

**LEGISLATIVE COUNCIL.**

FRIDAY 2ND JUNE, 1950.

The Council met at 2 p. m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

**PRESENT:**

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (Acting).

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. C. V. Wight, O.B.E., (Western Essequibo).

The Hon. Dr. J. B. Singh, O.B.E., (Demerara-Essequibo).

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Hon. G. A. C. Farnum (Nominated).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan (Central Demerara).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. G. H. Smellie (Nominated).

The Hon. J. Carter (Georgetown South).

The Hon. F. E. Morrish (Nominated)

The Clerk read prayers.

The Minutes of the meeting of the Council held on Friday, the 26th of May, as printed and circulated, were taken as read and confirmed.

**PAPERS LAID**

The COLONIAL SECRETARY laid on the table the following:—

The Report of the Commissioner of Police for the year 1949.

The Report of the Registrar of Trade Unions for the year 1949.

**GOVERNMENT NOTICES****CROWN LANDS RESUMPTION (AMENDMENT) BILL.**

The ATTORNEY GENERAL gave notice of the introduction and first reading of the following Bill:—

A Bill intituled "An Ordinance further to amend the Crown Lands Resumption Ordinance with respect to lands which may be resumed by the Crown."

**UNOFFICIAL NOTICES****OLD AGE PENSION QUALIFICATION.**

Dr. JAGAN: gave notice of the following motions:—

WHEREAS the qualifying age under the Old Age Pensions Ordinance is 65;

AND WHEREAS the retiring age for Civil Servants and other Government employees is between 55 and 60 years;

BE IT RESOLVED that this Honourable Council recommend that the qualifying age under the Old Age Pensions Ordinance be reduced from 65 to 55.

**ABOLITION OF MEANS TEST.**

WHEREAS the Old Age Pensions Ordinance provides for a Means Test whereby anyone having an income of more than \$4.50 per month in Georgetown or \$3.50 per month in the rural districts is excluded from the benefit of receiving \$4.50 per month in Georgetown and \$3.00 per month in the rural areas;

AND WHEREAS the 1947 Margate Conference of the Labour Party resolved *inter alia* that "the Means Test, which this Conference believes to be a degrading and unjustified inquisition into the houses of the working class of this country, should be abolished";

BE IT RESOLVED that this Honourable Council recommend that the Means Test be abolished from the Old Age Pensions Ordinance.

**INCREASED PENSIONS.**

Mr. DEBIDIN gave notice of the following motion:—

WHEREAS salaries and wages have been revised and accepted by the Legislative Council for Civil Servants and wage earners under Government to an extent commensurate with the increase in the cost of living at as high as 212 points;

BE IT RESOLVED that this Honourable Council recommend the payment of increased pensions to all pensioners of Government to be calculated at present rates on the amount each such pensioner would have received under the new scales of salaries and wages at the point or grade at which he left, had he still been in the service of Government, when such new scales of salaries and wages became operative.

**NOTICE OF QUESTIONS****CANALS POLDER DREDGE**

Mr. FARNUM gave notice of the following questions:—

1. Is it the case that the dredge removed from the Canals Polder by the Public Works Department is the property of the Canals Polder Authority?
2. Is it the case that despite frequent requests from the Canals Polder Authority to the Public Works Department, this dredge has not been returned?
3. Is it the case that had the dredge not been removed by the Public Works Department, the Authority would

have been able to recondition the Canals, thereby avoiding the recent inundation of the farms?

4. If the answers to the above questions are in the affirmative, will Government give instructions to the Public Works Department for the dredge to be returned without delay so that the Canals may be dug and thus save farmers from further loss of crops through flooding?

**ARTESIAN WELL AT PARIKA.**

1. Is it the case that the artesian well at Parika is not flowing, and that efforts by the Pure Water Supply Scheme to get it to function have failed?
2. In view of the large population at Parika consisting chiefly of farmers who contribute largely to the food supply of the city, and hardships being experienced by farmers and other residents to obtain drinking water, due to the failure of the well, will Government take early steps to give relief to these people by providing an overhead tank at the well in the adjoining village of Hyde Park, and conveying water therefrom by pipe line to Parika?

**BRITISH PILOTS IN B.G. AIRWAYS.**

Mr. FERREIRA asked and the COLONIAL SECRETARY laid over replies to the following questions:—

Q 1 — How many Pilots are employed by the British Guiana Airways Limited?

A 1 — Five.

Q 2 — Of these, how many are British?

A 2 — One.

Q 3 — Is it not possible to secure, (a) the services of British Pilots?

(b) suitable British Aircraft for the various services?

A 3 — (a) Efforts have been made by advertisement in the United Kingdom to secure the services of British Pilots and a special item regarding vacancies in British Guiana was inserted in a professional magazine by the Director General of Civil Aviation, but there has been no response.

(b) The Company's present fleet of planes consisting of

two Dakotas and three Grummans acquired at reasonable prices from war surplus can adequately cope with the existing and any foreseeable traffic in the immediate future and the acquisition of further aircraft is not warranted at present. Enquiries have, however, been made regarding British aircraft with a view to future needs, but it does not appear that any satisfactory amphibian aircraft of the type particularly suited to local conditions are being produced in Britain at the present time.

Q 4 — What amounts were paid in **HARD CURRENCY**

- (a) by way of salaries to Pilots for the years 1948 and 1949,
- (b) for machines and spare parts for the year 1948 and 1949,
- (c) agency and/or other charges for the years 1948 and 1949?

A 4 — (a) Pilots are paid by the Company in local currency.

In 1948 and 1949 sums of \$6,900 and \$10,740 U.S. were obtained by the Company from the Exchange Control in respect of approved home remittances of American personnel. Equivalent amounts in local currency recovered from the employees concerned.

- (b) 1949 Engines & Spare Parts .. \$24,357.44
- 1949 Engines & Spare Parts .. \$25,598.98
- (c) 1948 Agency Charges ..... \$ 4,800.00
- 1949 Agency Charges ..... \$ 4,800.00
- 1948 Other Charges (i.e. telegrams & postage) .... \$ 882.16
- 1949 Other Charges (i.e. telegrams & postage) ... \$ 1,825.10

Mr. FARNUM: If you will permit me, Sir, I would like to congratulate the hon. the Colonial Secretary on the promptitude with which he has replied to the questions of the hon. Member.

The COLONIAL SECRETARY: I

wish to express my appreciation of the Hon. Nominated Member's comment and to say that it is the beginning of a new year. (laughter).

#### HOUSING (AMENDMENT) BILL, 1950.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled:

"An Ordinance to amend the Housing Ordinance, 1946, to enable the Legislative Council to waive loan charges made in connection with the Wortmanville Housing Scheme."

Section 7 of the Wortmanville Housing Scheme Ordinance, 1946, made provision for moneys to be advanced to the Committee established by the Ordinance as the capital money expendable for the purposes of the Ordinance, and also provided that the Committee should pay interest on the said capital money, or such part thereof, as the Legislative Council determined, at such rate of interest as the said Council should fix.

Provision was made by subsection (4) of Section 7 of the Ordinance that the Legislative Council could by resolution waive payment of such portion of the said capital money and any interest thereon as it thought fit.

Section 57 of the Housing Ordinance, 1946, transferred from the Wortmanville Housing Scheme Committee incorporated by the Wortmanville Housing Scheme Ordinance, 1946, to the Central Authority established by the Housing Ordinance, 1946, *inter alia*, all assets and liabilities of the Wortmanville Housing Scheme Committee, and the Wortmanville Housing Scheme Ordinance, 1946, was repealed by section 77 of the Housing Ordinance, 1946.

No provision similar to section 7 (4) of the repealed Ordinance was made in the Housing Ordinance, 1946.

This Bill seeks to remedy this omission by amending the Housing Ordinance, 1946, to include such a provision.

The object of the Bill is, in short, to make provision for what was originally enacted in the Wortmanville Housing

Scheme Ordinance. I move that the Bill be read a second time.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a 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 now read a third time and passed.

Mr. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### GEORGETOWN IMPROVEMENT WORKS (FINANCE) (AMENDMENT) BILL.

The ATTORNEY-GENERAL: I move the second reading of a Bill intituled :

“An Ordinance to amend the Georgetown Improvement Works (Finance) Ordinance, 1932, with respect to payment by the Georgetown Town Council of its share of its liability for the cost of the Sewerage Works and for the cost of the Water Works.”

The Georgetown Improvement Works, comprising the Sewerage and Water Works, were financed from the proceeds of the British Guiana 5% Inscribed Stock 1949/69, the Georgetown Town Council being liable for 50% of the agreed cost of the Sewerage Works and for the full cost of the Water Works.

Sections 4 and 5 of the Georgetown Improvement Works (Finance) Ordinance 1932 (No. 48 of 1932) stipulate the payments to be made annually to the Colonial Treasurer by the Municipality in respect of its share of the cost of the Sewerage Works and for the full cost of the Water Works, having regard to the fact that the annual charges on the loan are met from the General Revenues of the Colony.

On 1st August, 1949, the 5% Inscribed Stock was converted into Stock bearing interest at 3% p.a. redeemable 1975/80 and the proceeds of the related Sinking Fund abated by the expenses of the loan conversion operation were appropriated to the General Revenue of the Colony. In consequence the outstanding balance of the Council's liability in respect of the Works has been reduced, credit having been allowed the Municipality for the appropriate proportion of the yield from the Sinking Fund.

Contribution to the Sinking Fund to be formed for redemption of the New Loan has been fixed at the rate of 2.1% p.a. as against 1% paid in respect of the converted 5% stock.

Accordingly the amounts to be paid annually by the Mayor and Town Council of Georgetown to the Colonial Treasurer commencing from the year 1950 have been varied, and this Bill seeks to make provision for the annual payments to be made by the Mayor and Town Council in respect of its share of the cost of the Sewerage Works, and the full cost of the Water Works, as from the year 1950.

That sets out the position with regard to the cost to be met by the Town Council with respect to the Sewerage Works and the Water Works. I think the hon. the Financial Secretary will be able to give hon. Members any other information they may require. I formally move that the Bill be now read a second time.

The COLONIAL SECRETARY seconded.

Mr. WIGHT : I ask that consideration of this Bill be deferred. The position, as I have already indicated, is that the Town Clerk addressed a minute to me just before he left the Colony on furlough, and I have not had an opportunity to check the figures myself. It was also suggested to me, and I am going to make the suggestion here, that the Accountant and the acting Town Clerk should be satisfied by the Treasury as to the purpose of the Bill. I may say briefly that the subject matter of the minute by the Town

Clerk to me is to the effect that as far as he sees it, the citizens of Georgetown will have to pay more as a result of this Bill if it is carried. The explanation to be given is as to the amount to be carried forward to reserve, or whether interest and sinking fund is to be increased or decreased is a matter for financial wizards. I know that you can juggle with figures and read a balance sheet backwards or forwards. I have acquired that experience by having to appear for those in the past who dealt with figures. I have not been in contact with figures or balance sheets and I am asking that opportunity be given for the two parties to get together and discuss the matter because, as presently advised, I would have to oppose the Bill until the matter is satisfactorily explained by the Financial Secretary to the advisers or employees of the Town Council.

The FINANCIAL SECRETARY & TREASURER: I have no wish to shirk any explanation to the Mayor or anyone else he may assign to meet me for that purpose, but I do not think it is fair to the Government or to the Council that a statement of that nature should be made on the occasion of the second reading of this Bill which has been published and sent to the Town Council some time ago, the contents of which were known to the officers of the Town Council and should have had their attention many weeks ago. It is true, as the hon. Member has said, that the Town Clerk has made representation to him as Mayor, and also by telephone to the Treasury, that he was not satisfied that this Bill did provide the relief to the Town Council which it purports to do. When the telephone message was received the Town Clerk was invited to come to the Treasury but I understand that, owing to pressure of business and his desire to get ready for his journey abroad, he has not been able to do so. Be that as it may, the position is quite simple, and I submit now that it is very desirable that this Bill should be passed into law, and if I may, I will go a little further than the hon. the Attorney-General in explaining what it is all about.

Many of us will remember the controversy which raged over the George-

town sewerage scheme some years ago. Eventually that controversy was resolved in the year 1932. The particular point on which the controversy took place was when the Government were accused of having, by various lapses, caused an excess in the cost of the work. The arrangement or agreement between the Municipality and the Government at that time was that the Municipality should pay 80 per cent. of the cost of the work and the Government 20 per cent., but a compromise was reached in 1932 by which the total cost of the sewerage scheme, that is to say the main drainage and the external house connections, should be borne 50—50 by the Government and the Town Council, but the cost of the improvement of the Water Works was to be borne in full by the Town Council. On the basis of that compromise accounts were struck, and a schedule showing the various figures was tabled in this Council. As a matter of fact the schedule showing that agreement was so important that I had it at that time included in the Report of the Treasury Department for that year as an Appendix and it was tabled in this Council. On the basis of that schedule the capital cost of the sewerage scheme which was chargeable against the Town Council was halved, and as the scheme cost approximately five million dollars their share was 2½ million dollars. As a matter of fact, before this compromise was reached they had been paying interest on the capital cost on the old basis of 80 per cent., and they were given a credit on that account which reduced their share of the cost to 2,100,000. That was the amount which was recorded as owing by the Municipality in respect of the sewerage scheme.

The position with respect to the Water Works was quite simple. The Municipality had to pay the full cost which was recorded at a grand total of \$853,250. Now as to the discharge of this liability. Members know that the cost of those works was met from a loan which was raised in 1929 — a loan of approximately 10 million dollars — and the rate of interest which was being paid on that loan up to quite recently was 5 per cent. per annum. The annual charge

to provide a sinking fund to redeem that loan at the end of 40 years was at the rate of one per cent., so that the total annual charge was 6 per cent. Consequently 6 per cent. of those capital sums was calculated, and the amount in two separate parts—one for the sewerage scheme and the other for the Water Works—was included in a Bill which is now Ordinance 48 of 1932. In other words statutory provision was made to enable the recovery of those annual sums from the Town Council, and of course to authorise the Town Council to provide for them and to pay them over to the Government. At the same time there was an undertaking on both sides that, should there be a change in the rate of interest by conversion of the loan or by other cause, this annual liability would have to be reviewed and revised.

A change in the condition of the stock market has taken place. At the time when the loan was raised that loan at 5 per cent., which was quite a common thing in 1932, but now, — certainly up to last year it was possible to obtain a loan at 3 per cent.; but by the same token the yield of the sinking fund has also been reduced. That is to say, whereas when the loan was raised the sinking fund charge at one per cent. would have produced the amount required to redeem the loan at its redemption date, that charge is now much too low. In fact, the sinking fund charge for a loan redeemable over 20 or 30 years is now over 2 per cent., and for the remainder of this particular loan—30 years—it would be something like 2.3 per cent. Now I come to the matter of the conversion. In 1949, when this matter was considered, it became obvious that there would have had to be a review of the arrangements for this loan in any case because we would not have had enough money in the sinking fund to repay it. In other words, the sinking fund rate being paid by the Town Council and the Government was far from enough. We would have been compelled to provide enough money for the re-payment of the loan in 1969, and to do so we would have had to increase the rate of contribution to the sinking fund from 1 per cent to 2.3 per cent. In other words, instead of paying 1 per cent

for sinking fund both parties would have had to pay something like 2.3 per cent. Now we have succeeded in completing a conversion of the whole of the loan under which the interest rate of 5 per cent. falls to an interest rate of 3 per cent. There was, however, a variation in the currency of the loan and the period of redemption was extended to 1980—another 10 years. Now, the annual cost of the conversion loan is: interest, 3 per cent. and sinking fund, 2.1 per cent; so that if we take these two figures in contrast, had the loan remained unconverted, both Government and Town Council would have had to be paying their share of 5 per cent. and 2.3 per cent, respectively, for interest and sinking fund—a total of 7.3 per cent in all—to carry on the loan, whereas now we are paying 3 per cent and 2.1 per cent,—a total of 5.1 per cent. or a saving of 2.2 per cent.

It is true, as I have said, that the period of the loan would extend for 10 years more than what was originally intended — from 1970 to 1980—but, notwithstanding that, by the process of ordinary arithmetic if you add up these figures in a straight line it would be found that there is a saving. The Town Council would have had to pay from next year something like \$217,000 a year instead of what they now pay—\$177,000 and instead of what they are now being asked to pay in the Bill before the Council—\$118,000. Therefore, the saving to the Town Council on what they are now paying is about \$59,000 or \$60,000 a year; and on what they would have had to pay if the loan had not been converted is something like \$100,000. There is no doubt whatever that this transaction has been completely advantageous to both parties—Government and the Town Council—and it is essential that the law which now authorises the Council to pay a certain sum to the Government should be amended in keeping with the position. That, sir, as simply as I can put it, is the position. I have no doubt whatever that if I meet the proper officer of the Town Council he would see the force of the argument. It is unfortunate that the Town Clerk did not see fit to come to the Treasury and discuss this matter before he went out of the Colony. That, however, is no reason for

holding up this important piece of legislation; we must have this change in the law as soon as possible. I hope I have made the position particularly clear, especially to the hon. Member for Western Essequibo.

Mr. WIGHT: That is very interesting, but —

The PRESIDENT: The hon. Member cannot speak twice.

Mr. WIGHT: On the first occasion I merely asked that the Bill be held over. That is not a speech unless the Chair rules that it is.

The PRESIDENT: The hon. Member suggested that the Bill be deferred.

Mr. WIGHT: That is what I wanted done, but probably the Financial Secretary does not think it necessary to do so. While this Bill is lucid and the statement made by the Financial Secretary is lucid also — the figures appearing to be clearly put — I am going to move formally that the Bill be deferred until such time as the Council thinks should be given to satisfy the appropriate officers of the Town Council. It must be borne in mind that the Town Clerk is a Chartered Accountant and a very efficient Officer, and although he submitted to me, on May 26, a statement relating to this matter, I would not be in a position to go through it in his absence and come before this Council and explain the position. In the Town Clerk's minute he refers to the fact, briefly, that the Town Council would be paying more than they should if the Bill goes through. As regards the statement by the Financial Secretary that it was unfortunate the Town Clerk did not attend to discuss the matter before he left the Colony, I am glad for the statement that the courtesy of a postponement cannot be extended because the matter should be expedited. I feel sure that such discourtesy will never be exhibited by any hon. Member of this Council and I hope that in future any matter put before this Council by any Member who may desire it to be expedited will not be held up by Government, otherwise Government would be charged with discourtesy towards that particular member. I was informed by the Town Clerk

that he was requested to visit the Treasury and discuss this matter but he was very busy at the time. He related the facts to me and I go further and say I consider that he was right. He was asked to discuss the matter and this is what happened: Some semi-senior deputy Government Official rang the Town Clerk and suggested that he should come over to the Treasury to discuss the matter, but he was very busy at the time and suggested that the Officer should come across instead to see him. That could have been done, but it was not done.

The PRESIDENT: I do not think this Council is interested in matters of that sort.

Mr. WIGHT: I am saying that in reply to what the Financial Secretary has said. He has left the inference that there may have been inattention on the part of the Town Clerk to his duties and I think it is necessary to dispute and dispel such an impression. There could be no reason for thinking so. I move the deferment of this Bill. It is a matter entirely for hon. Members of this Council whether they would proceed today and pass it because it would, undoubtedly, have to be discussed by the Town Council. The Town Council may be right or the Financial Secretary may be right. If there is an enquiry and the Town Council is right there might have to be a further amendment of the Ordinance.

The FINANCIAL SECRETARY & TREASURER: I just want to say a word in reply to the hon. Member.

Mr. WIGHT: The motion for the deferment of the Bill has not been seconded and I rise to point out that in the circumstances the Financial Secretary has no right to discuss the amendment.

Mr. DEBIDIN: I beg to second the motion for the deferment of the Bill. I do so because I happen to have overheard a conversation on this question and because I am interested as a member of the public in this measure. As far as I know the motion by the hon. Member for Western Essequibo has a great deal of merit. That is as much as I can say at the moment.

The FINANCIAL SECRETARY & TREASURER: The question of deferment is in the hands of the Council. I would like to say, however, that, personally, I do not consider it my duty to satisfy the officers of the Town Council although, quite naturally, I will do my utmost and endeavour as far as I can to make them understand what the position is. It is my duty to satisfy this particular Council in the matter which, of course, does affect the Georgetown Town Council also. It is a matter of very important public interest, affecting public revenue. It is the duty of the Government and this Council to see that the proper liability of the Town Council is included in the law and is paid. As I have said, it is my first duty to satisfy this Council but I shall always endeavour to see that the Town Council is fully cognizant of the position.

The PRESIDENT: I will put the motion that the Bill be deferred.

Motion put, the Council dividing and voting as follow:—

For: Messrs. Debidin, Farnum and Wight — 3.

Against: Messrs. Morrish, Carter, Smellie, Peters, Kendall, Dr. Jagan, Fernandes, Ferreira, Roth, Lee and Dr. Singh — 11.

Did not Vote: Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary — 4.

Motion lost.

The PRESIDENT: Council will now proceed with the second reading of the Bill. Does any Member wish to speak on the second reading?

Mr. WIGHT: I would like to say this: What has been submitted by the Town Clerk is to the effect that the citizens of Georgetown will be carrying an additional burden of \$100,000 by this conversion over and above what they would have had to carry if the loan was carried on in the usual way. That is the position as I see it at the moment. I have not analysed it and I am, naturally, bound by the advice submitted to me by the

Town Clerk who is more or less in the position of the Financial Secretary and Treasurer to the Town Council. I do not pay any rates and taxes; I pay rent so the situation would not affect me. It might affect a number of premises, however, especially the larger premises that are being erected in Water Street. Perhaps they are in a position to bear increased taxation since the effect of this Bill, as I have already stated, is that there will be an additional burden of \$100,000 on the Town Council. We have had a long history of the discussion and turmoil and so on which took place in connection with the sewerage scheme and of how this Bill came into being. It has been said that a large sum of money went down "into the drain" when it should not have gone, and if the Town Council has to carry this additional burden we may have to re-open this sewerage question. That is the position as I have been advised by the Town Clerk. Apparently it is the desire of this Council that this Bill should be passed, but if the Town Clerk is correct the citizens would have to bear an additional burden of \$100,000 in connection with the sewerage scheme.

The PRESIDENT: I find it rather difficult to follow the hon. Member. There can be no doubt that there has been a plain, straight-forward conversion of the loan. The new terms are more advantageous than the old, and the Town Council is getting as much benefit out of them as the Government — in proportion with the amount given to each party. That is a plain fact and I cannot understand what this is all about. If the Town Clerk can show Government that we are doing the Town Council any injustice, I shall be the first person to help to put it right. This is a plain, straightforward Bill in connection with the conversion of the loan and I think the Financial Secretary will support me in what I have said. I do not want the Town Council to feel nervous about this matter — that it has not been plain and straightforward as far as Government is concerned.

Mr. DEBIDIN: May I ask whether the interest payable under the conversion would not be payable over a longer period than hitherto and whether the accumu-



lated amount of interest would not affect the conversion ?

The FINANCIAL SECRETARY & TREASURER : No, Sir; that is not so.

Mr. DEBIDIN: Am I right in saying that the period of extension refers to payment on demand?

The FINANCIAL SECRETARY & TREASURER : No, Sir. The period of the old loan expired in 1969—1970. It was a period of 40 years from 1929, but under the terms of the conversion the loan has been extended to 1980 and, consequently, the period has been extended by 10 years. As I said in my explanation, the cost of carrying the loan on the old basis would have been tremendously increased during these next 20 years. It would now cost the Town Council \$118,000 a year, but the figure that would have been payable under the old loan would have been very much more.

Motion put and agreed to.

Bill read a second time.

#### COUNCIL IN COMMITTEE.

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

*Clause 2—Amendment of section 4 of the Principal Ordinance.*

The FINANCIAL SECRETARY & TREASURER: May I explain that the figure \$84,136.96 in this clause has replaced the figure in the present law which is \$126,443.36.

Clause 2 passed.

*Clause 3—Amendment of section 5 of the Principal Ordinance.*

The FINANCIAL SECRETARY & TREASURER: Here also, Sir, may I say that the figure of \$34,065.78 is replacing the figure in the existing law which is \$51,195.

Clause 3 passed.

Council resumed.

The ATTORNEY GENERAL: With the consent of the Council I beg to move that this Bill be now read a third time and passed.

The FINANCIAL SECRETARY & TREASURER seconded.

Motion put and agreed to.

Bill read a third time and passed.

#### CURRENCY BILL, 1950.

The FINANCIAL SECRETARY & TREASURER: I beg to move the first reading of a Bill intituled:

“An Ordinance to implement an Agreement to provide for a uniform currency in the Eastern group of the British Caribbean Territories.”

The COLONIAL SECRETARY seconded.

Motion put and agreed to.

Bill read a first time.

The FINANCIAL SECRETARY & TREASURER: I beg to give notice that I would like to take the second reading of this Bill on Friday next, June 9. As the Bill is framed on the basis of the 1946 Report of the Currency Conference which was laid in the last Council and was the subject of a Resolution in the last Council, I have asked the Clerk to circulate among hon. Members additional copies of the Report so that they may be available for the second reading on Friday next.

#### A.M.E. CHURCH (INCORPORATION) BILL.

Mr. PETERS: With the consent of the Council I beg to state that I do not propose to proceed today with the second reading of a Bill intituled:

“An Ordinance to incorporate the Board of Trustees of the African Methodist Episcopal Church in British Guiana; to vest therein certain property; and for purposes connected with the matters aforesaid”.

There are certain statutory requirements to be fulfilled before we can proceed with the second reading and I crave

the indulgence of Council to be allowed to do so before the second reading is taken.

The PRESIDENT: Perhaps the hon. Member will give notice when he is ready to proceed with the second reading of the Bill.

Mr. PETERS: I will, Sir.

INHERITANCE (FAMILY PROVISION)  
LAW.

Mr. WIGHT: I beg to move the following motion standing in my name in the Order Paper:—

“WHEREAS there exists in England the Inheritance (Family Provision) Act 1938, Chapter 45, 1 & 2 Geo. VI which said Act has been of great assistance to those affected thereby;

“BE IT RESOLVED that this Council request Government to introduce legislation containing similar provisions to the said Act viz:—the Inheritance (Family Provision) Act 1938, Chapter 45, 1 & 2 Geo. VI.

I feel sure that hon. Members will realize that this provision which has been enacted in England for a period of 10 years can very well be extended to this Colony. I say so because it is a necessity. Personally, I think the objections which can be or may be raised against the motion are that the number of cases which might come before the Court in this Colony is not in proportion to those which come in England and, secondly, that there is more illegitimacy in this Colony than there is in England. It seems to me that those are the two possible objections, but it must not be forgotten that the question of illegitimacy will be gone into shortly by Government because there are certain persons in the community who have been affected by the law as it stands. They are living in accordance with their own racial laws or the laws of their country, and it is hoped that their embarrassment will be removed by new legislation. That remedy will, of course, affect a large section of the community — nearly 40 per cent — and therefore that ground of opposition to the motion should be automatically cut away. With regard to the number of cases that might come before the Court under this head, there again I would submit that the

fact that they might be few is no logical argument, because it is obvious that in England and such other countries the population and the wealth of those places are greater than in this Colony and, therefore, the number of cases there would be proportionately greater.

The motion suggests that the enactment should be along similar lines as in England. It may very well be that hon. Members may like a Committee of some legal Members of this Council to consider whether we can even extend it further. I should say briefly and in a nutshell that the whole object of the Act is that it provides that where a person dies leaving a wife or husband, or a daughter who has not been married and is incapable of maintaining herself, or an infant son, or a son who is incapable of maintaining himself, and leaves a will any of the persons named may apply to the High Court for an order that reasonable provision out of the estate of the deceased person be made in his or her favour. The Order provides for periodical payments and, if necessary, those payments can be overridden and application can be made to the Court for the ordinary variation in the various forms of settlement, as more popularly known in this Colony as the Husband and Wife Commitment Ordinance. It seems to me that whether this can be counted according to the number of cases that will be brought before the Court or otherwise, it is absolutely a necessary provision for the maintenance of the family tie and family concerns.

It must be noted that it does not go as far as saying that the able-bodied man or child cannot be disinherited. It only protects the son if physically and mentally incapable of maintaining himself, and it protects the spouse whether that spouse is a male or female. In other words, whether it is a wife or husband it applies. It was thought necessary in England for certain reasons, which in my opinion apply here, to have this enactment. There are certain cases well known to the legal Members of this Council and recently they have gradually developed, where there is an entire disinheritance in this Colony mainly of the wives of certain families.

They either desert, or separate, or divorce and get married again, and then the spouse, or whoever it is, is left absolutely destitute and in certain cases entirely dependent on charity and friends and maybe on the assistance of Government. That obtains in many cases where those persons were brought up in a certain amount of affluence and have now found themselves either in homes for the destitute or, as in one or two cases, actually in the Alms House, or in certain cases expecting and receiving dole from the Poor Law. I do not think I should proceed longer. It seems to me that an Ordinance of this kind dealing with the subject is obviously one which should be encouraged and, I feel sure, has the commendation of the Council. I formally move the motion standing in my name.

Mr. ROTH seconded.

The PRESIDENT: The point about the motion is the wording which says "request Government to enact an Ordinance." Government cannot enact an Ordinance but this Council.

Mr. WIGHT: "Requests Government to introduce legislation".

Mr. DEBIDIN: I should have thought the hon. Mover of this motion was batting on a better wicket than to ask for a Select Committee to go into this question. Whether it is a specific request I certainly cannot agree unless I am satisfied the particular legislation sought is going to be of advantage to the Colony. I am very sore on the question of Law Reform in this Colony. Many Judges and lawyers always have talked of in what direction Law Reform is necessary in this Colony but I have never heard this one discussed. I know of many which are outstanding and urgent, such as the question of the adoption of children. That is far more germane, far more to my mind useful in this community of ours, than this particular legislation which is being sought. I personally did not form any definite opinion, but I certainly had expected to have been told of definite instances where but for such legislation hardship would be worked on certain people. I have not heard that. On the other hand thinking

for myself, I cannot but see grave difficulties. We have our Wills Ordinance in this Colony. We have definite rules of intestacy, and it seems to me this particular legislation must strike at the root of community life. It may upset the normal way of living and the very ethics of the people in so far as domestic life is concerned. Very recently I had been given instructions and asked to make a will and among the directions was that the wife should get a dollar. I questioned the propriety of that, and when the whole story was told me I could not but feel that the man had justification. It is not for the lawyer to argue against but to comply with a specific request in the making of a will, but at the same time I went a little further and asked in order to see whether that individual was giving effect to what claims the wife may have to his property. In such a case, as I cited I saw a great deal of justification for that instruction. If such legislation was existing as is being sought it would upset that man's wish completely and he could not have done otherwise. It would be useless to ask to have a will made in that particular form. A wife has left a man for a long time and he has had to fence for himself with his children and to establish them in positions of life. Where his wife is not deserving he may leave his property in trust for the children to the person who is going to take care of them. Last night I had a chance of studying the particular Act of England. I have it before me. I see there that two-thirds of the property is made available to the wife. That, to my mind, is capable of upsetting the normal contingencies arising in this Colony. Maybe the way of life of our people is such that it may incur some danger to upset it without good cause. As I said, I was hoping to get good examples for the cause of changing an old order of things. On the whole I cannot see that it will be of advantage and for that reason I cannot support that this legislation should be brought at this time.

Mr. CARTER: I must say, I was a little disappointed that the Mover of the motion did not go into more details as to the whole effect of the motion and what would be the results of

legislation of this kind. I thought, for instance, he might have gone into the history of Wills, because at one time — I think before the 17th century—a man had to make some provision for his family. Then there was the Wills Act which gave an unrestricted right to any person to make whatever bequest he cared to make. I believe I am right in saying that condition continued until this Inheritance (Family Provision) Act of 1938 which once again restricted the rights of any testator. I remember a lecturer describing this measure as legislation of a madman, and I am inclined to agree with him. This Act would mean that an ungrateful child would be entitled after the demise of a parent to claim from that parent's estate, although it may be against the wishes or desires of that parent that that child should be entitled at all to any part of that estate.

Mr. WIGHT: To a point of explanation! May I just point out to the hon. Member, I do not know if he read the Act, that such a case does not apply at all. It is circumscribed. The type of person applicable to it is so described in the Ordinance, so that case instanced will not come under the Ordinance at all.

Mr. CARTER: An unmarried daughter will be entitled. I do not follow my friend that she or a spouse who has possibly neglected her spouse for many years should come up and attempt to claim some part of the estate. I think one of the things we have always fought for is a certain amount of freedom, and freedom of disposal of one's estate is a very essential freedom in the life of any human being. If she has natural affection one would expect the parent would see that the child is benefited or would see that the spouse or daughter would receive some benefit from his or her estate. I do not think there should be any legislation to restrict the freedom of any testator. A man should be permitted to leave his estate in any particular way; he may desire to leave most of his estate to charity or some other cause, educational or otherwise, or to any person whom he may desire to benefit from his estate. I

do not think we should do anything to restrict a man or a woman's freedom in the disposal of his or her assets. I am thoroughly against this motion, and I do hope that Members would see the sense of allowing a man or a woman complete freedom in making whatever bequest or legacy he or she desires to make.

Mr. LEE: Being a motion which is going to affect the liberty of the subject and Members of this Council not being conversant with the Act which was enacted in England, I would suggest to this Council that a Select Committee be appointed to enquire into the matter and its recommendations be placed before this Council. On the face of it, no one would like to be restricted in the disposal of his property which he has accumulated. There are many instances, especially in certain sections of this community, in which the wife has left the husband and gone away, and the husband through the good services of another woman has accumulated some money. For the wife to be able to come in and claim two-thirds of it is a little too hard, provided of course that the wife is not capable of maintaining herself. I do suggest to the Members of this Council that they consider the question of the appointment of a Select Committee to go into this matter, which I do move.

Mr. FERREIRA: I have listened to the Mover and to the other side and it would appear to me to be a very involved matter. I would therefore like to follow the suggestion made by the hon. Member for Essequibo River that this matter go to a Select Committee. I should be very chary voting one way or another on a motion of this kind without knowing something further about the matter, so I support that suggestion.

Mr. PETERS: I am just going to refer to one phase of the attitude that certainly must need be taken in respect of this Bill. I regret the doing away in this land of ours of the old community of property legal institution which was here before the 20th August, 1904, where the property belonging to one's spouse, unless there had been an ante-nuptial

contract previously arranged, would be shared equally by both. Today the wife has unrestricted claim to all her property and the husband likewise. What is to happen if the wife holds on to or fritter away her property and turns round and insist on getting something which the husband all along struggled to hold together. The hon. Mover of this motion certainly has the best intentions in respect of this motion, but it is a matter that needs a good deal of delving into and sifting. I desire to join in the suggestion that if we must proceed with this matter, a Committee should be set up in order to go into the whys and wherefores before bringing it back to this Council.

The ATTORNEY-GENERAL: As several hon. Members have observed, the question of the enactment of legislation of this nature in so far as this Colony is concerned is not without difficulties. Although, as the hon. Deputy President (Mr. Wight) has said, the Inheritance (Family Provision) Act, which was enacted in England in 1938, has for its object reasonable provision being made for the dependent of a testator and thereby providing an opportunity for the variation of a testator's will by an order of the Court, it obviously limits testamentary freedom. The question is how far will legislation of this nature be for the general good of this community, having regard to the particular circumstances of the Colony and to the general background of testamentary disposition and to various domestic arrangements? Obvious these are matters which will require a considerable amount of thought, and I would suggest those are not matters to be hastily rushed into. As the last speaker said, we appreciate, and I do personally, the fact that the hon. Mover has brought this motion forward, but at the same time I think the whole question should receive very full consideration. It is not easy to give that consideration to a matter of this sort, sitting here in this Council, and, consequently, it is felt that from the point of view of principle and from the point of view of equity, which are apparent and obvious, legislation should be enacted, then before we actually come to the decision as to the kind

of legislation or the extent of the legislation the matter should be gone into very thoroughly. That is my view on this matter.

The legal Members of this Council know very well the provisions of this Act which was enacted in 1938 and, as the hon. Mover said, the Act gives power to the Court to order payment out of the net estate of the testator for the benefit of the surviving spouse or child, the surviving spouse or daughter who is not married or who by reason of some disability is incapable of maintaining herself. That covers the hon. Member's fears. The ungrateful child will have to be a daughter or an infant son, or a son who is incapable of maintaining himself through some mental or physical disability. The provision is, if the Court is of the opinion that the will does not make reasonable provision for the maintenance of that dependant, the Court may order that such reasonable provision as the Court thinks fit shall, subject to such conditions and restrictions, if any, as the Court may impose, be made out of the testator's net estate for the maintenance of that dependant; provided that no application shall be made to the Court by or on behalf of any person in any case where the testator has bequeathed not less than two-thirds of the income of the net estate to the surviving spouse and the only other dependant or dependants, if any, or any child or children of the surviving spouse. Therefore, the main point to be borne in mind is that the Act does not place on the testator a duty to make provision, but only gives power to the Court to interfere, if it thinks fit, with the disposition of the estate, having regard to the estate itself and the circumstances surrounding the relation. The Court has very wide testamentary powers given to it under the provisions of this enactment, and obviously that must be so in order to enable the Court to go into all testamentary dispositions and arrive at a decision which can be implemented by an order and thereby varying what the testator expressed in his will.

Mr. WIGHT: In reply I would like to be very short, as I was in moving the

motion. It is suggested that I should have gone into the history of this matter. The text-books are many and I do not intend to deliver a lecture on Wills. It is further suggested that I should have in moving the motion given particular instances. This, I submit, is not the place where individuals and their family history should be discussed and debated. The hon. Member for Eastern Demerara (Mr. Debidin), I do not think, suggested when he made that statement that I should sit here and debate the several instances known to the lawyers in this Colony, and there are quite a number of them. This is a small community where one can easily spot who is meant, I cannot do so, especially when it is known to me that is the privilege of a client who must give that permission to have his matters discussed in public. As I intimated and as there seems to be a large number of Members who feel that this matter should go to a Select Committee, I in moving the motion made the suggestion that hon. Members may like it to go to a Committee for the purpose, if necessary of extending the provisions here, which are very limited, and if necessary they can very probably limit them further than they are already limited. I personally have no objection to a Select Committee sitting and deciding on it. I never do force my opinion down anybody's throat. I say what I think. I bear no malice in it and, therefore, it is not a question, as one or two Members think, I should force my opinion on.

It seems to me it is a matter which needs consideration, which is necessary to keep family union together. One hon. Member suggests the ungrateful child. That has been answered. Men with families have left their grateful children and spouse high and dry and gone off having a rampage and leaving it probably to someone else, as the hon. Member for Essequibo River (Mr. Lee) puts it, for certain conveniences or amenities, as he suggested, in assisting them to make that estate possible. I do feel it is necessary. It is a matter that should not be rushed. It is a matter in which I cannot see the limitation of the disposition of one's property. I hear the hon. Member for Georgetown South (Mr. Carter) suggest it limits disposition and freedom, I shall remind him before this Council is dissolved, or it dissolves itself, or eventually by the effluxion of time runs out, of those very words of the limitation of disposition and the freedom of the human mind. I shall give him his own clichés and phrases, and I feel sure he will then agree with what I say.

Question "That the motion be referred to a Select Committee" put, and agreed to.

The PRESIDENT: The membership of the Committee I shall announce later. This concludes the business.

The Council adjourned to Friday, 9th June, 1950, at 2 p.m.

