

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Friday, 30th December, 1960

The Council met at 2 p.m.

PRESENT:

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. D. M. Hedges

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. W. P. D'Andrade.

} *ex officio*

The Honourable Dr. C. B. Jagan	—Member for Eastern Berbice (Minister of Trade and Industry)
” ” B. H. Benn	—Member for Essequibo River (Minister of Natural Resources)
” ” Jasnet Jagan	—Member for Western Essequibo (Minister of Labour, Health and Housing)
” ” Ram Karrao	—Member for Demerara-Essequibo (Minister of Communications and Works)
” ” B. S. Rai	—Member for Central Demerara (Minister of Community Development and Education).
Mr. R. B. Gajraj	—Nominated Member
” W. O. R. Kendall	—Member for New Amsterdam
” R. C. Tello	—Nominated Member
” F. Bowman	—Member for Demerara River
” L. F. S. Burnham, Q.C.	—Member for Georgetown Central
” S. Campbell	—Member for North Western District
” A. L. Jackson	—Member for Georgetown North
” E. B. Beharry	—Member for Eastern Demerara
” S. M. Saffee	—Member for Western Berbice
” Ajodha Singh	—Member for Berbice River
” Jai Narine Singh	—Member for Georgetown South
” R. E. Davis	—Nominated Member
” H. J. M. Hubbard	—Nominated Member.

Mr. I. Crum Ewing—Clerk of the Legislature

Mr. E. V. Viapree—Assistant Clerk of the Legislature.

ABSENT :

Mr. A. M. Fredericks — Nominated Member

Mr. A. G. Tasker, O.B.E.—Nominated Member—on leave.

The Clerk read prayers.

MINUTES

The Minutes of the meeting of the Council held on Thursday, 29th December, 1960, as printed and circulated, were taken as read and confirmed.

PAPERS LAID

The Financial Secretary (Mr. D'Andrade): I beg to lay on the Table the

Report of the Meeting of the Finance Committee held on 5th August, 1960.

Mr. Speaker: In terms of Standing Order No. 42 (7), the Question is, that the Report be adopted.

Question put, and agreed to.

Report adopted.

ORDER OF THE DAY

APPROPRIATION BILL

BUDGET DEBATE

Mr. Speaker: Council shall resolve itself into Committee to continue debate on the Appropriation Bill.

The Financial Secretary: Sir, I beg to move that Council resolve itself into Committee to resume consideration of the

Bill intituled "An Ordinance to appropriate the supplies granted in the current session of the Legislative Council".

clause by clause.

Question put, and agreed to.

COUNCIL IN COMMITTEE

LANDS AND MINES

DEPUTY COMMISSIONER OF LANDS
AND MINES

The Chairman: The Question is, that Head 22 — Lands and Mines — be carried out at \$491,523.

Mr. Jai Narine Singh: Mr. Chairman, I beg to move the reduction by \$1 of Sub-head 1(2)—1 Deputy Commissioner of Lands and Mines —\$7,200. I move this reduction in order to make certain very important points which have come to my knowledge during the course of the year. This department is, probably, one of the most important departments, as it embraces land development, Colony land, Crown land, minerals, mines and matters of that kind. The present holder of the post of Commissioner is an expatriate. I think he is no "spring chicken" either. The Deputy, himself, is a person over 55 years, but he is a very valuable man and, perhaps, that is why the Government has kept him there.

I want to say: All is not well with the administration of this department. There is a tremendous amount of dissatisfaction by the general public as far as the function of this department is concerned; and when I say that all is not well, I am certainly putting it mildly. Not only is there dissatisfaction, but a certain allegation of corruption. Without calling names, there is an open allegation made in the streets about members of this department not being "straight"; and there is so much difficulty that is being experienced in that department, that there is wholesale dissatisfaction. I feel that Government should know that the public is very dissatisfied as far as the Lands and Mines Department is concerned.

There are cases where people had been holding permissions for 175 acres of land and only given leases for 100 acres. Many persons are involved—poor people — and they want to take those people's lands and give them to other people. It is not 5,000 or 10,000 acres, but small portions. A man develops his 175 acres only to be told that he can only have 100 acres. I do not think it is the policy of the Government, but a policy which is being shuffled in the

department itself. That department embraces lands of the Colony and Crown lands. It embraces minerals, permission and licences for the exploitation of mines in the country, etc. I think it is time that Government takes notice of what is happening in the administration and working of the Lands and Mines Department.

The Minister of Natural Resources (Mr. Benn): Sir, I am grateful for the remarks of the hon. Member for Georgetown South. I am as concerned as he is over the working of the Lands and Mines Department, but I am not in a position to agree or disagree with the suggestion the hon. Member makes about "graft", if he did use that word, in that Department. I have been working for several months with a view to reorganizing the Lands and Mines Department. I think I mentioned on one occasion in Finance Committee that I was doing this. We hope to use an officer from another Department to examine the Lands and Mines Department, and submit plans for reorganizing the lands section especially.

The hon. Member said that land had been taken away from certain people after they had worked it for a long time. I have no knowledge of that, but I am aware that on several occasions people have occupied Crown lands illegally. Because of the large extent of Crown lands in this country; because of the inadequacy of officers to inspect Crown lands regularly, large numbers of people in many areas apply for land and sometimes occupy more than they are entitled to even before securing permissions or leases.

The Crown Land Ranger on the West Coast of Berbice takes in Abary and those areas. It is impossible for him to inspect all of the land in the areas for which he is responsible. The Ranger at Springlands may be inspecting at Crabwood Creek and so on; he may have an assistant, and there is the working party;

but the fact that these officers are unable to inspect all of the land gives some people an opportunity to occupy land illegally. When it is discovered that people have occupied the land illegally, they will have to give up the land.

On the other hand, hon. Members are aware of the fact that there has been for a long time a shortage of Land Surveyors. In the annexure to the Governor's Speech, or in his Speech it was mentioned that over 1,000 surveys are still to be done. We have admitted this, and because of the shortage of Land Surveyors people have been told to go and occupy the land. It is true that some of them occupy more land than they should at times.

I agree with the hon. Member that this Department needs reorganization. The system under which this Department works is more than 40 years old. The Ministry of Natural Resources and I, personally, have given attention to this matter. I hope that we will be able to get the Officer to submit his recommendations for the reorganization of the Department as quickly as possible. This is a very old Department, and it is only now that something has been done to tackle the problems that we have encountered there.

Mr. Burnham: It is interesting to hear the Minister of Natural Resources admit the necessity for reorganization, and it is also interesting to know that he is taking steps to have that reorganization carried out. I hope that he will not find his power to execute the reorganization is in any way limited.

I think the hon. Member for Georgetown South has merely touched the surface of the incompetence in this Department. In the first place, it is my opinion from very frequent and regular contact with that Department that the Commissioner is incompetent. For instance, you will find in Chapter 175 that

[MR. BURNHAM]

it is the Commissioner who is supposed to make certain decisions. But there appeared in court a few days ago a number of letters which the Commissioner had merely signed like a rubber stamp. He knew nothing about their contents; nothing about the subject matter; and it was a man, who was not an officer in his Department, who was responsible for making certain decisions. That is so far as the Land Section is concerned.

My remarks for the moment are not directly concerned with the Lands Section. For instance, you will find in that Section that a permittee, a licensee, or a lessee, holding a valid Government receipt for rent — in one case certain permittees or lessees held valid receipts for rent for the year 1957, and the Commissioner of Lands and Mines and the Ministry of Natural Resources did not know of the existence of those receipts, a duplicate of which should have been in the files.

We find something like this going on in this Department: a case is pending in court between two disputants with respect to a certain tract of Crown land. The hon. Member for Western Berbice knows it very well — it is the fourth depth of No. 41, West Coast, Berbice. You will find that while there is *lis pendens* a Mr. "X" arranges for a letter to be sent to one of the disputants stating that it has been decided to give him a lease of the land which was the subject matter of litigation. This is a combination of incompetence, partiality and contempt. In the case of subject matter on which the court is asked to adjudicate, this gentleman writes a letter which he admits is his, and gets it sent on to the Commissioner of Lands and Mines, who is apparently a very good scribe, because all he does is to sign the letter while the matter is pending in court.

We find also that not only does the Department need reorganization, but the whole scheme of things should be investigated. You will find in Chapter 175 that apparently the Governor or the Governor in Council is supposed to make final decisions, but from certain files which had to be admitted in court—not confidential files — it is clear that the Governor himself does not, apparently, make the decisions. The decisions are made by the Minister of Natural Resources. The Minister seems to be agreeing with me. I am sure there is something in the head and in the point. Let the responsibility be clearly the Minister's.

Apparently the Minister was misled, because he was obviously advising the Governor about a certain lease without being informed of the fact that there was a matter in court. It was only after the Minister heard about the matter, a few days before the case was tried, that he advised the Governor not to issue any lease. I repeat that the hon. Member for West Coast Berbice knows about this matter. The Governor said that no lease was to be issued pending the determination of the case. I think the Ordinance should be amended immediately to permit the reorganization and afterwards to let the Minister have full responsibility.

This is what happened in another case. I now refer to the second depth of Catherina's Lust and Onderneeming. A letter was sent to the Commissioner of Lands and Mines stating that it had been decided by the proper authorities (including the Minister and the Governor) that the second depth would be given to the person who had purchased the first depth. There was a certain gentleman from Bath Settlement who swore to affidavits that he had been promised the same land by the Minister of Natural Resources. As a matter of fact some of these people were misled — poor people who could not get around to a lawyer. I understand that, on the morning of a certain case, they came down to see two

Ministers. I am not sure whether one of them was the Minister of Natural Resources, but the decision was rather confusing.

There must be something wrong with a Department if the Minister, who makes the decisions, makes such promises while another letter is being sent out on official paper stating an allocation to the contrary. The affidavits state that because the Minister promised the gentlemen the land they went thereunto—I understand that the Ministers were to be subpoenaed. I understand, eventually, they were subpoenaed, but I do not know what happened. The whole case was nothing but confusion. I do not and I would not believe that the Minister would have made such a promise if he had been aware of certain correspondence, or had been aware of what had been on a file in the Lands and Mines Department. This is one Department which, because of its importance and connection with the allocation of land, should be integrated into the Ministry of Natural Resources, so that its files would be part of the Ministry's files and under direct supervision.

The hon. Member for Georgetown South talks about people not getting land that they occupy. I know of one case on the West Coast, Berbice, where a man had spent a great deal of money on a tract of land which he had under a Grazing Permission, and for the holding of which during the tenure of the Grazing Permission he subsequently applied for an Agricultural Lease. But what happened? Out of the blue someone else, who is not a farmer and is otherwise employed, gets this particular Agricultural Lease which up to now he cannot use and has not used. In fact it has been admitted by certain officers of the Department of Lands and Mines that that was a most regrettable mistake.

We hear that there are a thousand surveys still to be done. In 1957 during consideration of the Estimates in Finance

Committee, I asked the then Minister of Natural Resources (Mr. Beharry) why land distribution and the granting of Permissions, Leases, etc., were proceeding so slowly, and he said there was a shortage of surveyors. That was three years ago. He said then that Government was going to undertake an accelerated training course for surveyors so as to produce more qualified surveyors. I do not know how long it takes to produce a qualified surveyor, but I understood from the answer given by the Minister of Community Development and Education (Mr. Rai) yesterday that the present trainees at the Technical Institute should be qualified within 12 months. It is only in 1960 that a training course for surveyors was undertaken although in 1957 a shortage of surveyors was apparent to the Government.

People have applied for two or three areas, but what is happening? Nothing is heard after a year, and the next year they pay more money, and some person in the Department of Lands and Mines issues a receipt stating "for rent." As far as I can see those persons cannot be deemed in law to have been illegally occupying those lands. Something is wrong somewhere, One can understand rent in the first year, but after the next year when you pay rent and it is accepted, who is going to say you are not a tenant? It is persons like those who are being thrown out — persons who have been paying rent.

The Department of Lands and Mines is in a most disgusting condition, for which Government cannot escape blame. I am blaming the Government. The necessity for reorganization should have been apparent at least three years ago, for at least one of the things this Government can claim is that it has made the boldest attempt at distribution of land, and it should be apparent to any but a tyro, that if you are distributing land through the Commissioner of Lands and Mines you must recognize the incompetence of that Department. The

[MR. BURNHAM]

result is that all this confusion, incompetence and mess one finds in the Department make a Roman holiday for lawyers. I earn my living at the law, but I do not think it is fair that Government should make these gifts to lawyers because of the incompetence and the badly run condition of the Department which is responsible for the allocation of Crown lands and the granting of licences, etc.

As far as I can see the Lands Section of that Department can be scrapped and a clerk at the Ministry can do the work. There would be less confusion, because there would be only one man, and he would know what is going on. I am not referring to the technical officers, like the Superintendent of Lands. They are doing their work. I am talking about the Commissioner of Lands and Mines. What are we keeping him for? It is true that his post is on the Civil List, and although we cannot amend the Civil List at Budget time, we can amend it at another time.

The Minister of Trade and Industry (Dr. Jagan): I do not propose to defend the Department of Lands and Mines, but the hon Member who has just spoken referred to one instance which I think needs some clarification, and since I am very much aware of it I think I should ask leave of the Minister to refer to that case. The hon. Member referred to the confusion in a case on the West Coast of Berbice concerning some lands at Onderneeming, and said that some official in the Department, contrary to the decision of the Magistrate, wrote some people informing them that they had title to some leases.

Mr. Burnham: I did not say that at all. It was not Onderneeming; it happened in the fourth depth of No. 41, West Coast, Berbice. In the case of Catherine's Lust I said there was an official letter from the Commissioner of Lands

and Mines stating that there had been a grant of a lease to one of the disputants, while the other disputants said they had been promised the lease, but produced no official record. They swore to affidavits to that effect.

Dr. Jagan: I merely want to clarify any confusion in this matter because a few people, for political reasons, got together and aroused the people, giving them false information. In fact, even though the decision was taken, as the last speaker said, by the former Minister of Natural Resources to let those people have the lease, those agitators went ahead and used the statement from the Minister to show that he had nothing to do with making any decision to grant the leases. Those are the things which cause confusion in the country. People make a decision then swear to an affidavit that they did not do any such thing. I do not know if he swore to an affidavit, but at least that was the impression created. The fact is that poor people had to collect a lot of money to pay lawyers who built up a case on false premises, and when they saw that the game was up they hurriedly asked to be allowed to withdraw.

Mr. Burnham: they consented to judgment.

Dr. Jagan: It comes to the same thing. The fact is that they saw that the game was up.

The Chairman: I do not think I can agree with you there. A consent to judgment is an entirely different thing from a withdrawal of a case.

Dr. Jagan: I accept your ruling on that point, sir. I would be the last to dispute it. In those circumstances it was the Minister who was to be blamed. It was just unfortunate that a few people who, for political reasons, were trying to win some support, were misleading the individuals concerned, and as a result caused those people to suffer a tremend-

ous amount of discomfort and, indeed, much loss of money. I hope that in future Members of this Council will act more responsibly, because they owe a debt to the public and they should not abuse their positions. I am not referring to the last speaker but to the hon. Member for Eastern Demerara who was formerly a Minister of this Government. He said one thing at one time and subsequently created the impression that he had not said so. I consider that kind of behaviour most reprehensible and should not be repeated, because it causes a great deal of confusion.

Mr. Beharry: Let us put the record straight. Every blame should be laid at the feet of the present Government for causing those people to spend a large sum of money. What happened is that the Interim Government decided to purchase Catherina's Lust and Onderneeming and establish a land settlement scheme. Unfortunately it was eventually decided not to do so after consultations with the technical officers of the Department of Lands and Mines and the Department of Agriculture.

The lease held by Booker Bros. for the second depth of **Pln. Bath fell due** for renewal at the same time as Catherina's Lust and Onderneeming. The then Minister, Sir Frank McDavid, did not grant a renewal of the lease since it was decided by the then Government, to create Catherina's Lust and Onderneeming into a land settlement scheme. If they had issued the lease and then decided to purchase the area, they would have had to **cancel** the lease; and so it was decided that the renewal of the lease should not be carried out. Bookers was assured that since the purchase of the land was for a land settlement scheme, there would not be a renewal of the lease.

The 1957 Election came along and the People's Progressive Party came into power. At that time, I was Minister of

at all sources, and Bookers decided to ask for a renewal of the lease. According to the terms of the lease, it was renewable. The Lands and Mines Department and the Minister of Trade and Industry decided, according to the agreement of lease, that the lease should be issued to Bookers for the second depth. [**Dr. Jagan:** "That is not so."] These are the issues as they are. The Lands and Mines Department and the Minister of Trade and Industry decided that, according to the terms of the agreement of lease held by Bookers, it was compulsory that the lease had to be renewed.

I went with the Permanent Secretary, Mr. Eton Luck, to Bookers. Let the Minister and Mr. Luck deny this tomorrow. Mr. Luck is still working under the Minister. I refused to grant Bookers a renewal because the second depth was used by the people of Bath Estate. They were planting rice on that second depth and, in order to allow those people occupying the second depth to get something, I told Bookers that the only way there will be a renewal of this lease is if they released their holding on the third and fourth depths. So as not to agree with the Minister of Trade and Industry and the Commissioner of Lands and Mines, I held discussion with Bookers with a view to their releasing the third and fourth depths. They agreed to release the third and fourth depths, provided Government renewed the lease for the second depth.

The Minister of Trade and Industry strayed the people at Bath because this is the very decision the Court agreed on. These people would have been saved \$2,000 had it not been for the hon. Minister. These people only know to talk politics. That is the type of people we have sitting in this Legislature today. Loose them outside of the Legislature and they cannot even earn a living.

Mr. Jai Narine Singh: I certainly can earn a living; and I wish the hon. Member would say to whom he refers. [*Laughter.*]

The Chairman: Order! order! I am very glad that the Member for Georgetown South has got up in this matter. I have called Members' attention over and over again to the Standing Orders of this Council, and I have referred to this before—that no Member shall make a personal charge against any other Member. I have endeavoured, in this Council, to get Members to speak impersonally. When a charge is made generally, it is, perhaps, all right; but when it was pin-pointed by the Minister of Trade and Industry to a particular Member, and said what the particular Member had done, I thought it was transgressing a little and I wondered how far it was going. Now, the Member for Georgetown South gets up and asks, quite properly, who are the people to whom the Member refers. I hope it will stop there.

I appeal to Members of this Council, in earnest, that whatever may be their feeling, whenever they are speaking, they should refrain from personalities. If you have to speak in relation to something, speak impersonally without inferring, because you will be transgressing the Rules. I have said it over and over again, and still it is being violated. I think we should have less heat.

Another thing to which I want to make reference is this: When Members are speaking, in this Council, of public officers—people in departments—it is not a proper thing to be referring to particular individuals and charging them—however justly one may feel—directly, because the persons are not present to defend themselves, even though it may be a case where no defence may be necessary. One may speak generally about a particular department and what is being done there without calling a particular officer's name.

I am appealing to Members of this Council, one and all, to preserve, as best each one can, the Rules of this Council

and do one's very best to avoid personalities. It does not improve the general relationship; still less does it improve the personal relationship.

It is not a pleasure for me to get up and have to refer to the Rules of the Standing Orders and to call Members to order. If it were, I will be on my legs all the time. I am one of those persons who believe that he who fills the office of Speaker must not speak unnecessarily. He must take no part in debates, and only intervene when it is absolutely necessary or, when there is an aside, in order to rescue the debate from drifting.

I am appealing to Members, more particularly at this time of peace and goodwill. We want to usher in the New Year on the right note. Let us maintain our calm.

Mr. Beharry: Mr. Chairman, right now the second depth is not leased to anybody. It is in the name of the Government of British Guiana. Let it be known to the Minister of Trade and Industry. From the time I left, that second depth was in the name of the Government of British Guiana. It was not in the name of Bookers or Bath settlement. That piece of land was not granted to Bookers.

The Chairman: I think I understood you to say that the considered judgment of the Court had coursed the same path on which you trod. If that is so, I will ask you not to gild the lily.

Mr. Beharry: While that is so, the point I am making is that the records should be put straight. People must not be allowed to say things to catch votes. If some hon. Members do not sit in this Council they will not be able to—

The Chairman: I will have to stop you if you persist in repeating yourself. Do not go back to that; you have made some remarks about people sitting in this Council, and the hon. Member for

Georgetown South rose, quite properly, to object. You have made your point, so do not let us go back.

Mr. Beharry: At present the Government can do as it likes with the second depth in that area because it is not a point at issue. I know what took place regarding the Hopetown Co-operative. The matter was taken to court, and I do not think anything has been done since I left the Ministry. Mr. Eton Luck, then Permanent Secretary to the Ministry of Natural Resources, and I met Mr. Follett-Smith. Arising out of that meeting it was agreed that, if Government were given the second depth so that it could be transferred to the Hopetown Co-operative, we were prepared to release the third and fourth depths. It is a pity the Minister of Trade and Industry is not sitting near me, because I would—

Mr. Burnham: When rogues fall out!

The Minister of Labour, Health and Housing (Mrs. Jagan): Are you a wild man? What sort of politician are you?

The Chairman: If the remarks are not directed to the Chair, I shall close the discussion, and put the question for a reduction.

Mr. Beharry: Mr. Follett-Smith, the Chairman of the Company, agreed to release the third and fourth depths so that the occupants of the second depth, the people at Bath Estate, would not lose much. If that were done originally, as I advised the Minister of Trade and Industry at the time, we would have saved these people over \$2,000 worth of legal fees. I was summoned to give this evidence in court, because I told the people of what had transpired. I told them that the leases had not yet been transferred to Bookers or the Hopetown Co-operative. This Government is responsible for the mess it has made of

things. I argued with the Minister of Trade and Industry that it was necessary to transfer the second depth at Catherina's Lust and Onderneeming to the Hopetown Co-operative.

Since Bookers sold the land to the Hopetown Co-operative—the land the people at Bath Estate occupied—I told Bookers that it was necessary for them, in order not to dispossess the people and give them some compensation, to release the third and fourth depths and transfer that lease to the Hopetown Co-operative.

I am glad the hon. Member for Central Georgetown has raised this question. The Minister of Trade and Industry did not say that the judgment of the court was based on the same agreement which had been accepted by Mr. Follett-Smith a few years ago. I hope the records have been put clear and the Minister of Trade and Industry will not go about distorting facts.

The Chairman: rule you out of order on that point. I appeal to Members to desist from personalities. If hon. Members do not desist from personalities and they go on repeating themselves, I will stop them in keeping with the Standing Orders. I have not done it before, but when I speak I expect Members to have some regard to what comes from the Chair.

Dr. Jagan: The hon. Member says that what he decided was ultimately agreed to by the court. He failed to tell this Council that the arrangement to give the second depth to the Hopetown Co-operative, and to give the people who were occupying the second depth, the third and fourth depths was not satisfactory to the people at Bath. The people at Bath raised serious objections, and some went to politicians about the matter. I understand that some individual was contacted and he gave the impression that no decision had been made at a particular meeting. As a result of

[DR. JAGAN]

the decision which he (Mr. Beharry) had made, letters were sent from the Lands and Mines Department to the Hopetown Co-operative intimating that a decision had been reached by him

The facts are clear. As a result of what he told them the people eventually had to undergo a great deal of unnecessary expenditure. Sometimes a man who is guilty of an offence tries to get very emotional about it.

Mr. Burnham: There seems to be a certain amount of confusion in this matter. Maybe this is a fowl-cock party, and cockroach has no right here. It is in affidavits that certain people from Bath said that they had been promised land by the Ex-Minister and present Minister of Natural Resources. In other words, they held out that both Ministers had promised them land. I do not know who made the decision, but I know that the law was on the side of the Hopetown Co-operative Society. We have reaped benefits through the court and the law was on our side. The second affidavit alleging that the second Minister had made a promise is alleged to have been withdrawn on consultation with the Minister.

I must congratulate the Minister of Trade and Industry on being able to run his own very heavy Ministry of Industry as well as the Ministry of Natural Resources. He knows that a year or two ago the work of the Ministry of Natural Resources had to be taken to him. I have heard him explaining things relating to that Ministry instead of allowing the Minister of Natural Resources to do so. I shall congratulate him on his sterling qualities.

The Chairman: We are dealing with Lands and Mines, and are not debating Ministers.

Mr. Burnham: If you rule me out of order I will take my seat, but I should like to congratulate the Minister for what he was able to do—run two Ministries successfully. The court seems however to have found to the contrary, and what the court found is different from what the Minister is saying today.

Mr. Campbell: I want to ask a question of the Minister concerned. Why is it that for years this Government has not been able to get enough qualified Surveyors to do its work? Is it that the salary attached to a career of surveying offers no inducement? Is it that Surveyors are afraid to go into the hinterland and the Interior to face things there? Is it because surveying demands a high standard of education from a Surveyor's Apprentice? I am curious to know why. There are thousands of surveys to be done, and there is so much talk about Interior Development, prosperity and so on. Why can't we get the necessary supply of Surveyors? I would like to know what is wrong.

I know of several boys who would like to become Apprentice Surveyors; they do not know how to go about it, and nobody seems to encourage them in this direction. The Minister says that he is going to reorganize the Department, and I hope he does something in this matter. I would like to know why the Surveyors do not want to work?

Mr. Benn: The hon. Member says that some people want to become Apprentice Surveyors, but they do not know how to go about the matter. Whenever Apprentice Surveyors are required a publication is inserted in the daily press, and it is repeated by the G.I.S. over the radio. It has been found that several people who apply for such posts do not measure up to the educational standard required. Even when this standard was reduced several people were unable to measure up to the studies. The Minis-

ter of Community Development and Education said yesterday that the matter is being tackled by his Department at the Technical Institute.

Mr. Jackson: I hardly dreamt that before the life of the present Council had come to an end I would have been honoured and privileged to find justification for the course of action I took in May, 1958. I am grateful to the hon. Member for Georgetown South (Mr. Jai Narine Singh) for having raised this matter, and for having brought out one point very clearly — that persons, who had been occupying lands for some time on what they considered to be very good grounds, have now had some portions of those lands taken away from them. On the 29th of May, 1958, the following Motion was debated in this Council:

“Be it resolved: That this House recommends the appointment of a Select Committee to inquire into and make recommendations for the distribution of Crown lands for agricultural purposes, and that pending submission of the report of this Committee no further distribution of Crown lands be made to applicants”.

That Motion was negatived by the Government Members voting against it. The same point which has been made by the Member for Georgetown South was made by me then concerning land distribution on the Essequibo Coast, and the announcement of the distribution of land on the East Coast of Demerara, the West Coast of Berbice, and throughout the Colony. It is, perhaps, a good thing to become wise after the event, but it would have been a better thing if we had better judgment and vision to recognize the fact that if we are going to embark on large-scale distribution of land we must have a policy upon which that distribution ought to be made.

Government has been eager to distribute land, and taking cognizance of the Motion which was debated in May, 1958, just about six months after we came into this Council, one will see how clear the idea was that any Government which is embarking on land distribution ought to have a policy and first put its machinery in order. If that were done it would have been found that the Department of Lands and Mines was not working as it ought to have been and could not be used as an effective instrument for the distribution of land. It would have been discovered long before now that its machinery was 40 years old and that the Department was ill equipped for present conditions. It would have been found that people who are now accused of graft and conducting a racket were unable to fit themselves into the pattern, and that the Department was too small and not properly geared for the big task ahead of it. That would have been the means by which those people would have been saved the necessity of incurring the legal expenses we are now hearing about. But this Government said “No” to the Motion, and all those who voted against it are now throwing blame on one another for the confusion that exists with regard to the distribution of land and the several complaints of grievances which people have been making from time to time. I am not happy to know that I can say “I told you so”, or “if you had adopted my suggestion this would not have happened”, because people have suffered, but it serves as an example to people who have always tried to put the cart before the horse.

Mr. Benn: The hon. Member is referring to a Motion he moved some time in 1958, but the whole burden of his complaint on that occasion was that the Government was distributing land to persons of one race group. That was the whole burden of his argument. He even went so far as to accuse the former Minister of Natural Resources of giving land to his brother.

Mr. Jackson: The Minister of Natural Resources is inaccurate in his statement. I made no such accusation; the *Hansard* report is here to prove that.

The Chairman: If I remember correctly, I do not know whether the reference was to a brother, but the allegation against the Minister of giving land to someone who was in some way connected, was made by the Member for Georgetown Central (Mr. Burnham), and I have a recollection that when the Minister challenged the statement in a vigorous speech and resented it, the Member said that if further inquiry proved that his statement was not correct he would come into Council, admit it and apologize. I do not think that the latter event happened, but speaking from memory I recollect that the allegation was made by the Member for Georgetown Central. I do not know if you remember.

Mr. Benn: Yes, I remember. Perhaps it was because they belong to the same political party. The Member did not use the word "brother", but simply referred to the name Angat Beharry. The former Minister produced a statement from the Department of Lands and Mines on the subject, but we are still to get a withdrawal of the allegation from the hon. Member for Georgetown Central.

I am saying that the whole burden of the argument of the hon. Member for Georgetown North in 1958 was that there was a racial distribution of land, and I am suggesting that because he felt that the former Minister was making considerable progress in the distribution of land, he wanted to put a stop to it. No sane person would suggest that the distribution of land should be held up until a Committee sits and makes its report. It is just like suggesting that all electricity should be cut off until the

cause of a breakdown has been investigated. The hon. Member should appreciate how important land distribution is to the country.

There is no question of work not being done by the Department of Lands and Mines. Where is the Department that does not have difficulties? I admit that there is need of some reorganization of the Department, but you do not close down a Drainage and Irrigation Department so as to reorganize it.

The hon. Member for Georgetown Central has made some points concerning land in the Abary and about someone else getting the land. It is not true to say that the person who held the land for more than 12 years had developed it. He did nothing to the land, and that is why the lease was cancelled. The hon. Member referred to people who were granted permissions. Certificates are not issued when permissions are granted.

On the question of receipts, the Department of Lands and Mines had got into the habit of collecting application fees, survey fees and a year's rent, and many persons who paid a year's rent and the survey fee with their applications, immediately went on to the lands, and this has been the cause of considerable worry in the Department. The hon. Member alleges that persons have receipts, the existence of which the Department is not aware. That can only happen if applications were made a fortnight before, because applications can be made to the District Commissioners who are Deputy Commissioners of Lands and Mines. The Commissioners issue receipts and duplicates of those receipts are sent to the Department of Lands and Mines where they are recorded on the stock sheets. As I said before, the Department needs overhauling, and that is being undertaken.

Mr. Burnham: The Minister has my sympathy on this point. The Regulations provide that when an application

is made, not only must the fees be paid but a year's rent, and if the application is not granted the rent is returned. On the question of the Department not knowing about the existence of the receipt, it was not a matter of two weeks but the case of a receipt for February, 1956, and in 1959 the Commissioner of Lands and Mines was saying he did not know of it. Certainly by that time it should have reached his office. If it is not in a file then there is absolute disorganization, for even in a lawyer's office, which is a proverbially confused place—I speak of my own knowledge [*Laughter*] — receipts, documents, etc., in relation to a particular subject should be found together in one file. I am no great organizer, but that happens in my office. Is this Council being told that after three years the Department of Lands and Mines does not know of the existence of receipts issued in connection with an application for a tract of land? I know that the East Coast railway is slow, but I do not think it should take three years to get a duplicate receipt from Fort Wellington to Georgetown. Therefore, there is absolutely no excuse for it.

The hon. Minister said they cannot hold up the distribution of land until the reorganization, and he forced an analogy between electricity and that. We did not say to close down the Lands and Mines Department. We say: "Hold up the distribution until you reorganize the Department." I know for a fact that these same poor people you say you are going to help are reaping rice to pay lawyers — the people who are making the most money from this Government's land distribution. The farmers often end up with \$3,000 or \$4,000 most of which they have to pay the lawyers. So you see you are penny wise and pound foolish. I, personally, have benefited, but still my social conscience forces me to make this point that it would have been better to leave the distribution for six months and get the system properly organized.

Mr. Jackson : In order to get the mind of the Minister of Natural Resources very straight on this point, it is only fair that I bring to bear what appears in the *Hansard*, at the time the Motion was being debated. I referred to the fact that the Government --- and I am saying "Government" because this is a collective responsibility --- was going about land distribution in the wrong way. It was adopting the same method of approach in appointing individuals to take care of the distribution of land on the East Coast of Demerara, the Essequibo Coast and throughout the entire country; and I maintained, on their own admission, that their policy was not a planned one and was done in a haphazard manner. The Minister accuses me of bringing a racial slant on this matter, and I want to read from the *Hansard* of the 29th May, 1958, Column 1446, part of what I said:

"I do not want it to be felt that I am being racial or preaching a policy which is going to be racial, but I am only endeavouring to show the method of land distribution on the part of the hon. Minister in choosing persons to advise him on the question. My information is that of the 49 persons 43 were Indians and 6 Africans. Of the latter six, two never applied . . ."

I did not say that the 43 Indians who had been given land did not apply. [**Mr. Ram Karran: "Read on"!**]

"... to be put in the scheme, and one is unable to take part in the scheme, that is, if my information is correct. So you see the unbalancing of the situation and also the removal of the seven persons from the possibility of sharing in the scheme."

That is part of what I said. The point I made was that there were several people who occupied land before and, because of the resumption, those who occupied any part were not allowed to do so because of the method of distribution of the land. I also made the point that in one case there was a Negro who held and occupied a certain portion of land which he cultivated and when the Committee

[MR. JACKSON]

redistributed land, the Negro was given another piece of land to cultivate and an Indian was given the land which the Negro cultivated; and I have pleasure to note that since that debate, the land was passed back to Mr. William Bailey who now has the pleasure of not losing his land as was the intention of those who took it away. All I said was that the Government did not settle down to frame a policy for the distribution of land. And the Minister, himself, in talking of the Lands and Mines Department, admitted that all is not well with that Department; and that ought to make him realize he should not try to make what is bad, ridiculous.

Mr. Benn: The hon. Member has only taken a very small portion of his speech out of the whole speech, and quoted it. There was a case, as he suggested, where one person was deprived of his cultivated land and given an uncultivated piece. But why did the hon. Member refer to the fact that the person was a Negro? Had it not been done in other cases? And if some injustice had taken place, why mention that the person was a Negro? The hon. Member, in making this accusation, must also ask himself: how many of these people usually make application for land, generally?

The hon. Dr. Jagan, in one of his Press Conferences, pointed out that of the total number of applicants for land, only 10 per cent. were Negroes, and less than 5 per cent. turned up when they were called to be interviewed for land. What does the hon. Member want? Does he want somebody to go on the road and hit all the Negroes on the head and tell them to apply for land? It is quite wrong to suggest that the policy has been to give only one section of the community land, when only a very small number of another section of the community applies for land. The hon. Member should know his facts.

Mr. Jackson: It is unfortunate that the Minister has tried to twist what was the situation. I am not talking about people who applied for land or did not apply for land. The whole Motion applied to the fact that there were people who occupied a certain area on the Essequibo; that there was a certain ethnic group; that there was a resumption of land; and when there was the redistribution of land, the people who had spent all their time cultivating it, were not given any opportunity to continue where they had left off. I condemned, at the time, the people who were on the Committee advising the Government; and I tried to point out that this was what was happening on the Essequibo Coast; and in respect of the one man whose name I called, it happened that he was a Negro. The allegation was that the land he had was given to an East Indian. That is a statement of fact. What is wrong with that?

The Chairman: Now, then, the gravamen of the point is the working of the Lands and Mines Department. So far as what took place at the last debate on the subject, it is a matter of record. Conclusions may be drawn on the interpretation of the language so implied. That is before the Council and it shall rest there for individual Members of the Council to come to their own conclusions as to what is the purpose of the language implied in that debate. And no useful purpose will be served since we are not going to take a vote as to what is intended or not; so I think we should get back to the main issue—upon the reorganization, or whatever it may be, of the Lands and Mines Department.

I cannot anticipate what Members will say nor have I any knowledge of what Members have in their minds, but if I were to guess by the volume of words that have been used, I would think that the whole question must have been covered many times, and I am sure Members would not want to repeat what has been said before save only for the purpose of vain

repetition. That is my estimation of the high standard of Members in this Council, and I do not want, at all, to be proved wrong.

The hon. Member for Georgetown South I know perfectly well. I very nearly always anticipate his views. I am sure he will not wish to continue for any time longer.

Mr. Jai Narine Singh: I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

Mr. Burnham : Just a small point under the same Head. [*Interruption.*] The small point I hope to make will arise if I move the reduction by \$1 of Sub-head 1 (15) — 32 Surveyors and Surveyor-Apprentices — \$69,000. I would like to ask whether the dispute between the Government and the Surveyors with respect to salaries and allowances has been settled satisfactorily to both sides? I understand that there was a dispute; there was a threat to go on strike, and that the matter was to be settled by way of negotiations.

The Financial Secretary: I think I can tell the hon. Member that the matter is very close to being settled.

Mr. Jackson: I have been very concerned over the fact that the newspapers informed the public that Surveyors were going on strike because they were not satisfied with the way they have been treated by this Government. While I like to know that workers can express themselves, I do not think that this is a case in which we should allow our Surveyors to go on strike. If we permit them to go on strike it would affect the policy of Government's land distribution. I am not satisfied with the

answer given by the Financial Secretary because he says "I think". I should have liked a definite answer, but I hope we will not die in despair.

The Financial Secretary: I am not sure I understand what the hon. Member means, but the matter should be settled in a few weeks.

Mr. Burnham: I appreciate that the hon. Financial Secretary is not a prophet, so I will ask leave, in the circumstances, to withdraw my Motion. His idea of a short time is different from mine, and I shall raise the question in another way.

Question put, and agreed to.

Motion, by leave, withdrawn.

The Chairman : The Question is that, Head 22—Lands and Mines—be carried out at \$491,523.

Agreed to.

Head passed.

LAND DEVELOPMENT

DIRECTOR OF LAND DEVELOPMENT

Mr. Burnham : I beg to move the reduction by \$5 of Sub-head 1 (1)—1 Director of Land Development—\$10,000. There are a few things that occur to me in connection with this Department, and I would like to have some information about them. I understand that it is supposed to be Government's policy to move out of Land Settlement Schemes and pass them over to the settlers as a sort of private scheme rather than passing them over to the settlers on the basis of a village. If that is so, I would like the Government to set out clearly its policy. How will these communities be adjusted? I do not like the term "integrated". How will these communities be adjusted into the Local Government system under the Marshall Plan?

MR. BURNHAM]

The second point of some importance which strikes me is that I have noted in my professional capacity that certain large sums have been stolen by an ex-officer of this Department. I would like to find out from Government whether it has had the procedures so that there would be no repetition of this type of fraud? From my own observation there seems to be some slackness along the line and no proper system of checking.

The third question that arises at this stage to my mind is: If Government is going to give up the Land Settlement Schemes—I understand that most of the officers in this Department are employed in relation to Land Settlement Schemes—what does Government propose to do with the officers who will become redundant?

Mr. Benn: There are only two which can be answered by me—the other one concerns the Financial Secretary. The hon. Member wishes to know, if I understand him rightly, what is going to happen to these areas which are Land Settlement Schemes in relation to the Marshall Plan? Dr. Marshall has delineated 11 Marshall areas, and the Local Authorities at Cane Grove will be swallowed up like Buxton or any other area in the large Marshall area. We hope to have separate Local Authority at Cane Grove, La Bonne Mere, and so on. It is quite possible that the partitions will be done on the same basis as the districts have been

in the Land Settlement are concerned, work to do. We have a pilot scheme, and we have several other Land Settlement Schemes in mind. Even if we were

able to give up certain Land Settlement Schemes tomorrow, we would still have to continue with our Development Schemes in places like the Black Bush Polder.

In 1961 we hope to start a scheme at Tapakuna, and parts of that area will be declared a Land Settlement Scheme. The Deputy Director of Land Development is now working on a programme to find out where the land is; to whom it belongs, what it will cost to develop it and so on. Government will have to ensure that the schemes are carried out properly.

Things have not been going well at Mara. The officers in the Department are keeping an eye on things, and when we are certain that we can turn over things to the people in the district we will move out. We are now considering a scheme for the North West District where we hope to develop about 5,000 acres of land. An officer of the Department is working on the programme and we hope to start a scheme very soon. The services of these officers will be needed for a very long time.

Mr. Jackson: I see from the Notes that the officer is on contract. How long will he be on contract? What is the reason for the difference between the salary paid to the Director of Land Development and the amount he is entitled to receive?

Mr. Benn: That does not fall under my Ministry but I believe that the Director of Land Development was employed on contract and at a higher salary a few years ago. I think his contract will expire in September, 1961.

Mr. Jackson: I observe that the Note in the Budget states that the officer is on contract. I asked, "How long will the contract last, and what is the reason for the difference between what is his actual salary and the salary provided for the post?"

Mr. Benn: The officer was employed by a local firm, and I believe that Government had to offer him a higher salary in 1956 or 1957, presumably, in order to encourage him to take the post. I believe that is why he was employed on contract, and given a higher salary than is provided for the post. I have been told that his contract is likely to expire in 1961.

Mr. Jackson: I believe that Government wanted this officer to give up his work with a firm, and it offered him a higher salary by way of inducement. Why has Government fixed a lower salary for the post? What will be the position when the contract ends in 1961?

The Chairman: The hon. Minister is merely giving us the benefit of his knowledge. I do not know under whose portfolio this matter falls.

The Financial Secretary: It falls under my portfolio, but I do not have the information the hon. Member is seeking at the moment. I think what the Minister has told him is correct. I can get the necessary information from my office.

Mr. Burnham: While the Financial Secretary issues directives to obtain the information, I wonder whether he would answer the third question which the Minister said was not really for him. What has been done about the procedures in this Department to prevent a repetition of these large frauds?

The Financial Secretary: As far as I know, the answer to the question is that the fraud resulted from not applying the accounting procedures and practice laid down in the Financial Regulations. We have taken steps to see that this is done, but it is essentially a matter for the Department itself. You can lay down rules, but if people will not follow them, then all sorts of things will go wrong.

Mr. Burnham: It is essentially something for the Department itself. That brings me to another point. It is essentially a question for the senior members of the Department. They are as much to blame, if not more to blame. What is necessary is to direct their attention to their duties and responsibilities to see that the Financial Regulations are honoured in the observance and not in the breach.

The Financial Secretary: It has been brought to their attention that they must adhere to the Financial Regulations.

Mr. Kendall: This matter came up in the Public Accounts Committee which made a recommendation to the Administration that something should be done to create a greater sense of responsibility among officers, and it was suggested that in-service training might be the means of preventing some of these lapses. It is strange that the Financial Secretary is shrugging his shoulders and only relying on the Financial Regulations. It is the duty of senior officers to see that the Regulations are carried out. It is unfortunate that the Financial Secretary should merely rely upon the Regulations.

The Financial Secretary: The important thing is that the senior officers of a Department should see that the Regulations are carried out in their Departments.

Mr. Kendall: Can the Financial Secretary tell us what method he is adopting so that other officers, seeing what is being done, will try to do better?

The Financial Secretary: I am not sure that I understand the hon. Member's question.

Mr. Kendall: These things are happening and the public does not know what steps are being taken to prevent a recurrence of these frauds.

Mr. Burnham : It is no sense telling the Head or the Deputy Head of a Department that he ought to do this. There has been a lapse, and the General Orders provide disciplinary procedure. Some people learn only through discipline. There have been rackets in connection with the travelling votes in some Departments. Have any strong measures been taken with the Heads or Deputy Heads—not merely reminding them that Regulations X, Y, Z were disregarded and should not be disregarded in future? If it is the little fellow at the bottom there is going to be a lot of disciplinary action, but there are some people who are too big to be touched. Are they being told that they are not doing their work? Are we going to have that system in our Civil Service? It is safe to assume that nothing has been done except an expenditure of Government funds in writing some sickly minute or reminder to those people. But let a little Class II clerk just use one slightly off-colour word, and he is held up and disciplined.

I do not know if the three Official Members want to have some time off to consult, because I think the Legal Officer will have to advise the Financial Secretary, and the Establishment Officer will have to advise the Chief Secretary, and the Chief Secretary will have to advise the Financial Secretary, and out of this plethora of advice we hope to get——

The Financial Secretary: What I am not sure about is precisely what disciplinary action was taken in this particular case.

Mr. Burnham : May I ask the Financial Secretary when we can be made aware of what disciplinary action was taken in this particular case—not the man who was disciplined by the Federal Court?

The Financial Secretary : I shall inquire into it.

Mr. Burnham : May I ask how long it will take us to have the results of that inquiry? I am shocked and disappointed. These things hit the headlines when three Officials sit down here and do not know what they have done. Look at their salaries on the Estimates which we are asked to vote!

The Chief Secretary: (Mr. Hedges): I understand that a theft was committed. The case was tried and a conviction recorded. Therefore there was no reason to take any disciplinary action against any senior member of the Department.

Mr. Burnham : May I congratulate the Chief Secretary again. He has told us what is obviously the truth. It has been accepted by his colleague, the Financial Secretary, that the Head or the senior officers of a Department are as much to blame as the thief, for not seeing that the Regulations are carried out, because observance of those Regulations would avoid this type of fraud. The Financial Secretary agreed that the senior officers were to blame and that disciplinary action ought to be taken. We who have some contact with the law appreciate that negligence can be as culpable as something that is intended.

The Chief Secretary: I am talking about a particular incident. The Financial Secretary was making a generalization.

Mr. Burnham : Not the man who went to gaol, because he was disciplined by the Court. I refer to the higher-ups who allowed this slackness by not insisting on the carrying out of the Regulations. What have you done to the higher-ups in the Department who allowed this slackness to go on? If nothing was done, why aren't you doing something to discipline them?

The Chief Secretary: The fact that an officer was found guilty of fraud and was convicted is sufficient to show that the senior officers were alive to the shortcomings in that Department.

Mr. Burnham: We want them disciplined. Why haven't they been disciplined for allowing such laxity, for the conviction shows that the fraud had been going on over a period. It was not that one day there was a theft, but a sustained fraud over a period of time, and the senior officers ought to have known about it if they were doing their duty.

The Chairman: What was the original question?

Mr. Burnham: What was the term of the contract?

The Financial Secretary: I am sorry I have not yet obtained the information. Perhaps we can go on to something else in the meanwhile.

ENTERTAINMENT EXPENSES

Mr. Burnham: I will withdraw my Motion to move another under the same Head. I move that Sub-head 4—Entertainment Expenses, \$100—be deleted. I would like to know on what basis this Department is allowed entertainment expenses. I do not see this item appearing very often in the Estimates; I see it under Interior and under Land Development. What are these entertainment expenses?

Mr. Benn: My information is that this amount of money—and I agree with my hon. Friend that this does not seem to appear in other parts of the Estimates—is for expenses when very important persons visit the Land Development schemes. Sometime last year we were paid a visit by a sociologist or someone from Holland, who was interested in looking around our Land Development schemes. On other occasions the Secretary of State's advisers do come and go to the Land Development schemes, and I am informed that this sum of money is used for that purpose.

Mr. Burnham: I do not deny that the purpose for which the Minister alleges this sum is spent or is to be spent is—

The Chairman: I am not sure he used the word "allege". I do not know whether he said "allege" or not.

Mr. Burnham: He said it is his information. I would not go too hard on it, but I am wondering if that is so. There certainly must have been other departments. Take the Public Works, for instance. Some expert on roads may come down and he has to be taken out. I suppose that expenditure is taken out of the "Miscellaneous" vote.

Mr. Benn: My attention is drawn to the fact that there is a similar heading under "Local Government".

Mr. Burnham: I beg to withdraw my Motion. In any case, it is a small amount, and I see it is not there for rum drinking but for proper entertainment.

Question put, and agreed to.

Motion, by leave, withdrawn.

The Chairman: Is there anything else?

Mr. Burnham: As I understood it, the Government who has the numbers has agreed to a recommittal of the Head when the information is obtainable.

The Chairman: Only for that particular purpose?

Mr. Burnham: Yes, Sir. [*Pause*]. It does not seem as if that undertaking is general?

Mr. Benn: No one said anything.

The Financial Secretary: Yes, Sir.

The Chairman: Let me hear clearly. If it is to be done, then I shall wait until you get it.

The Financial Secretary: I agree.

The Chairman: The Question is, that Head 23—Land Development—be carried out at \$613,071.

Agreed to.

Head passed.

LAW OFFICERS

THREE SENIOR CROWN COUNSEL

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 1(4) (9)—3 Senior Crown Counsel—\$55,000. Mr. Chairman, I appreciate that the work in this department is very great—very onerous. I feel that the legal staff of the department should actually be expanded; but before I go to that question, I would like to make this observation: that there has been an alarming number of acquittals in the Assizes and quite a few no-case submissions accepted by Judges. It seems to me, in the circumstances, that the criterion for sending a man for trial before the Assizes is not merely if there is some scintilla of evidence, but whether it is indeed a good strong case or whether there is the possibility or probability of a conviction. Otherwise, all you are doing is wasting Government's funds; and I am submitting that is what the Attorney General's office had been doing—wasting Government's funds. So many accused have been acquitted on evidence which is so flimsy that no jury would convict; so many of the cases are so weak and without any merit that Judges have either agreed with no-case submissions or asked the jury whether they wanted to hear anything more. That sort of thing brings the law into disrepute.

Maybe, it is the shortage of staff that prevents the staff from going through the depositions and recommending indictments only in proper cases. Of course, even good cases sometimes prove bad.

Not only is Government's money wasted from the point of view of the Law Officers' Department; it is also wasted from the point of view of the Supreme Court, because you have Judges tied up doing these Assizes matters. You have juries who have to be paid at the same time; you have an ever-increasing list of untried cases in the civil division. I feel if this unsatisfactory position has come about as a result of a shortage of staff, we shall all be in agreement with the Attorney-General being allowed a larger staff which will handle this phase of activity more competently.

The other observation I would like to make is that since 1957, I have been suggesting that the various Ministries or the more important departments, should have legal advice in their laps, so to speak, and that Crown Counsel—in the United Kingdom we call them Treasury Counsel—should be made available to the Ministries. We can certainly employ legally trained persons of competence. It may not actually mean more expenditure. It may mean bringing in such persons at the administrative level and as part and parcel of the department. It seems to me that there is need for this. In practice, you see all sorts of legal documents passing between departments and the real lawyers have a holiday.

One good thing that has been done is to give a Crown Counsel to the Police. I feel that is a beginning which should have been carried further. Those are the remarks I have to make, as at present advised, and shall be grateful to hear from the Attorney-General, who has not had to defend any Head so far.

Mr. Jai Narine Singh: I wish to make some stringent remarks so far as the Law Officers' Department is concerned. That it is inefficient, there are no two ways about it. With regard to the recent appointments, it is clear that the Attorney-General, who may have made the recommendations, was not pro-

perly advised. There are, in that department, many inexperienced men who had not a single day's practice at the Bar; and who are going to make decisions for prosecutions before Judges and juries and have men indicted and taken before the Assizes when, probably, they should not go there. There have been appointments; and I am going to say this about the Public Service Commission, that it is a mere tool acting on the advice of the head of the department concerned. We have been presented here, time and again, with material that is badly drafted and for which Ministers have been dragged over the coals because they had not been properly advised. It is time we call a spade a spade.

I think that if there is one inefficient Department in the Public Service, it is the Attorney-General's Department. You have a number of inexperienced officers there, with the exception of one or two of them, who could not make a living working at the Bar. I make this statement without fear of contradiction. It is high time that we secure proper legal officers to advise the Government.

To show how weak that Department is, when we had an important case like the "Ritz Murder" the Attorney-General's Office had to seek legal assistance from outside because they did not have a strong man to handle the case. That shows the weakness of the Attorney-General's Office. If we have a weak office and the officers do not have enough experience to handle the work, then Government should do something about the matter.

Two years ago I tabled a Motion on the question of a public lottery to be run by the Government, and I was told by the Minister of Community Development and Education that the matter was in the hands of the Attorney-General for drafting. Two years have gone by and a Bill has not yet been drafted. We cannot walk and mark time. If we are to go

rocket-like and improve the conditions in this country, we will have to streamline certain Departments. I think the Attorney-General's Office should be streamlined from the top to the bottom.

The Attorney-General: Of course every Member is entitled to his opinion, but I doubt whether many would share the views of the hon. Member for Georgetown South who states that the Attorney-General's Department is the most inefficient in the Government, or words to that effect. If that were so, I think we would have heard something about it before now. I am not going to suggest that it is the most efficient, but, so far as I understand, it has been acknowledged to have provided good and fair service in the circumstances of the times. I express that view because this is a difficult year for a number of Departments that are particularly concerned with the impending change in the Constitution and all that goes with it. We have to look after the revision of legislation for the general elections, and a number of important measures.

The hon. Member says that the Law Officers Department should be streamlined. If he had said that more than a year ago I would have agreed with him, because a year ago it was streamlined and the Department was reorganized on a functional basis. The Department works as a team. There are two Senior Law Officers at the top. Unfortunately, under this Constitution where the Attorney-General spends far too much of his time dealing with administrative matters and is not able to do as much legal work as he would like—he and the Solicitor General spend their time dealing with matters which are of the highest importance referred to that Department.

Then there is the drafting of laws. There is a section of 3 officers who are concerned with nothing else but drafting. They are specialists, able legal draftsmen, who produce a number of Bills that come before this Council.

[THE ATTORNEY-GENERAL]

So far as advice to the Government Department is concerned, my hon. Friend the Member for Georgetown Central suggested that some Departments should have their own legal advisers. That sounds reasonable, sensible and simple. But it is not altogether practical, at least, in a small Government, because when an officer is appointed to a legal position in a Department and the Department is only large enough for one appointment this officer finds himself in a blind alley.

Although an officer of the Legal Department is seconded to Police Headquarters, that is a rather special case. The rest of the Departments are serviced by Law Officers who are specially assigned to deal with those Departments. There are two Senior Crown Counsel, and each is assisted by one Junior Crown Counsel. These officers are like "family" lawyers to specified Departments, and Heads of Departments as well as Permanent Secretaries know that they have a Law Officer who has been dealing with their affairs for a long time—an Officer who knows their difficulties and acquires a special knowledge of their problems. This system has been working well.

There is another section dealing with criminal prosecutions. A third Senior Crown Counsel is in charge of this section, and he has under him four Crown Counsel who are specialists in that line of legal work.

My hon. Friend the Member for Georgetown South says that when a difficult case comes along the Law Officers cannot cope with it. Take for example the "Ritz Murder case" where a Queen's Counsel in private practice was briefed to appear for the Crown. It was not because nobody in the Law Officers' Department was capable of handling such a case. One of the main reasons why Counsel was briefed was that it was a

very long case, and, if two officers in a not very large Department were to be engaged for weeks on end on one case, it would have meant that the Department would not have been able to discharge its responsibilities in other respects at the same time. As it was, one Officer of the Department was engaged for nearly three months on it, including the preliminary inquiry.

Hon. Members may know that it is now the policy of the Law Officers' Department to brief outside Counsel in criminal cases, and I think the Judiciary welcomes this. It is a policy which I started some two years ago, and I think it will probably be a permanent one. It is not good for Crown Counsel to spend their whole life doing nothing but crime. It is, on the other hand, a good training ground for young lawyers to be briefed for the Crown on occasions. Sometimes they find themselves for the first time appearing in the Supreme Court for the Crown. It is good for them to see both sides of the case; the defence as well as the prosecution. I am glad to say that by and large those who have appeared for the Crown have been successful in their briefs, and we have been happy to pay them their fees.

My hon. and learned Friend the Member for Georgetown Central—as usual there is a grain of truth in what he says—tends to exaggerate. He says that there is an alarming number of acquittals. He also talks about "No case submissions". Let us take what he refers to as the alarming number of acquittals. What is the situation with regard to the Assizes that are still continuing in British Guiana? The Courts are experiencing an all-time record in criminal cases. There were 86 cases altogether and, unfortunately, a number of them will have to be carried over to the next Assizes. We deal at once with the more serious cases where the accused are in custody, so that the cases which cannot be disposed of at the Assizes are cases where the

accused are on bail. This is no excuse for holding cases over. I am aware that justice delayed is justice denied.

There were 20 convictions from the 21 cases heard, and 1 acquittal at the Demerara Assizes. Fifty-five cases have been tried and there have been 13 acquittals, which means to say 42 convictions and 13 acquittals, giving a rate of 77 per cent. convictions. A year ago the Barbados figures were quoted in the press. I do not think the convictions amounted to 50 per cent. of the cases heard in Barbados. But it is bad to rely entirely on figures. They are a guide, but it is utterly wrong and misleading to say that there is an alarming number of acquittals in British Guiana. I quote these figures merely to prove it, so that hon. Members will leave this Chamber with the true facts. Anybody who goes before the Supreme Court on a criminal charge at present stands a 3 to 1 chance of being convicted.

With regard to no-case submissions, my hon. and learned Friend is aware that on occasions a case takes a sudden turn. Sometimes evidence is given at the trial which is not given in the magistrate's court, and it puts a different slant to the case. Witnesses unfortunately change their stories, and facts are occasionally found out which, with all the best will in the world, were not and could not have been discovered at the proper time. There have been two or three no-case submissions but not an alarming number.

I am very sensitive and conscious of the great responsibility on myself and my colleagues of the Law Officers' Department when we decide to institute a prosecution for an indictable offence, because of what happens. A man, possibly for the first time in his life, is put in peril of being tried and possibly convicted and sentenced to severe punishment. He is naturally apprehensive, and he wishes legal advice which in this

country is very costly. He has not the money and therefore has to raise it, possibly, by an expensive mortgage, or he may have to go to a money-lender—or his family have to go there. I am all too conscious of the fact that before a decision is taken the whole case has to be weighed to be as sure as one possibly can be that it will not fall down at an early stage.

My friend says there are a lot of no-case submissions and acquittals, but in all those cases it must be remembered that the Magistrates who have heard the cases at first instance, have committed the accused for trial because they thought a *prima facie* case had been made out. That is the duty of a Magistrate. He is there as a check to see that no person is put on trial for a serious offence unless there is a *prima facie* case that he should answer. Notwithstanding that, in many cases there are these acquittals, but they are not many. It is not due to the fact that the Law Officers' Department is understaffed, because criminal matters always have priority, and they are dealt with at all levels according to the importance of the case and the difficulty of it, by Law Officers with appropriate experience.

I would like to mention one point that was made by the Member for Georgetown South (Mr. Jai Narine Singh) who referred to the fact that the Public Service Commission in effect rubber-stamped what the Head of a Department advised, and suggested that one or more legal appointments recently made were bad because the Head of the Department had advised that those persons should be appointed and the Public Service Commission automatically gave its blessing to the appointments. That is not so. I was rather shaken when I went before the Public Service Commission in connection with a case some time ago, and the first thing I was told was "You need not think that the recommendation of the Head of a Department is always followed. What have you to say?"

[THE ATTORNEY-GENERAL]

I said what I thought was right, but my recommendation was not followed when the appointment was made. But that is the very reason why there is an independent Public Service Commission which, quite rightly, bows to no man, not even to politicians! Therefore I think the hon. Member can go home tonight relieved of his anxiety that any recommendations that I make to the Public Service Commission, or indeed any other Head of a Department makes, will necessarily be accepted, and that the appointments are quite rightly those of the Commission itself.

Mr. Burnham : I am most grateful to the Attorney-General for telling us that there were 55 cases in Demerara, but I wonder if he could not get figures for Berbice and Essequibo, and at the same time tell us in how many cases where there were convictions the convicted persons were undefended by counsel. Many a man who would get off with the assistance of counsel, cannot get off because very frequently he urges some of those lying witnesses to put in just that amount of lying which seals his doom. I still consider 13 acquittals out of 55 cases high.

We know that sometimes when no-case submissions are made we see piles of books on each side. My personal view is that the staff of the Law Officers' Department is over-worked. I have been there and seen them. I know that there was referred recently to the Law Officers' Department a matter from the Local Government Board with respect to a village council, and a legal opinion was required in such a short time that only very senior and experienced counsel could have given it. It was a question of the amount of leave a village councillor was entitled to, and in what circumstances could the Council impose a limitation of his leave. It is not as simple as it looks, and the position is that the officer to whom it was referred was

probably one of the Crown Counsel who would be running off to appear in a Full Court appeal or an appeal to the Federal Court.

I still feel that the Law Officers' Department should be strengthened not only from the point of view of members but of quality. I am not accusing the lawyers in the Department of being inefficient because from experience I have no reason to say that they are basically inefficient. I do not say that at all. Talking about those who have never had a day's practice, I would say that the learned Solicitor General never had a day's practice before he went into the office, but he is a most able and competent gentleman. The question of having a day's practice is not the criterion. That is a layman's criterion, and I am surprised to hear legal men saying that. The question is whether or not a person is competent.

The salaries offered are not sufficiently attractive, and I think it is one of the things on which this Government and its predecessors have fallen down. They do not realize that they cannot pay too dearly for competent administration of justice. There is no senior practitioner worth his salt who would accept any appointment in that office below that of Solicitor General, because the salaries are far from attractive. Government should consider a revision of the salaries for these posts. You pay the Director of Land Development \$900 per month because you feel that his services are necessary. I think there should be a change of attitude as regards the salaries of officers in the Attorney-General's Office. For three years I have heard the Attorney-General say that it is difficult to find persons to accept appointments as Crown Counsel because they end up in a *cul de sac*. I cannot see the validity of that. In actual practice they can rise to the post of Solicitor General, therefore the question of their ending up in a *cul de sac* is not one that is unanswerable. I think it is just a

question of a certain amount of intellectual laziness on the part of the Government putting forward that excuse, because ways and means can be found to prevent any man ending up in a *cul de sac*.

There is one other point with respect to Magistrates committing an accused for trial even though there is no *prima facie* case. There was a recent case in which a Magistrate said that a *prima facie* case had not been made out but he was committing. It is true that the Supreme Court held that his order could not be quashed, but as far as I am concerned that was a procedural point. The Magistrate said that a *prima facie* case had not been made out for larceny but he was committing the accused for trial. The matter went before a Judge who threw it out. Some Magistrates are strong, and when they are strong the Police and the Attorney-General's Office pressurize them. The Attorney-General uses his power under the Ordinance to send a case back to a Magistrate and tell him to commit an accused person, or the Police run to the Attorney-General to complain. You would be surprised.

The Attorney-General: Always?

Mr. Burnham: Not always but often. You would be surprised to see Police Officers running into the Chief Justice's Office. I will make my point when we come to the estimates for the Supreme Court.

May I point out to the Government that to ask Members to come back here the night before Old Year's Day is inhuman and does not show a spirit of goodwill. I suggest that Council be adjourned until next week. It is hard on those of us who have our domestic duties to perform, and also hard on the staff here to have to work long hours into the night.

The Chief Secretary: I think that in view of the slow progress we have made with the Estimates we should adjourn until eight o'clock this evening.

Mr. Burnham: I do not see the slow progress. The debate on the 1960 Budget took place in January.

The Financial Secretary: I move that Council resume.

Council resumed.

The Chief Secretary: I move that Council adjourn until eight o'clock this evening.

Council divided and voted as follows:

<i>For</i>	<i>Against</i>	
Mr. Hubbard	Mr. Bowman	
Mr. Ajodha Singh	Mr. Davis	
Mr. Saffee	Mr. Gajraj	
Mr. Rai	Mr. Jai Narine Singh	
Mr. Ram Karran	Mr. Campbell	
Mrs. Jagan	Mr. Burnham	
Mr. Benn	Mr. Kendall	—7.
Dr. Jagan		
The Financial Secretary		
The Attorney-General		
The Chief Secretary		—11.

The Speaker: The Motion is carried. Council is adjourned until eight o'clock this evening.

NIGHT SITTING

Council resumed at 8 p.m. and resolved itself into Committee to resume consideration of the Appropriation Bill.

LAW OFFICERS

The Chairman: When we adjourned this afternoon, we were at Head 24 — Law Officers.

Mr. Burnham: Mr. Chairman, when you suspended the sitting this afternoon, I was making some observations in reply to those made by the hon. Attorney-General, and I think I had just reached the stage where I was about to say that it is hardly sufficient to state

[MR. BURNHAM]

that the Magistrates, at the preliminary inquiry, are empowered to decide whether or not a *prima facie* case has been made out because, from my own knowledge, when a Magistrate decides that a *prima facie* case is not made out, on many occasions, he finds the Attorney-General using his power under the Criminal Offences Ordinance and remitting the case for a committal; and I did remark, *en passant*, that the Police do or attempt to exercise an inordinate amount of power, in that sometimes when the Magistrates do not commit, apparently complaints are made and, apparently, the Attorney-General's office is only too willing to lend an ear to these complaints that the Police lay. I have already remarked on the fact that I think this, what I consider cursory consideration of depositions, is due to the fact of the shortage of staff.

As I am on my legs, Mr. Chairman, may I take this opportunity of alluding to something which has been completely ignored or no steps taken by the Law Officers to remedy over the last three years: that is, the bringing up-to-date of the Justices Protection Ordinance. We hear that the Senior Legal Draftsman is a skilled and experienced gentleman. We see on the Estimates that, in addition to him, there is one Legal Draftsman and, in addition to these, two skilled and experienced gentlemen. They are the two Assistant Legal Draftsmen. I assume that all four did drafting; and if they did not do drafting, they should do drafting. If any one or more than one, perhaps, did not do drafting, it gives validity to my observation about the shortage of staff.

With these four experts, it is a crying shame that in British Guiana the Justices Protection Ordinance Chapter 18 — has been in existence since the

year of our Lord 1850. I think that the hon. the Attorney-General ought to be ashamed of that in the year 1960 — 110 years after the right of the citizen to sue Government or a Government Department or a Government officer acting in the execution of his duty is governed by Ordinance which was passed before his grandfather was probably born; and it is all the more important in view of the fact that certain public corporations are being created.

Recently, for instance, we had created an Electricity Board, the Chairman of which sits on my extreme left. We jointly passed a clause in a Bill giving the officers of that Board protection under the Justices Protection Ordinance. I can see absolutely no excuse, and no palliative would be enough. It is no use telling me it is under consideration. Let us see a Bill presented within the first few working days of the new year on this. Since 1850! We have had legislation in the United Kingdom in the 1860's; we have had legislation in the United Kingdom in the 1890's; we have had legislation in the United Kingdom in 1947. Even British Honduras, with a population that is a fraction of ours and with a Government without the responsibility of our Government, has passed legislation which brings up-to-date the right of the citizen to sue Government. The private citizen is at a disadvantage in this country.

As you know, Mr. Chairman, there is the question of whether or not there is malice; there is the question of whether or not the proper person to sue is the Attorney-General; there is the question of whether you can sue within six months; and there is the question of the one month's notice and all that sort of technical detail. With the increased activity of the Government, if we are to make a reality of democracy, the citizen should be given the opportunity to have his complaint aired before the Court, if the defendants are the State

or the State's agents, with the same facility with which he can have his complaint against a private individual aired in a Court of law. I wish to recommend this to the Attorney-General and hope that we do not get "consideration" but action.

The Attorney-General: I did not intend to reply, but I feel constrained to rise, to defend the traditional attack by my hon. and learned Friend on the Magistracy. I should have thought that it would have been far from his interests to reiterate, *ad nauseam*, the attack on the judicial officers who have no means of replying to general accusations.

My learned friend must realize that words have meaning. It is no good making these general accusations charging Government departments with inefficiency, saying that when Magistrates discharge accused persons at preliminary enquiries the Attorney-General remits the cases back. It sounds as if he does that always. When I raised the point, my friend said "often". I dispute that. If these castigations are to be considered, they must be supported by facts and figures. Sweeping criticisms merely go like water off a duck's back. They are unworthy of consideration.

In every community, in every walk of life, there are those who are good, those who are not so good and, also fortunately, those who are much better. This applies to the Magistracy as well as the practising Bar. By and large, Magistrates do a good job of work in this country; and I say, for the information of this Council, that it is most unusual for a case to be remitted to a Magistrate with a direction to commit for trial when he has discharged the accused person. It is done occasionally but sparingly. It is quite wrong for my friend on the opposite side of the Table to give the Council the impression that Magistrates are afraid to discharge persons because if they do, the cases will be flung back at them.

As to the Justices Protection Ordinance, it was less than a week ago that my friend raised the same point. Why is the time of the Council taken up to repeat these observations? I gave him an undertaking that I would look into the matter, and I have already started to do so. It is perfectly true that our law was passed in 1850 and that it was based on the Justices Protection Act of England of that time. The Member for Georgetown Central referred to the fact that the law was not brought up-to-date in the same breath that he mentioned that there were four members of the drafting section of the Law Officers Department whose job it was to do nothing else but draft legislation. In point of fact, there are three at the moment. We expect a fourth soon; but these three were not there since 1850. My friend has also prided himself, I think, of being the watch-dog of democracy and, particularly, the law; but why has he not brought the matter up before? He has been in this Council for years and this is the first time he has alluded to it. I can assure him that the matter will be looked into, but he cannot expect a Bill in the first week of next year.

I would like to assure the Member for Georgetown South of the current practice of recruiting law officers which he may not have been able to find out before making these accusations. No law officer is now appointed unless he has had three years' practice, and that has been the practice for several years. So it is quite wrong to say that there are many members of the Attorney-General's staff who have had no practice at all. I would urge that these points be taken into consideration to put the record right.

Mr. Jai Narine Singh: I wish to support the hon. Member for Georgetown Central. I know of several very flimsy *prima facie* cases which have been left to the Law Officers' Department to decide. I have known a Magistrate to

[MR. JAI NARINE SINGH]

have called my attention to a case, subsequently, to show that an indictment was sent on and a *nolle prosequi* had been entered. This matter should be gone into with extra care.

I do not say that the Magistrates are not capable and able men, but, because of the inner feeling that the responsibility that is placed on them is great and that their decisions will reflect on their careers, they prefer to leave certain decisions to be made by the Law Officers. I would like the hon. the Attorney-General to say whether this Department is fully staffed. If it is not, he should say why it is not fully staffed when a sum of money was provided for the appointment of officers in 1960. I do not think there is any difficulty in finding members of the Bar who are willing to accept such posts. I would like the hon. the Attorney-General to tell us what experience his Senior Legal Draftsman has; where he acquired his experience; and whether he was a Legal Draftsman in any other country?

The Attorney-General: First of all, I will deal with discharges and the entering of *nolle prosequis* to stop cases from going to the Supreme Court. A *nolle prosequi* is entered after careful consideration of a case. Indeed, a review was carried out about three or four months ago to see what the position was with regard to *nolle prosequis*. My hon. and learned Friend opposite said that there were many acquittals. We have found that there is one category of case which always gives difficulty, and that is cases involving sexual offences. This difficulty is due to the fact that it is not always possible to get the necessary evidence to secure a conviction. We have now instituted a policy, with the concurrence of the Commissioner of Police, whereby no one is charged with a sexual offence unless the relevant papers are first perused by the Law Officers. We found that

the omission to pass the papers to the Law Officers was one of the reasons for a number of these acquittals. We do not want to charge people unnecessarily, with the likelihood of having to enter a number of *nolle prosequi*. I am sure my hon. Friend is aware that that is the practice.

I am glad the hon. Member for Georgetown South has raised the point regarding the qualifications of the Senior Legal Draftsman, because it is interesting in the light of what he has said. It is very difficult to get legal staff in this country at the salary rates that exist at present. Legal Draftsmen are scarce everywhere. We were advised when we wished to appoint a Senior Legal Draftsman that there was no hope of getting an experienced officer from elsewhere because the salary was not adequate or attractive in view of the fact that there is a great demand for them in the Caribbean.

Legal drafting is a specialist job, and it requires not only a sound knowledge of law, but some one who has particular clarity of thought as well as a particular facility for fluent expression. A person may be a sound lawyer, but he may not have the facility for drafting. We are fortunate in having such an officer who has been recently appointed Senior Legal Draftsman. He has been acting in the post for some time, and I think he has a natural aptitude for this type of work. With experience I am sure that he will continue to do well and serve his country.

Mr. Burnham: I am a little surprised but, I suppose, I should congratulate the Attorney-General on the twist which he has given to my remarks by suggesting that I had carried out an attack on the Magistrates. I am not a Magistrates' Court practitioner, and I have no favours to get from them. I said that the Magistrates in many cases — my hon. and learned Friend, the Member for Georgetown South has also said so — when

they are willing and ready to refuse to commit an accused, feel that it is a waste of time, because the Attorney-General is likely to send it back "remitted for committal."

I had the experience about two or three years ago where I submitted that there was no case to answer and that the prisoner should be discharged. The Magistrate accepted my submission, but the case was sent back to him. I was in the position to see, about two months later, that the case which was remitted was thrown out by the Judge at the close of the prosecution's case. If there is any criticism, it is not of the Magistrates but of the officers in the Attorney-General's Office who, I must confess in the circumstances, seem too willing and ready to put a man on trial and in jeopardy on the flimsiest bit of evidence.

I offered the Attorney-General a way out. I told him I thought his staff were over-worked, and they could not carefully consider these matters. You can lead a horse to the stream, but you cannot force him to drink. I gave my hon. and learned Friend a way out, but he would not accept it. Since he could not accept it, let me say that there was incompetence some where along the line. I do not want to behave in the same manner as the hon. Member for Georgetown South, but the hon. Attorney-General refuses to take a line of retreat.

The Attorney-General says that it is unusual to remit cases. Perhaps my English is subjective, but I will be most obliged if the statistics will tell us how many remittals and discharges have taken place. I would be large enough to apologize and retract my remarks, reminding him, however, that there are fewer discharges because of the fear of remittals.

I note, with a certain amount of amusement, that the Attorney-General mentioned the fact that I have waited until now to draw attention to the Justices

Protection Ordinance. May I remind the Attorney-General that, much as I would like to assist him in his Department, I am not a Member of the Government. The leader of the British Guiana Bar said that this Ordinance was out of date. We agreed to appoint a Law Committee some time ago to go into the matter. The hon. the Attorney-General is a member of that Committee, and this is one of the things that should have struck him.

I made a remark about Chapter 18 a day or two ago, and I shall make it again. I have learnt from experience that the promises made here about considering certain matters are merely pie-crust. For instance, today we had an example in the Department of Inland Revenue. For three years I have been asking — it seems to me that repetition does make some indentation on the otherwise opaque Members of the Government. I am going to repeat it, so that you will think of it next year.

As I understand it, it is not so much a question of repealing and of substituting legislation for Cap. 18. It is a question of removing complicated legislation and making it possible for people to sue Heads of Departments. One has merely to look at the Crown Procedure Act of 1947 to see what I am talking about. It is a question of removing something rather than putting something in its place. I hope the Attorney-General who, as usual with a certain amount of political guile, admits that some of the criticism is justified, will go further this time and really do something about these things.

I do not know whether he considers the Department is sufficiently staffed. I do not know whether he considers, in view of the impending Constitutional changes; in view of the number of Ministries; in view of the distribution of authority which today now rests in the hands of the Chief Secretary, he

[MR. BURNHAM]

has his office fully staffed. I do not know whether he is satisfied that there are in the Service a sufficient number of legally-trained men to advise on the legal problems that must arise from time to time. In this respect, as in other respects, the Estimates do not credit to this Government

We are on the threshold of new responsibilities; more work to be done; more problems to be dealt with, and members of the Government are patting themselves on the back and saying "we have not increased taxation; our Budget is about \$40 million". I am sure we will see a large number of Supplementary Estimates brought before Finance Committee during the year. What is Government doing with regard to the question of erecting buildings in which Members of the Legislature will meet? I have a soft spot in my heart for the Attorney-General because, like every good trade unionist, I have a certain feeling for my fellow-workers, skilled or unskilled.

The Minister of Communications and Works (Mr. Ram Karran): On a point of order. I would like to know whether the hon. Member is speaking on the Second Reading of the Bill?

Mr. Burnham: On a point of order; that is not a point of order, Sir. In this respect, as in other respects, the Estimates do not pay tribute to the foresight of the Government, and I would ask the Attorney-General to pay particular attention to the necessity for more staff to handle the Constitution, which will not be the Colonial type of Constitution, within the next eight months.

Mr. Tello: I would like to remind the hon. the Attorney-General that it is more than two years since he made a promise to the Trade Union Movement that he would introduce legislation for

the establishment in this country of the fair wages rule as exists in the United Kingdom. There have been many interviews and a considerable amount of correspondence on the subject, and now that the Attorney-General has a Legal Draftsman, I am wondering whether I can get an assurance from him that legislation will soon be introduced.

The Attorney-General: We do the drafting, but the question of policy is a matter for the Ministry of Labour.

Mr. Burnham: In view of every thing that has transpired, I ask leave to withdraw my Motion.

The Chairman: The Question is, that Head 24 — Law Officers — be carried out at \$111,304.

Agreed to.

Head passed.

LOCAL GOVERNMENT

Mr. Jackson: I move a reduction by \$1 of item 1 — Commissioner of Local Government, \$8,640 — to inquire whether steps have been taken to fill this vacant post.

The Chief Secretary: Steps have been taken to fill this vacancy.

Mr. Jackson: May I ask the result of the steps which have been taken?

The Chief Secretary: I think an announcement will be made shortly.

Mr. Jackson: We have heard that word used so often that I think we all have it printed on our faces. How shortly?

The Chief Secretary: I think within one month would be a safe estimate.

Mr. Burnham: Would it be correct to assume that every time the Chief Secretary uses the word "shortly" he means one month — lunar or calendar?

The Chief Secretary: I cannot give that assurance. [*Laughter*].

Mr. Jai Narine Singh: I would like to know whether in view of the new system of local government we will continue to have the gods and demigods ten years from now. I would like to know what is the policy of the present Government.

The Chairman: Have we demigods?

Mr. Jai Narine Singh: I refer to the representatives of the Governor or Her Majesty, and the District Commissioners who fly the Union Jack at their residences in various parts of the country. I think the system was introduced by Sir Gordon Guggisburg.

The Chairman: What did he institute — the Commissioners or the flag?

Mr. Jai Narine Singh: I want to know whether Government proposes to continue flying the flag and carrying out this superimposition on the people of this country?

The Minister of Community Development and Education (Mr. Rai): I do not know whether my friend is objecting to the Union Jack flying at the residences of District Commissioners. He knows fully well that there is a Select Committee sitting to deal with the question of replacing the Union Jack with a flag of a free and independent Guiana. I do not know if that would satisfy one aspect of his question.

As regards the other aspect Government has, in a Sessional Paper of 1958, set out proposals for local government reform by Dr. Marshall, in which it is envisaged that the District Commissioner system will be abolished, and there will be set up in the country 18 District Councils which will be in charge of the various districts.

Mr. Jai Narine Singh: Maybe the Minister can tell us how soon the flag will be changed and how soon the abolition of the system of District Commissioners will take place.

Mr. Rai: I think Government has already announced that there will be 18 District Councils set up under the Marshall proposals, including one in Georgetown, one in New Amsterdam, another at Crabwood Creek, and one Urban and one Rural District. The proposals envisage that there will be elections on the basis of adult suffrage, and it is hoped to use the new electoral lists which will come into force next year, as the basis of elections to this Council. As these lists will not be prepared until June, I would say that elections should be held in 1962 in Georgetown and New Amsterdam, and No. 52, Crabwood Creek.

Mr. Jackson: Having been assured that we shall hear something about this new Head of a Department within another month, I shall look forward to that announcement within the time specified. I therefore ask leave to withdraw my Motion.

TRANSPORT AND TRAVELLING

Mr. Jai Narine Singh: I beg to move a reduction by \$1 of Sub-head 2 under Other Charges — Transport and Travelling, \$45,000. Now that we are thinking of cutting down on their activities and eventually removing the District Commissioners, do we need an increase of the transport and travelling vote by \$5,000 next year?

Mr. Rai: The duties of the District Commissioners have not been reduced; they are still performing their normal duties. As a matter of fact they are being called upon to shoulder additional duties.

Mr. Jai Narine Singh: Having acquired big American and German cars the cost of their travelling automatically went up. If the Labour Department

[Mr. Jai Narine Singh]

has not been allowed any increase in its travelling vote, why should this imposition upon the people have an increase of its travelling vote?

Mr. Rai: As far as I am aware, no District Commissioner has a De Soto as my friend has. [Laughter].

Mr. Jackson : I understand that the District Commissioner on the East Coast has to cover the whole of the East Coast, the East Bank and Georgetown. I do not know how it is possible for this vote to meet the amount of travelling that has to be done. I thought the time had come to reduce the size of the district.

Mr. Rai: It is being constantly represented that the District Commissioners should do more travelling, and it is for that reason that the vote has been increased this year by \$5,000. As regards the East Demerara district, there is an Assistant District Commissioner who does the travelling on the East Bank, but the District Commissioner has to supervise

Mr. Tello: The explanatory note does not support what the Minister has said. It simply says that the increase is consequent upon the revision in rates of travelling and subsistence allowances. Every Department seems to have the right to an increase in the revision except the Labour Department. I am urging that the same justification for increasing the travelling votes in other Departments applies to the Labour Department.

The Chairman: Shall I put this Head? A Motion is still before Council.

Mr. Jai Narine Singh: I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

The Chairman: The Question is, that Head 25 — Local Government — be carried out at \$351,438.

Agreed to.

Head passed.

LOCAL GOVERNMENT — SOCIAL WELFARE

SOCIAL WELFARE OFFICER

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 1(1) — 1 Social Welfare Officer — \$6,240 — to inquire whether there is a Social Welfare Officer, the holder of the substantive post. It had been my information that the post was vacant, and I am a little concerned about the vacuum. Of course, my information may be wrong.

Mr. Rai: The holder of the post is Capt. F. R. B. Robinson who is now on leave. He is the substantive holder of the post.

Mr. Burnham: I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

OTHER CHARGES — TRAVELLING EXPENSES

Mr. Jai Narine Singh: With regard to Sub-head 2 — Other Charges — Travelling Expenses — I noticed that in 1959 travelling expenses were \$17,307; this year the amount is \$18,500; and next year it will be \$26,500. I wish to remark that there are only 18 officers in this department and they each draw about \$1,800 a year — nearly \$150 a month; that is if it is to be distributed evenly. Something seems to be wrong somewhere

It is time the Government takes cognizance of what is going on. All cannot be well. I would ask the hon. Minister to go into the matter and tell us something about it.

Mr. Rai: The reason for this is that Social Welfare Officers have to keep travelling in the country districts and work among the people. They move about during their work and, in addition to that, we are placing great emphasis on community development activity. We are giving the people encouragement and seeing that they make the fullest use of community development. The very nature of their work is to travel.

Mr. Jai Narine Singh: What check is made on the general travelling? There was a case I knew of, personally, where an officer had travelled 20 miles to do a certain job, travelled back the 20 miles, went back, came back in the afternoon and charged the travelling to Government. I want to know whether there is any system of checking on the general travelling?

Mr. Rai: A lot of travelling is done by the District Social Welfare Officers in the execution of their duties, but a check is made by the Accounts Officer and that is the only check we go by. In addition to that, they are given a travelling ceiling and they cannot overstep that ceiling.

Mr. Jai Narine Singh: I am sorry for the poor Government and the poor taxpayers.

Mr. Rai: And the poor question.

Mr. Jai Narine Singh: It is not a poor question. The hon. Minister ought to know that there is a lot of money going down the drain.

OTHER CHARGES — GRANTS TO
VOLUNTARY SOCIAL WELFARE
ORGANIZATIONS

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 5—Grants to Voluntary Social Welfare Organizations — \$4,500. I would like the Minister to tell us which of these new Voluntary Social Welfare Organizations assist and promote cultural activities, what are these cultural activities and what is the nature of the assistance or the mission?

Mr. Rai: I thought my hon. Friend was referring to the increase of \$2,500. [**Mr. Burnham:** "No".] So the vote would stand as it is — at \$4,500. The sum of \$2,500 is being provided for the first time next year for the promotion of art. I had convened a meeting of all the cultural organizations of the country, and I invited them to form an Arts Council of this country. In the course of my address I told them that the Government is willing to give moneys to promote art, music, drama and different dance forms, and to improve the cultural life of the country; and if that organization is properly constituted, later on, the Government will assist in its incorporation, along the lines of the Arts Council of Britain. The sum of \$2,500 will be given for such purposes.

Mr. Burnham: May I congratulate the hon. Minister for his obvious interest in art and culture; but I think he has shown extreme parsimony by allocating \$2,500. Of course, he is a person who would be more amenable to reason and, I think, later on he would be inclined to increase this vote — not like his predecessor.

I beg to withdraw my Motion.

Motion, by leave, withdrawn

The Chairman: The Question is, that Head 25A — Local Government — Social Welfare — be carried out at \$116,578.

Agreed to.

Head passed.

LOCAL GOVERNMENT — PROBATION SERVICE

CHIEF PROBATION OFFICER

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 1(1) — Chief Probation Officer — \$5,088. *En passant*, I merely want to ask the Minister whether the post has been filled since the last holder was promoted elsewhere in the Department? But the real observation I want —

Mr. Rai: The post has been filled, and the present holder is Mr. C. Murray who is on leave at present. [*Interruption*]. I am told that he has just resumed.

Mr. Burnham: The observation I wanted to make is that from my experience of the amount of work the Chief Probation Officer and his staff do, these salary scales should be reviewed. During the course of my professional activity, I know that they are responsible for interviewing delinquents who are charged, and also supervising those who are put on probation. They do a tremendous amount of work and are of great assistance to the Court and community. It is my impression, also, that it is a specialized job and not a Civil Servant's job; and I got the impression, therefore, that to put them on lower scales than the scales enjoyed by the Social Welfare Officers and Assistant Social Welfare Officers is discriminatory and such as to induce Probation Officers to go into other sections of the Service. Obviously, the Social Welfare Department is distinct

from the Probation Service and robs this office of trained and technical men. I ask that there be some consideration of the salary scales. I wonder what the Minister has to say on this question; for the Minister, like myself, apart from his Ministerial experience, in his ordinary work before he became a Minister, must have had knowledge of the extent of work done by these people.

Mr. Rai: There is no doubt that Probation Officers perform an excellent service, and what the hon. Member has said would be given due consideration.

Mr. Burnham: I want to congratulate my hon. Friend upon his assimilation of these officialese terms. What does he mean by "due consideration"? Would he be good enough to explain what is meant by this expression in the instant circumstances?

Mr. Rai: The consideration it deserves.

Mr. Burnham: I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

The Chairman: The Question is, that Head 25B — Local Government — Probation Service — be carried out at \$62,604.

Agreed to.

Head passed.

MAGISTRATES

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 1 (14) — Substitutes for Staff on leave — \$11,000. Time and again I have advocated that the system of having Magistrates acting

for a long period is bad. It causes a feeling of insecurity on the part of those who administer justice, and that can be reflected in the quality of the decisions they give. It seems to me that if it is known and appreciated that there will be so many Magistrates on leave at a given time, there should be so many more permanent Magistrates so that there would be no dislocation of the service or the practice of practitioners who may be called upon to act. There should always be a sufficient number of Magistrates to carry out these duties.

It seems to me that there is some system where a Magistrate must act for three or four years before he is appointed. There seems to be an anomaly when acting Magistrates can get six months' leave with passages for their wives, and there are vacancies! I can name at least two Magistrates who have just returned from long leave: Mr. Gunraj and Mr. Low. What is the Government's intention? Why do you keep these gentlemen acting for this long time when there are vacancies to be filled?

May I now remark on the accommodation afforded Magistrates? There are some Magistrate's Courts like the one at Fort Wellington which reminded me of a pigsty—you have flies there all the time. The administration of justice calls for some dignity of the person administering it with dignity of accommodation, otherwise what respect is there in the dignity of justice? It also seems to be the habit in some rural areas to push the Magistrate's Court in some back room in the Police Station—the nearer the Court is to the pound the better. I must draw attention to a system which has grown up where you have the police discussing cases with Magistrates.

Mr. Jai Narine Singh: Before we have an answer to the points raised by the hon. Member for Georgetown Central, I wish to say that I would like to

take the Minister of Labour, Health and Housing and the Attorney-General on an excursion to see Courts 4, 5 and 6, so that they will understand what litigants have to undergo in places like the Wharton's building on the third flat. It is not an easy matter to get up there, but when you reach the top the situation is much worse. When a case is being conducted in one Court a lawyer's voice can be heard in another Court, and that disturbs the proceedings. A message is then sent from one Magistrate to another; one Magistrate gets annoyed and adjourns his Court. The hon. Member for Georgetown Central has mentioned "Sisters Court" which is held in a Police Station in the Guard Room. When there is no Court a policeman sits at the telephone.

I have been speaking on this subject for a very long time, and I have called Government's attention to it in the hope that something will be done in the matter. There should be some dignity where law, order, and justice are administered. When there is dignity attached to the place where justice is being administered the Government itself will have honour showered upon it. I feel that this Department should be reorganized. If the police want accommodation tomorrow they will get it, but where justice, law, and order are dispensed nothing is done in the matter! I have seen people lifted in wheel-chairs and carried up to the third flat to our Courts.

Apart from that, I wish to support the hon. Member for Georgetown Central in what he says about the Government's policy of keeping Magistrates acting for long periods. If the Magistrates are not suitable, get rid of them and employ other Magistrates. There should be no fear in the administration of justice, but there is fear in the minds of some Magistrates that if they do not follow certain instructions from, perhaps, the Attorney-General's Office things will not go well.

The Chairman: Are you speaking with respect to fact? You say the Magistrates have fear in their minds. Are you justified in saying so?

Mr. Jai Narine Singh: The acting Magistrates.

The Chairman : How do you know that?

Mr. Jai Narine Singh: I have been told so by Magistrates. The Magistrates are kept under pressure while they are acting. There should be no pressure when the administration of justice is taken at a certain level. I know that when the Magistrates are acting they get a certain amount of pressure. The temporary Magistrates are not on the Civil List, and they are subject to criticism as well as pressure. That is why I feel that something should be done in the matter.

Mr. Jackson : I did not hope to raise the question of Courts under Sub-head 3 of page 57, but as it has been brought up here I shall make my comments now. Under this Head, Government has provided the sum of \$20 for the rental of Courts. We have been renting buildings for some time, and they have been costing us between \$1,000 and \$2,000 a year. Why is it that the total amount for this item is not shown in the Estimates?

Members on this side of the Table are always talking about the inadequate accommodation in the Courts. It was suggested that a building in Brickdam should be renovated and improved upon so that people could have their cases tried under better conditions, but nothing appears to have been done in the matter. We have always been told that something would be done.

I have myself been to the Wharton's building on more than one occasion, and I found that the atmosphere in which

cases are tried leaves much to be desired. I appeal to the Government to do something about our Courts, and let us know what is the actual rental of these Courts.

The Attorney-General: I think the feeling of dissatisfaction with the accommodation particularly in Magistrates' Courts is general. The Government is fully aware of the fact that most of the Courts are inadequate. It is, of course, an old story: if there were not other matters which have a higher degree of priority so far as the expenditure of public funds is concerned, the Courts would have been improved before now. The Government does what it can. In support of this statement, I mention the Magistrate's Court in New Amsterdam which is very fine indeed and would justify no complaint. It is a matter of finding the money and doing things which have the greatest claim on it.

I may mention that a Working Party is in fact examining the possibility of putting up a new building in Georgetown to house the Courts. There is a difficulty, I understand, in having the building designed, because the architects of the Public Works Department have a lot of urgent work on hand.

There is also the question of finding the money, but a certain amount of progress has been made, and as soon as the way is clear and the money becomes available a start will be made. A site has been earmarked, and I hope that it will not be too long before something is done.

As regards the length of time Magistrates have to act, again I think no one would defend long periods of acting. It is unsatisfactory. Unfortunately it has been the policy of successive Governments to appoint acting Magistrates rather than, as the hon. Member for Georgetown Central suggests, have a cadre of Magistrates sufficient to take

account of vacancies and leave. That, I am informed, is a more expensive way of staffing Magistrates' Courts, and of course it applies to officers in other Departments as well. What happens is that a Magistrate is appointed to act when a substantive Magistrate goes on leave, and when he comes back someone else goes on leave, so that the acting Magistrate has his appointment extended. It is all very unsatisfactory, and I am sure the Chief Justice has in mind the desirability of making these acting appointments short, or to confirm Magistrates in their appointments.

I have taken a note of the matters raised by hon. Members on the other side, and I will certainly go into them.

Mr. Burnham: I am glad to hear that the Attorney-General is taking notes, and while he is doing some note-taking may I offer him some further notes. He condemns, like me, long acting periods and the presence of so many acting Magistrates. But leave seems not to be the only reason, because I know there are two, if not three, vacancies in the Establishment, and there are about four acting Magistrates, all of whom have been acting so long that they have been granted long leave and have come back and resumed duty. So that it is not merely a question of acting while a Magistrate is away. It seems to be Government's policy to keep people acting.

I wonder whether it is in fact cheaper to have a system of acting Magistrates rather than an establishment which takes leave into account. To secure a really good Magistrate Government usually has to pay him more when he is acting than when he is confirmed, so as to compensate him for his loss of practice. The practitioner who accepts an acting appointment at the commencing salary of the scale is not worth his salt, or is a man of considerable means. Normally an acting Magistrate gets more money during the acting period than

when he is confirmed, and I am wondering whether it is in fact cheaper to keep them acting rather than appoint them at the beginning, giving them the so-called security which members of the Service are supposed to enjoy.

We have heard of the building at New Amsterdam being very comfortable. I have had the misfortune to attend that Court about two or three months ago, and it is disgusting to think that all that money has been spent in putting up on a large plot of land three Courts which are usually crowded. There is no proper provision for the public and the steps are crowded as they are crowded in Court 4, 5 and 6 in Georgetown. There has been an absolute lack of imagination on the part of the architect and/or builders, and very shortly Government will have to break the building down or extend it. I do not know what sort of advice this Government is getting.

The hon. Member for Georgetown South (Mr. Jai Narine Singh) referred to the fear of acting Magistrates. I do not know of those fears, but what I would ask the Attorney-General to do is to issue instructions to the Police and to his prosecutors that they should not go to Magistrates before a case is started and tell them what penalty they wish inflicted.

The Attorney-General: I will certainly do that. It is the first time I have had any suggestion that Magistrates are instructed by the Police, or by Law Officers, as to how to handle cases. It is a most serious charge and I will certainly look into it. I would be glad for any information the hon. Member can give me so that I would not act on generalities.

Mr. Burnham: I shall supply that information to the Attorney-General immediately on the adjournment. I ask leave to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

The Chairman: The Question is, that Head 26—Magistrates—be carried out at \$352,978.

Agreed to.

Head passed.

MEDICAL

FILLING POST OF DIRECTOR OF MEDICAL SERVICES

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head (2)—Deputy Director of Medical Services, \$9,600. So far as I am aware there has been for some time a vacancy in the post of Director of Medical Services, but up to now we have had no appointment. The same thing applies to the Director of Education and the Commissioner of Local Government. It seems rather unsatisfactory, and I do not know whether it is the Minister or the Chief Secretary, but I would like to ask Government what is the reason for the long delay in making appointments to these posts?

The Chief Secretary: In filling such vacancies some take a short time and others a longer time. In this particular instance my answer is rather on the same lines I have given before—that I hope it will be filled shortly.

Mr. Burnham: I shall ask the Chief Secretary a little later to translate the word “shortly”. It is no sense at all telling us that some of these vacancies can be filled in a short time while others take a long time. That is playing with shadows and dancing in the dark. Why did it take a short time to fill the post of Financial Secretary? Why has it taken thus long to fill the post of Director of Medical Services? Tell us why.

The Chief Secretary: I have nothing to add to what I have already said.

Mr. Burnham: I agree that the Chief Secretary ought to accept the advice of his legal officer, and I recognize the professional hand in that answer, for anything the Chief Secretary might have said might have been taken down in writing and given in evidence at his trial. [Laughter]. But it seems to me unfair, if not an insult to Members of this Council, for Members of the Government to get up and say that some appointments take a long time to fill and others a short time, not being frank enough to tell us why that is so. Members are free to assume that in the case of those who have godfathers their appointments take a short time, but in the case of those who have no godfathers, the time will be longer. The remark about having nothing to add, I submit, very frequently covers a lot of chicanery.

Mr. Davis: I would like to support the hon. Member for Georgetown Central in this matter. Not long ago at Leguan I heard the Minister of Labour, Health and Housing refer to the acting Director of Medical Services as a most dedicated officer, and the thought occurred to me then: yes, dedicated, but still unconfirmed—why not confirm him? To use the best parliamentary language, I consider the answer given by the hon. the Chief Secretary to be ridiculously scandalous.

Mr. Burnham: I ask leave to withdraw my Motion.

REPORTED RESIGNATION OF SENIOR SURGEON

Mr. Jackson: I move the reduction by \$1 of Sub-head (5)—Senior Surgeons, \$25,920. Very recently we read in the newspapers that one of the most efficient surgeons attached to the Public Hospital, Georgetown, had signified his intention to leave the country and the service of the Government. Subsequent to that announcement we read that patients have expressed very

great concern over the fact that the particular surgeon was being forced to leave. I happen to know one mother whose child has to be operated upon for some trouble in the leg, and I gathered from her that there are several such cases receiving the attention of the surgeon in question. I am not concerned with why there is amusement on the other side of the Table. What I am concerned about is the fact that the newspapers carried the story, and I am sure that many people in this country are worried about the situation. I find that there is so much interruption by Members on the other side of the Table that I must ask for your protection, Sir.

Mr. Chairman, I am not aware why there is amusement on the other side of the Table, but I know that there are people in this country who feel quite upset at the fact that the officer concerned is shortly to leave the Colony and the Service of the Government; and we have been hearing time and time again that we have been finding it difficult to get into our Service, men with very high qualifications and ability. One wonders why now we have got one, we make no effort to keep him for the benefit of the people. I should be grateful if the Government would say whether this officer would be leaving or whether it has in mind any other person to be his successor?

Mrs. Jagan : I can assure the hon. Member that, as far as I am aware, the Press report, as usual, is not true.

Mr. Jackson: I am grateful for the statement, but I think the public should have been told that the article is incorrect because many people are concerned about it, and it would remove the anxiety that has been caused.

Mr. Hubbard: In the circumstances, is the Member suggesting that the Government would then have nothing to do but to correct the Press which is maliciously reporting things inaccurately?

Mr. Jackson: I am of the impression that such a report was causing concern to the people of the country, and an answer is of vital importance to the people.

Mr. Tello: I, myself, was under the impression that the publication was correct; and it is too important for the Government to close their eyes to.

Mrs. Jagan : Hon. Members would be amused to know the number of Press corrections which have been issued to the Press by my Ministry. In some cases they have not been published, whilst in others it would take a magnifying glass to see them.

Mr. Jackson: Having received the information, I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

PHYSICIAN

Mr. Burnham: I beg to move the reduction by \$1 of Sub-head 1 (8)—1 Physician — \$4,000. I noticed that the establishment this year was two, and the establishment next year is one. May we be informed what is the reason for the reduction of the establishment so far as physicians are concerned?

Mrs. Jagan : The answer is that one of the former physicians has been regraded to the senior post.

Mr. Burnham: I see, Mr. Chairman. But that is amusing, because the Senior Physician establishment this year was two and next year it is one, so you are one short. What is the reason? You are short staffed?

Mrs. Jagan : I would prefer if the hon. Member put that as a Question, and I would provide the answer. Frankly, I do not think it is something

[MRS. JAGAN]

sinister. It has something to do with the regrading of the officer; and if the hon. Member would do me the courtesy of writing the question, it would be well examined.

Mr. Burnham: My sense of chivalry forces me to accede to the hon. Minister's request. I was not suggesting anything sinister. I was merely doing simple arithmetic. In the circumstances I would not pursue that particular aspect. But, on that same Motion, may I make an observation? I have noted that doctors in the Service have been resigning. Some of them have been going to other parts of the world, some going into private practice, and there have been rumours.

I think judicial notice should be taken of the inaccuracy of the Press, but we see, in the Press, no denial by Government or an answer by the Ministry; and it seems to me, from what we have been hearing, that there is likely to be an exodus of doctors from the Government Service. The allegation is, that these officers consider themselves underpaid and find that they can get better salaries elsewhere or do better, financially, in private practice. I have nothing against the doctors. It is true that they swear to the Oath of Hippocrates which corresponds to our Oath, that is, to serve without fear or favour, but these oaths have no meaning in the second half of the twentieth century, and we have to face the facts.

We want competent doctors to look after the health of the country, and some consideration should be given to the revision of their stipends, otherwise, we would be left without competent doctors. It is unfortunate, but it is a fact that has to be faced: the demand seems to exceed the supply and, therefore, those who are competent and qualified do have a better bargaining

position. We can, of course, look forward to the day when there will be good planning by the Government to have people trained and there will be no shortage. In the meantime there is a shortage, and the salaries offered are not attractive enough to encourage officers to remain. It seems to me that there should be a revision of these salaries. Am I to understand that the newspaper reports about the exodus of doctors is accurate?

Mrs. Jagan: I am not aware of any exodus of doctors. I do not think it is correct or proper for us to continue this discussion to enable Members, who have failed to make their comments at the appropriate time, to do so now. If hon. Members are dealing with Sub-head 1 (8)—Physician—it is all well and good, but I am not prepared to deal with items which hon. Members should have commented on during the debate on the Budget. I am not encouraging or assisting them in raising other points at this stage. We have dealt with "Physician" and, as far as I am concerned, I am finished.

Mr. Burnham: My sense of chivalry earlier today forced me to cover her ignorance. Since she has adopted this attitude, let me remind her that she is not the Speaker of this Council. She is ignorant of her portfolio. There were two long speeches critical of the Government's Budget by two Members of the "Opposition", but the Members of the Government sat there without replying to a single criticism—these are the Falstaffs of our generation! Indeed they are experts in the art and field of laziness. A physician is a doctor in case she does not know. If there is an exodus of doctors she should know, but if there is not she should get up and say so. But this is the technique of some people: when they do not know, they criticize and abuse others. Even if the matter was not raised before, she must remember that the Second Reading is not the

proper place to ask the question. The place where one can elicit information from a competent Minister is in the Committee stage.

Mr. Hubbard: I have been most disturbed at the forensic nature of our proceedings, and I have had a glance at Standing Order No. 18 which deals with Questions. It specifically states:

“...no question shall be based upon a newspaper report, or upon an unofficial question;”

I am wondering, if this is a Rule, how we can possibly entertain this kind of procedure that has been a pattern?

The Chairman: If you are questioning the Rule, I may tell you that you are entirely wrong.

Mr. Hubbard: It is your right to say that I am wrong.

Mr. Burnham: Now that we have heard a contribution from this lawyer, Speaker and jack-of-all-trades, I will ask: Is it true that doctors are leaving the Service because of inadequate salaries?

The Chairman: Mr. Financial Secretary, I want to attract your attention to this fact if you are not yet aware of it: We are stopping at ten o'clock, and there is no likelihood of another meeting this year. There is a Motion here which reads:

“Be it resolved that pending the passing of the 1961 Estimates, this Council approves of such expenditure for Recurrent and Development Expenditure in 1961 as may be required for the maintenance of existing services and the continuance of works in progress on the basis approved by this Council in the Annual and Supplementary Estimates for the year 1960.”

I am only mentioning this in order to make you aware that it will be necessary to have this Motion passed tonight.

The Financial Secretary: I thank you, Sir.

Mr. Burnham: Since it is hopeless to get information from the Government, I beg to withdraw my Motion.

Question put, and agreed to.

Motion, by leave, withdrawn.

MEDICAL SUPERINTENDENT,
MENTAL HOSPITAL

Mr. Jackson: I beg to move the reduction by \$1 of Sub-head 1 (9)—Medical Superintendent, Mental Hospital—\$8,640. May I be informed whether Government has secured a qualified officer to take charge of this Institution?

Mrs. Jagan: No. We have been seeking the services of a psychiatrist to be Superintendent of the Mental Hospital for some time. I believe Members of Finance Committee are aware of the special provision we have made in order to make the salary more attractive to the applicants. The matter is in the hands of the Secretary of State for the Colonies who has been dealing with the question of the appointment of the applicant.

My Ministry does not deal directly with it, but, because I am so greatly concerned in the matter, I have been inquiring about it. On each occasion I have been told that cablegrams have been going to and fro. In the meantime a Guianese is in training. We had anticipated that he would have returned to British Guiana this month, but, unfortunately, only a few days ago we received information that due to his inability to pass all of the examinations he will have to continue his studies. He may be away for another six months. I understand that the Colonial Office is trying to obtain the services of one Dr Chaterjie. We are sorry that it was necessary that the return of the Guianese who was sent to be trained has been delayed. We are terribly concerned with this matter, and are now engaged in examining the possibility of strengthening the staff with doctors who may be interested in the subject but are not fully trained for this type of work. We have no specialist in this field in British Guiana.

[MRS. JAGAN]

I know that many Members on the other side of the Table feel as disappointed as my Ministry. This has been one of the subjects which has caused us tons of disappointment because we have not been able to get ahead with the work of rehabilitating all of those unfortunate patients. The work has been held up through lack of qualified personnel. I do not think it would be fair for hon. Members to criticize this Government for being unable to find a suitably qualified officer. This type of specialist is in great demand throughout the world. The majority of mental specialists do not like to go into institutions of this type. The field of private practice in psychiatry is extremely lucrative and extremely interesting to the psychiatrist. We actually had some applicants for this post who found the idea of such an institution not tremendously interesting, and that is the problem not only in British Guiana but actually in every country in the world.

The Chairman: I think we will have to stop here and get back into Council.

The Financial Secretary: I move that Council do now resume.

Council resumed.

MAINTENANCE OF EXISTING SERVICES

The Financial Secretary: I beg to move:

"Resolved, That pending the passing of the 1961 Estimates, this Council approves of such expenditure for Recurrent and Development Expenditure in 1961 as may be required for the maintenance of existing services and the continuance of works in progress on the basis approved by this Council in the Annual and Supplementary Estimates for the year 1960."

The purpose of the Motion is to provide interim authority for expenditure in 1961, pending the passing of the Estimates.

The Attorney-General: I beg to second the Motion.

Question put, and agreed to.

Motion carried.

FUTURE SITTINGS

The Chief Secretary: As we seem to be making rather slow progress with the Estimates, I propose that we now adjourn until two o'clock on Tuesday of next week, and have afternoon and evening sessions from 2 to 5 p.m., and from 8 to 10 p.m. until we conclude the Budget.

Mr. Tello: I am wondering whether the Chief Secretary would give favourable consideration to sitting from Wednesday, both afternoon and evening.

Mr. Jackson: If the Chief Secretary wants it that way we will have it that way. They had it last week and I said then that nobody had been consulted. He has not asked whether we agree.

Mr. Speaker: There is a Motion for adjournment of the Council until next Tuesday, and a proposal that Council should sit in the evening as well. The Question is, that Council adjourn until Tuesday, 3rd January at two o'clock in the afternoon.

Council divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Hubbard	Mr. Davis
Mr. Gajraj	Mr. Tello
Mr. Jai Narine Singh	Mr. Jackson
Mr. Ajodha Singh	Mr. Burnham
Mr. Saffee	
Mr. Rai	
Mr. Ram Karran	
Mrs. Jagan	
Mr. Benn	
Dr. Jagan	
The Financial Secretary	
The Attorney-General	
The Chief Secretary	

—13.

Mr. Speaker: The Motion is carried. Council is now adjourned to next Tuesday, 3rd January, 1961, at two o'clock in the afternoon.