoint another Magistrate, which does not mean immediately it is passed we will get that one and it will help. Up to now we have been handicapped by the number of Magistrates. We are short of Magistrates and when this Bill is passed we have to wait for the Estimates and for the money to be provided. I undertake to make representation for the appointment of a permanent Magistrate, but so that there should be no further delay I will ask permission to appoint an acting one and use him to reduce the Georgetown waiting list. I may say the hearing lists in the other districts are satisfactory and in two there is none at all,

The hon. Member also mentioned a very difficult subject—touting. I know it exists. I have mentioned it to my legal brothers on one or two occasions. But you must remember as far as I am concerned in that matter, if I step in I shall have to advise Government to make it an offence. I cannot do anything myself. I cannot issue an edict saying touting must cease. I can ask probably practitioners to see it does not exist or as an alternative advise Government that an enactment be introduced in this Council creating it an offence. I am afraid to do that, and really no blame can be put to me on that ground. Hon. Members of this Council themselves have the power; if they want steps to be taken, they can always invite Government to take them or start them themselves.

There is one thing the hon Member did refer to and was irate on—it is not my Department that is concerned but the Colonial Secretary's—because he was kept waiting at the telephone. He claims that as a Member of this Council he should not be kept waiting by a petty servant of the people of the Colony. That petty servant was a Colonial Servant. What he overlooked was that he himself is a servant of the people. He must not imagine that merely because he is a Member of this Council he is anything else than a servant of the public. We are all servants of the public, some paid for their services and others not paid. He must not imagine that merely because he is a Member of this Council he must be given dissimilar treatment to anyone else. I am quite sure the hon. the Colonial Secretary would be the very first man to give him a hearing and an answer to his query. From my experience the hon. the Colonial Secretary is always shouting for an immediate answer to everything and will oblige the hon. Member and every member of the public if he has got the time to get on the telephone,

The hon. Member for New Amsterdam said several things. He said you can bring up the Civil List by way of a motion. I have said so before and so I will not refer to that, but I will bring to the notice of this Council the historic nature of and reason for this Civil List Ordinance, the parent Ordinance as he mentioned it. It is a method whereby this Council undertakes to pay a fixed sum in a Bill, and in return for that the Crown foregoes the whole of the revenue derived from this Colony. It must be remembered that this Colony was obtained by conquest and all the revenue belongs to the Crown. As long as the Government undertakes and does in effect pay the amount mentioned in the Civil List, then the whole of the revenue of this Colony will be administered by this Council. It may be said that is merely historical, but it is just as well that this Council be certain about it.

I suggest that it will be to the advantage of Members of this Council to get the Bill through and equally to their advantage to keep it down as much as they can. I think there is no other point to be replied to, because practically everybody referred to a single appointment, and that I indicate will come up in the new year.

The PRESIDENT: Before putting the question I desire just to make two comments. One is the position of this Government by passing the Civil List in its present form. We are not precluded from considering any particular item or detail in the Ordinance and any necessary amendment. That is the answer to the question as to whether or not it is possible to consider any appointment later. In view of the number of representations made I am bound to take notice of the views urged by Members when put forward for consideration in due course.

The other is as to the constitutional aspect of the Civil List—the hon. the Deputy President referred to that. As

to whether I pressed that on the Colonial Office, the answer is "Yes." In addition to my despatch in which the whole matter was dealt with, in conversations with Sir George Gater I endeavoured to get across the constitutional view held by some persons in the Colony on this question of the Civil List. Though on coming to this Colony to find a strange institution I should not have felt myself that any particular harm was done or there was any particular weakness of the position in the Colonies where there is not a Civil List of this kind or where a number of Officials carrying remuneration stated by Statute is comparatively few, nevertheless with this 100 odd years of history being observed I feel this Colony should continue on its traditional way and maintain the Civil List in its present form. I therefore put the question "That the Bill be read a second time."

Question put, and the Council divided the voting being as follows:—

For: Messrs. Roth, Edun, Jackson, King, Peer Bacchus, Gonsalves, Percy C. Wight, Dias, Austin, Critchlow, de Aguiar, C. V. Wight, J. A. Luckhoo, Woolford—14.

Against: Mr. Jacob.—1.

The PRESIDENT: I should make it clear that Government Officers who have financial interests in this Bill I have advised should not vote.

Motion carried.

Bill read a second time.

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

COUNCIL IN COMMITTEE.

Clause 4 — *Substitution of new Schedule to the Principal Ordinance.*

Mr. JACOB: I beg to move the deletion of the items from "The Director of Agriculture" to "8 Magistrates" and the substitution of the figures £10,400 for the figures £29,150. I do that because I feel, as I have already stated, that the majority of the other Officers—The Director of Agriculture, the Director of Medical Services, the Director of Public Works, the Solicitor-General, the Comptroller of Customs, the Director of Education, the Commissioner of Lands and Mines, the Commissioner of Police, the Postmaster-General, the Crown Solicitor, the Official Receiver and Public Trustee, the Registrar of Deeds, 8 Magistrates—up to the Postmaster-General in the past had been Members of the Court of Policy and Combined Court, and that has substantiated to a very large extent what I stated that when this Ordinance came into force years ago it was with the intention primarily to have a Government majority in this Legislature supported by this Civil List. I cannot understand why the Crown Solicitor, the Registrar of Deeds and eight Magistrates should be in this Schedule. Looking at the Supreme Court of Judicature Ordinance, Chapter 10, I notice that the salaries of the three Judges are provided for in Section 10 of the Ordinance. In the same way that the salaries of the Judges are provided for by a special Ordinance, if it is necessary, the salaries of the Magistrates and the Registrar of Deeds should be provided in that Ordinance which has several parts. This Civil List should not be burdened with all these salaries. I say too that the sooner the Imperial Government realizes that the people of this Colony certainly would like to have a voice and to review the salaries of Officials from year to year, the better it will be for all concerned. It is true that this Ordinance can be amended at any time. The hon. the Attorney-General, the hon. Member for New Amsterdam and, I think, another hon. Member have tried to press that point.

It amounts to this, that an undertaking has been given and it is being given again by this Council, that this Ordinance will not be touched for another five years.

The CHAIRMAN: Not that it will not be touched! It will be brought up five years later.

Mr. JACOB: It is true that you cannot review the salaries of those Officers except after five years. I am glad to hear and it will be on record that the salaries of these Officers can be increased or reduced every year during the consideration of the Annual Estimates or by a motion.

The CHAIRMAN: That can only be done on the Bill, but there is nothing to prevent any question of amendment of this Ordinance being brought to this Council within the five years' period.

Mr. JACOB: But this Council has no right to introduce legislation. That is this Government's right. It is merely quibbling to say that this Council can. This Council cannot introduce a Bill. Elected Members cannot introduce a Bill to amend any Ordinance in this Council. I do not think that is going to be disputed. It is essentially Government's duty. With the Government "Block" Government has a cast iron majority at the present time. It may not be legal and constitutional, but Government has a block in principle and practice and no Member of this Council can introduce anything to amend this Ordinance after it has passed here this afternoon. That is my point. I had endeavoured on one or two occasions just to discuss the salary of one or two Heads of Departments and was promptly told "That is fixed by legislation; you cannot even speak on it except in a general way." I do not think my memory serves me badly when I say that. I cannot at the Annual Ses-

sion move that the Attorney-General's salary be deleted. I cannot in anyway get that in. When it pleases Government to bring up the question that a Bill should be introduced on the matter, then hon. Members of this Council have the right to move an amendment otherwise it is purely Government's business.

The CHAIRMAN: I am quite prepared to say that if any Member of this Council brings a subject up and I sense that a considerable number, not necessarily a majority, of the Members of the Council wish it to come forward in a certain form, I would see it brought forward to debate. I will not promise you that as an individual but if you have sufficient backing in the Council.

Mr. JACOB: I do not wish this debate to be deferred. I am only discussing a principle. The opinion of the hon. Member for New Amsterdam I value in most cases, but I am perfectly correct in saying that no hon. Member has the right to introduce legislation. If even half a dozen Members want to do so, Your Excellency can only grant us the privilege of doing so. I do not wish a privilege. I wish a right and, more than that, I wish a constitutional right. We have always got privileges. That is how this Colony is run, on privileges, favours. When I say we have "Yes men" one hon. Member takes objection to it, but the whole thing is "Yes." That is one reason why I asked that a division be taken—that it may be seen that it has not been carried by everyone voting for it. As a matter of policy I know they do not want to show it up. This is my country. It has not improved and it is not improving. I hope for its improvement, and so I want attention to be directed to the existing state of affairs and what it should be in the future. I therefore move, as I have stated, that the total of this

Schedule be reduced to £10,400 and that all the names from "The Director of Agriculture" to "Magistrates" be deleted from the Schedule.

Mr. J. A. LUCKHOO: What I would like to point out is as regards the post of Registrar. His Excellency has permitted a motion to be introduced, and if the motion finds favour with the majority of Members of this Council Government will introduce the necessary amendment to the Ordinance to give effect to it.

The CHAIRMAN: I would not like to commit myself as far as that. I would simply like to put it forward, but I do not think we should stop there. I will not commit myself to say particularly the Registrar.

Mr. J. A. LUCKHOO: Or any other Officer, because I think that under the Constitution it will be difficult for any Member of the Council to move an amendment to the Ordinance.

The CHAIRMAN: That is the point. If I sense that any number of Members desire that I should ask the Attorney-General to prepare an amending Bill I would do so, but I should not do so on the representation of any single Member.

The ATTORNEY-GENERAL: Any Member could do it by moving a motion asking Government to amend the Ordinance in a certain form.

The CHAIRMAN: That is right.

Mr. JACOB: I maintain that constitutionally you could rule it out of order.

The CHAIRMAN: You can bring any motion you like before the Council and ask that an amendment be made to any Ordinance. Your motion must be

debate, and if the Council is behind you then Government must introduce a Bill. That seems to me your answer. I can always disallow a Bill afterwards, you know. (Laughter). I have not done so yet. I now put the question that clause 4 stand as presented to the Council.

The Committee divided and voted :

For—Messrs. Roth, Edun, Jackson, King, Peer Bacchus, Gonsalves, Percy C. Wight, Austin, Critchlow, de Aguiar, C. V. Wight, J. A. Luckhoo, Woolford and the Attorney-General—14.

Against—Mr. Jacob—1.

Did not vote—The Colonial Treasurer and the Colonial Secretary.—2.

Clause 4 passed.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time and passed.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read a third time and passed.

AUDIT DEPARTMENT (AMENDMENT)
BILL, 1944.

The ATTORNEY-GENERAL: I move that the following Bill be read a second time:—

A Bill intituled "An Ordinance to amend the Audit Department Ordinance by increasing the salaries of the Auditor and the Assistant Auditor."

I think I need only say that this Bill is identical in form with the amendment just carried with respect to the Civil List Ordinance. It puts the Auditor on the same salary scale as certain other Heads of Departments, and puts the Assistant Auditor on the same scale which has been granted to officers

of his rank. I think it requires no explanation from me other than that given in the Objects and Reasons, but hon. Members will expect me to express our regret that the late Auditor, Mr. Lempriere, did not live to see the proposed improvement in the status or salary of his office. I formally move that the Bill be read a second time.

Mr. WOOLFORD seconded.

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

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time and passed.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read a third time and passed.

TRANSPORT AND HARBOURS (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: I move that the following Bill be read a second time:—

A Bill intituled "An Ordinance to amend the Transport and Harbours Ordinance, 1931, with respect to the power of the Board to make Regulations."

The Bill requires very little explanation from me. All I think I need do is to read the paragraph it is proposed to repeal from the Ordinance. Paragraph (p) of sub-section (2) of section 37 of the Ordinance reads as follows:—

(p) the duties, conditions of employment, leave, control, discipline and conduct of all persons employed on or in connection with the Department who are not on the permanent establishment of the Colony;

There is a rule of construction that where a Board or any other body appointed by Statute is given power to

do anything in a formal manner it can only do that in a formal way. In the Ordinance it is stated that the control, discipline and everything to do with the staff of the Department must be done by Regulations made by the Board with the approval of the Governor-in-Council. That takes time—the Board's time and the Governor-in-Council's, and it has recently come to a head because the Board produced all sorts of Regulations amounting to about 60 pages dealing with the duties and conditions of service in the Transport Department. Those Regulations are almost identical with and are copied from the Government General Orders. It is quite unnecessary to clutter up the Statute Book with what are in fact General Orders of the Transport Department. It is therefore proposed by this Bill to repeal paragraph (p) so that the Board would be able to make its own General Orders which would have the same authority, as far as members of the Department are concerned, as the General Orders have as far as civil servants are concerned. I formally move that the Bill be read a second time.

Mr. WOOLFORD seconded.

Mr. JACOB: I am entirely opposed to this measure. I take it that by adopting this Bill Members of this Council are going to transfer their rights to members of a Board, the majority of whom have no responsibility to anyone but to themselves.

The ATTORNEY-GENERAL: I think I made myself quite clear. The Board has power to make Regulations with the approval of the Governor. Those Regulations do not come before this Council at all.

Mr. JACOB: I cannot imagine why it is necessary to bring this Bill before the Council at this stage when everything is working so satisfactorily in the Transport Department. As I said the other day, it is a bankrupt concern which has lost over 12 million dollars since Government took over the service.

Of course there are difficulties at the moment but it simply shows a lack of foresight on the part of the Board as a whole together with the Government. The Chief Executive Officer was always a member of the Board, and we have a service now which is nothing short of a scandal and disgrace. As regards the service to my constituency the time you take to travel to the North Western District and back you can go to England. The steamer service is the rottenest I have ever seen, and these people want to have entire control.

Mr. WOOLFORD: To whom does the hon. Member refer?

Mr. JACOB: I am referring to the members of the Board. The majority of them are not responsible to anybody. Most of them are responsible to themselves, and most of their names make very sordid reading. The Vice-Chairman is here and he accepted just now the authority of constitutional procedure. I wonder if he, as the Member for New Amsterdam, is simply going to pass over his rights to the Board? Of course he is a member of the Board and it may be all right, but I strongly object. I may be alone but I do not think this Bill is necessary. We have other pressing matters to deal with such as the Rice Tenancy Bill. We have been promised that they would be put through, but those things cannot be done. Maybe the employees of the Transport Department have raised certain objections, and this Bill is necessary to give the Board the opportunity to let the employees understand that they have no right and cannot appeal to Members of the Legislature; they must appeal to the Board and the Board alone. I think I have said enough. I am entirely opposed to this Bill and I wish that Government will not press it.

Mr. EDUN: I read here that if this Bill becomes law the Board will be able to issue Departmental Orders which will apply to the employees of the Transport Department in the same manner and to the same extent as Gen-

eral Orders apply to members of the Service. I am wondering whether this means that the employees of the Department will also be considered civil servants? They are all members of a trade union—the Transport Union—and I think if this Bill is passed the Transport Union would have to deal with the Board on the principle of the Whitley Council. At the moment I do not know what is the procedure but I feel that this Bill should be held over until the expert comes and tells us of the condition of the service as a whole. I well remember that in Finance Committee we were told that an American expert was coming here to examine the service and help us in that direction. I think I told Members at the time that I had been informed that the administrative personnel in Trinidad included some American experts. If we have to wait a long time for an expert to tell us about the defects of our transport system then we ought to wait until he comes before we give power like this to the Board. I am thinking that this power would be exercised arbitrarily, and I am beginning to feel somewhat diffident about it.

I read only last week that the British transport system was made a success only when it was controlled by the State. In this case it is the other way around. I find that although control of the services is in the hands of the State they have not improved, nor is there any hope of making them pay. I am beginning to feel that if State control is the criterion then something must be wrong with the personnel of the Board. If in England State control has been a success during the war period it has not been a success in this country. I am beginning to be puzzled about it. Why not wait until the expert arrives? He will probably tell us whether the Board needs more control or whether there are other administrative defects. I do not see any need to rush the Bill. I have been supporting the principle of State control all the time and I intend to support this also. I do not wish to act against the principle, if I feel that

by giving power to the Board it would be easier for them to tackle certain problems. But if the past record of all the services is taken into account I do not think it would be in the interest of the service as a whole to give the Board more power.

I think the Bill should be deferred until we have a general probe at the heart of the services, and when we know where we are and we have clarity we can give the Board all the power it needs to work the system properly.

The ATTORNEY-GENERAL: The hon. Member is rather unduly apprehensive. In the first place, where these particular instructions are made by way of Regulation or departmental orders they would not affect in the slightest degree the work of the Whitley Council. The Whitley Council functions on matters submitted by agreement, and has nothing to do with Regulations or General Orders.

The hon. Member suggested that as an expert is coming to examine the working of our transport system it might be wise to defer making this amendment until he arrives and has had time to make his report. After all the Transport Board has been given the power to make Regulations. It is purely a staffing matter. Among the things dealt with are the rights of the employees to appeal from a fine, for example. At the moment there is no Order to show what they should do. Now they are to be given a written code of conduct and punishment for misconduct, with all the rights of appeal, so that every employee can see exactly what his rights are. It does not make the slightest difference to the employees or employers whether that code is in the form of Regulations, General Orders or Instructions, so long as they are binding on the Department and the employees. Therefore all the Council has to decide is: shall we have Regulations or Departmental Instructions? In one case it means going to the Governor-in-Council, and involves 60

pages of the *Gazette* with Regulations which only concern people employed by the Transport and Harbours Department. Surely as a matter of convenience it is better to say that the Department should make its own General Orders.

I may say that it is not only the desire of the Board that this amendment should go through. It is equally the desire of all the people employed by the Department that it should go through, so that they can have written conditions of service and know their rights and obligations.

The PRESIDENT: This Bill is completely new to me. Am I to understand, Mr. Attorney-General, that if this becomes law the Transport Board and nobody else will issue these Orders? I am told by the Attorney-General that they would still remain subject to the approval of the Governor under the Ordinance itself. The Government or the Governor would still have certain control. I was a little bit inclined to fear that this might mean that the Board could in a day pass a Departmental Order affecting substantially the employees of the Department without reference to anybody. With all deference to the members of the Board I still think there should be some check by the Attorney-General.

Question put, and agreed to.

Bill read the second time.

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

The CHAIRMAN: I shall verify what I have just said before assenting to the Bill.

Clause 2—

Mr. EDUN: May I enquire what is the position in respect of the Duke report concerning the revision of the salaries of the employees of the Transport and Harbours Department?

The CHAIRMAN: That is now with the Executive Council and the Commissioner of Labour. The Colonial Secretary has drawn my attention to section 6 of the Ordinance which says that all acts of the Board shall be subject to the approval or disallowance of the Governor. That puts the Governor in the invidious position of having it all packed upon him. Of course what he will do is to send it to the Attorney General.

Mr. JACOB: He can send the stereotyped reply that His Excellency regrets he cannot intervene.

The CHAIRMAN: In this case the Governor is saddled with approving all acts of the Board—very extraordinary phraseology.

Mr. de AGUIAR: I am asking hon. Members to reflect a little bit. I intend to move the deletion of that section following the democratic principle. Clause 6 should not be in the Ordinance at all.

Mr. JACOB: There should be an Advisory Committee of the Transport and Harbours Department. My friend knows, but he deliberately omits it every time, that the democratic principle I advocate is that the members of these Boards should be people elected by the people and not nominated by His Excellency or His Excellency's advisers. If there were Elected Members I would agree to this Bill, but not as the Board is constituted at present.

Clause 2 put, and agreed to.

The Council resumed.

The PRESIDENT: What is the general feeling of the Council? I certainly shall not assent to the Bill without satisfying myself a little bit. The provision that all acts shall be subject to the approval of the Governor is very wide. What does appeal to me at the moment is that this may get rid of a great deal of unnecessary paper legis-

ation, and it seems to me that such things as the working of the Board may come up during the investigations of the expert. Is it the feeling of Members that we should proceed to the third reading of the Bill? As there appears to be no objection I call upon the Attorney-General to move the third reading.

The ATTORNEY-GENERAL: move that the Bill be read a third time and passed.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read a third time and passed.

Mr. JACOB: I ask that my objection to the third reading be recorded.

The PRESIDENT: It will be recorded in the minutes.

BIRTHDAY GREETINGS TO
MR. CHURCHILL

Mr. WOOLFORD: Before you adjourn the Council, sir, and with your permission I would respectfully suggest

that a cable be sent to the Right Hon Winston Churchill, Britain's Prime Minister, tendering this Council's congratulations and those of the people of the Colony on his birthday, which, I believe, takes place to-morrow. After all we are members of the Empire Parliamentary Association of which he is the illustrious head, and I do not think the opportunity has ever occurred to us to transmit a message of that kind, which I am sure will commend itself to every Member.

Mr. C. V. WIGHT: I beg to support that suggestion.

The PRESIDENT: I consider that a very admirable suggestion and I am indebted to the hon. Member for making it. May I take it that that resolution is carried *nem con*? The Prime Minister will, of course, be entitled to an extra ration of tea tomorrow on reaching the age of 70.

Mr. J. A. LUCKHOO: On Thursday, sir.

The PRESIDENT: I declare the Council adjourned until Thursday next week, at 12 o'clock.