

## LEGISLATIVE COUNCIL.

*Thursday, 20th February, 1941.*

The Council met at 10.30 a.m., His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

### PRESENT.

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

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

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

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

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

The Hon. E. F. McDavid, M.B.E., Colonial Treasurer.

The Hon. F. J. Seaford, O.B.E., (Georgetown North).

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

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

The Hon. N. M. MacLennan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Labour and Local Government.

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

The Hon. L. G. Crease, Director of Education.

The Hon. B. R. Wood, Conservator of Forests.

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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

### MINUTES.

The minutes of the meeting of the Council held on the 19th February, 1941, as printed and circulated, were confirmed.

### ORDER OF THE DAY.

#### ADDITIONAL 3RD CLASS PILOT.

THE COLONIAL SECRETARY: (Mr. G. D. Owen): I move—

THAT, with reference to Governor's Message No. 6 dated 14th February, 1941, this Council approves of the creation of an additional post of Third Class Pilot, Transport and Harbours Department, with effect from 1st January, 1941, and undertakes to provide the necessary funds for his salary.

At present the Pilot staff comprises two First Class, one Second and two Third Class Pilots and a Pilots' Assistant. That Assistant is fully occupied at present in doing the work of a Third Class Pilot owing to the increased amount of shipping now coming into the harbour. The Transport and Harbours Department feel that this Assistant should be promoted and paid at the rate of a Third Class Pilot which is \$888 to \$1,080 by \$48 per annum.

Mr. McDAVID (Colonial Treasurer) seconded.

Motion put, and agreed to.

#### EXCESS PROFITS TAX BILL.

Mr. McDAVID: I move that "A Bill intituled an Ordinance to impose an Excess Profits Tax on the profits of business carried on in the Colony" be read a third time and passed.

Mr. AUSTIN seconded.

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

Bill read the third time and passed.

LEGAL TENDER (TRINIDAD AND BARBADOS CURRENCY NOTES) BILL.

THE ATTORNEY-GENERAL (Mr. Pretheroe): I move that "A Bill intituled an Ordinance to provide that all Government Currency Notes which are legal tender in the Colony of Trinidad and in the Island of Barbados shall be legal tender for the payment of any amount in British Guiana" be read a third time and passed.

Professor DASH (Director of Agriculture) seconded.

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

Bill read the third time and passed.

APPROPRIATION BILL.

Mr. McDAVID: I beg to move that "A Bill intituled an Ordinance to appropriate the supplies granted in the current session of the Legislative Council" be read a second time.

The object is stated in the preamble. It is the usual enactment passed to provide statutory authority for expenditure of the Government which is not covered by special appropriation law. The total in the Bill is \$5,504,827, as set out in the Schedule to the Bill.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Mr. McDAVID gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

HOBABOE CREEK (DIVERSION) (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I beg to move that "A Bill intituled an Ordinance to amend the Hobaboe Creek (Diversion) Ordinance by substituting references to the Drainage and Irrigation Ordinance, 1940, for references to the Polder Ordinance" be read a second time.

The original Ordinance gave the Demerara Company leave to dig a certain canal and divert water from the Creek into that canal, but that right was made conditional on three things. The first was that the Polder Authority was to have general control over that canal and sluice, the second was that if at any time the bed of the Creek became unavailable for the purpose of relieving the surface water the Polder Authority could call upon the Company to dig another canal, and the third was that the right of Pm. Wales to receive water from the western boundary trenches of the Polder was taken away. All those conditions were enforced by the Polder Authority, but the Polder Authority has disappeared owing to the enactment of the Drainage and Irrigation Ordinance. The effect of this Bill is to change the words "Polder Authority" and "Polder Ordinance" so as to apply the terms now used namely, "Drainage and Irrigation Board" and the "Drainage and Irrigation Ordinance."

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Amendment of section 6 of the Principal Ordinance.

THE ATTORNEY-GENERAL: I move that the following new clause 2 be inserted:—

2. Section six of the Principal Ordinance is hereby amended—

- (a) by the deletion therefrom of the words "Polder Authority"; and
- (b) by the substitution therefor of the words "Drainage and Irrigation Board."

I regret to say that owing to an oversight on my part I overlooked the fact that the words "Polder Authority" appear in section 6 of the Ordinance, and I now seek to amend that.

Question put, and agreed to.

Clauses 2 and 3 as printed were renumbered as Clauses 3 and 4.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next or subsequent meeting of the Council he would move that the Bill be read a third time and passed.

#### MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL.

The Council resolved itself into Committee and resumed consideration of the following Bill:—

A Bill intituled an Ordinance to amend the Motor Vehicles and Road Traffic Ordinance by providing for certain exemptions from the payment of specified fees; by empowering the Commissioner of Police to prohibit or restrict Road Traffic on particular occasions and by reducing the area wherein licence fees at the higher rate are payable.

Clause 5—Amendment of section 46 of the Principal Ordinance.

THE ATTORNEY-GENERAL: When the matter was adjourned yesterday the hon. Members for North Western District (Mr. Jacob) and New Amsterdam (Mr. Woolford) had certain objections to offer to this amendment, but I think their objections are probably based on a misapprehension. This is the actual position. Before the Road Traffic and Motor Vehicles Bill was passed and became law the Commissioner of Police had full power to divert or suspend or restrict all traffic on all roads. He had that power by virtue of section 160 of the Summary Jurisdiction (Offences) Ordinance. When the Motor Traffic Bill was enacted, power to divert or suspend or restrict traffic on roads was vested in a Licensing Authority—the Commissioner of Police—and that was made subject to the approval of the Governor in Council. As I said in moving the second reading of this Bill, that procedure was cumbersome.

All this amendment does is this: It seeks to give the Commissioner of Police power—as worded in the Bill—to prohibit or restrict the use of specified roads by motor or other vehicles of any specified class or description on particular occasions—for example: the Garden Fete at Government House, the laying of the Foundation Stone of a Church. Only on specific occasions is it sought to give the Commissioner of Police this power. For the ordinary closing of a road for a day or a fortnight that power is still with the Commissioner of Police subject to the approval of the Governor in Council. It is only on particular occasions we seek to give him particular power, which he had however before the original Bill was enacted. At the present moment if there is any congestion of traffic, any Police Officer or constable in uniform can himself stop traffic or direct it on the spot. We now seek to give power to do that before the event by Ordinance. The hon. Members for New Amsterdam and North Western District said that people did not know when an order was made and entered a street without knowing it and were charged.

Mr. WOOLFORD: The hon. Member for North Western District did so.

THE ATTORNEY-GENERAL: It was said that people entered streets without knowing that traffic was suspended in that particular street. If the hon. Member looks at section 78 of the Ordinance he will find that any order made under that section has to be published in the *Gazette* and in one or more daily newspapers. It is difficult to imagine that more notice can be given than in that way. There is no question of taking people by surprise. The order must be published. I have an amendment to propose myself—a new clause 5 instead of the present one. There is a proviso to this particular section—46—which reads as follows:

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

In other words, if you live on a road and want to get home no order applies. That proviso should apply to Ordinances made by the Governor in Council and to those made by the Commissioner of Police. To

give effect to this I propose that a new clause 5 be substituted as follows :

5 Section forty-six of the Principal Ordinance is hereby amended—

- (a) by numbering the section as subsection (1);
- (b) by deleting from paragraph (c) thereof the words "or on particular occasions";
- (c) by substituting a full stop for the colon at the end of paragraph (c);
- (d) by inserting between paragraph (e) and the proviso the following subsection—  
“(2) The Licencing Authority may by order prohibit or restrict the use of specified roads by motor or other vehicles of any specified class or description on particular occasions.”  
and
- (e) by substituting the word "section" for the word "subsection" in the proviso.

I beg to move that amendment.

Mr JACOB: Sir, I am grateful for the explanation, and I am sure the Council is not impressed with the logic of it at all. If at the present time a Police Officer has the right to divert traffic why all this unnecessary additional provisions in the present legislation. I think it will cause unnecessary hardship. It has caused unnecessary hardship in the past and has caused me personally a great deal of hardship. I must bring in the personal element. I know another responsible member of the community was harassed on several occasions by the Police because they had the authority or believed they had authority. He was prosecuted on several occasions for minor offences. I speak subject to correction. I think the hon. Member for New Amsterdam acted as his legal adviser on one or two instances in this particular matter. The matter was taken to the Appeal Court and dismissed, the conviction being quashed. It is all very well for the Police to carry citizens before the Magistrate and give them unnecessary trouble and humiliation and if convicted for citizens to take the matter to the Appeal Court, but it takes up the time and money not only of the individuals concerned but of the taxpayers as well. I do not think it is necessary to give the Commissioner of Police this extra authority if he has the right at present to divert traffic.

I want to make my own position clear in this matter, and if necessary to exercise all the privileges I have here in

reiterating certain things which happened in the past. I have never been a disrespecter of law and order. I have never refused to respect the order of a Police Officer or Constable. In my own case I feel terribly hurt about it, and I ask this Council, every Member, to put himself in the position I find myself. Not because some indiscreet officer wants to act as he thinks, he has the right to do so. I do not know if Government would accept it, but I feel the law should remain as it is and the present Commissioner of Police, in my opinion, should not be vested with further authority. If Government does not accept this suggestion, I would point out three or four instances where the present Commissioner of Police had not acted with discretion but in fact with partiality.

THE CHAIRMAN: I shall put the amendment first. The section as printed is obviously in error.

Question "That the amendment moved by the Attorney-General stand part of the Bill" put, and agreed to.

#### TITLE AND ENACTING CLAUSE.

Mr. JACOB: As regards the title I took objection to the words "by empowering the Commissioner of Police to prohibit or restrict road traffic on particular occasions"—

THE ATTORNEY-GENERAL: May I point out that the hon. Member can only move an amendment to it if there is an error. He cannot express an opinion on it.

THE CHAIRMAN: The hon. Member is out of order!

Mr. JACOB: I crave your indulgence to say what I want to say on this Bill.

THE CHAIRMAN: The hon. Member had an opportunity just now. He could have called for a division on the amendment but did not do so, and he cannot at this stage bring up an irrelevant matter.

Mr. JACOB: I was under the impression

THE CHAIRMAN: The hon. Member is out of order!



Mr. JACOB: I would like to explain that I was under the impression that a new clause was going to be inserted.

THE CHAIRMAN: The new clause was inserted.

Question "That the title and enacting clause stand part of the Bill" put, and agreed to.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

#### INCOME TAX (AMENDMENT) BILL.

The Council resolved itself into Committee and resumed consideration of the following Bill—

A Bill intituled an Ordinance further to amend the Income Tax Ordinance, Chapter 38, by increasing the rate of Tax on Companies; by making provision for the deduction of amounts paid as excess profits tax; by making certain corrections; and for purposes connected with the matters aforesaid.

Clause 4—Amendment of section 10 of the Principal Ordinance.

Clause 4—Amendment of section 10 of the Principal Ordinance.

THE ATTORNEY-GENERAL: Yesterday the hon. Member for Georgetown North (Mr. Seaford) moved an amendment to this particular clause by moving that an additional paragraph be inserted. Since then the hon. Mr. McDavid (Colonial Treasurer) and myself have seen Mr. Seaford. As regards the first part of the paragraph, the Colonial Treasurer does not think there is any difficulty which cannot be obviated by the Commissioner.

With regard to the second part, that requires consideration, not as regards the principle, which Government accepts, but the wording of the amendment to give effect to this decision. It is impossible at such short notice, a matter of ten or fifteen minutes, to draft an amendment which will be applicable in this particular case to all parts of the Empire.

I assure the hon. Member that it will receive consideration and an amendment will be drafted, and introduced by Government, to give the effect desired. That will be moved at the next meeting of Council. I trust this will be satisfactory to the hon. Member.

Mr. SEAFORD: I accept that.

Amendment withdrawn.

Mr. DE AGUIAR: I am sorry I was not here yesterday and, therefore, I am not familiar with all that transpired. I have risen to say a few words about this clause mainly in order to have something placed on record this morning, as I understand the main object of this clause is to give relief under the Income Tax Ordinance in respect of any Excess Profits tax that may be paid under the Ordinance which passed its second reading yesterday; it also provides further for relief from any tax that may be paid in the United Kingdom I only want to be sure whether my understanding of it is correct. Yesterday I spoke with very little knowledge, and I want to be a little more informed about it this morning. If I understand the object correctly, it is to collect from the United Kingdom or rather obtain relief from the United Kingdom for taxes payable in this Colony. It therefore seems to me that what we are doing here is endeavouring to collect from the United Kingdom money which is being paid there now. If that is so, I just want to know where is all this assistance to the Mother Country coming in at the present moment—all this money is going to the United Kingdom Government and we are trying to recover that money which is now paid to them. If that is the case, it seems to me that some Members of Council who spoke yesterday in the way they did evidently did not follow the subject as closely as I did. I just want to know if this clause is being amended with that object.

THE ATTORNEY-GENERAL: The object is to amend section 10 of the Ordinance, and that section specifies the deductions which may be allowed from this Colony in ascertaining the chargeable income. This amendment says one of the things you may deduct is the amount of Excess Profits tax paid in the United Kingdom. You deduct Excess Profits tax

paid in this country. You do not take money from the United Kingdom but simply deduct it at this end as an allowance.

MR. DE AGUIAR: Am I to understand that you are now trying to dovetail Excess Profits tax and Income tax? Perhaps there is some confusion in my mind. What I am trying to get clear is this: the companies that are operating here and are registered in England have to pay in England 100 per cent. Excess Profits tax; the Bill passed yesterday has changed that and this Colony will now get 37.1/3 per cent. and 62.2/3 per cent. will go to the United Kingdom. I want to know whether this amendment has got anything to do with that.

MR. McDAVID: (Colonial Treasurer): What the clause asks is to allow the 37.1/3 per cent. collected in this Colony and the 62.2/3 per cent. collected in England as deductions before arriving at the amount on which Income tax will be collected here.

MR. DE AGUIAR: Then you are going to get something out of the United Kingdom. I just wanted to get it on record.

Question "That clause 4 stand part of the Bill" put, and agreed to.

Clause 5—Repeal and re-enactment of section 23 of the Principal Ordinance, No. 45 of 1939.

THE ATTORNEY-GENERAL: There is one complete line left out in this clause. In the new clause 23 (1) in the second line after the word "company" the words "other than a life insurance company" have been omitted. I move that those words be inserted. They were in the original.

Question put, and agreed to.

Clause 5 passed as amended.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

#### HAYNES PENSION BILL.

THE COLONIAL SECRETARY: I move that a Bill intituled "An Ordinance to make provision for the payment of a pension to Edwin Allison Haynes" be read a second time. Mr Haynes joined the service originally in June, 1908, and served until August, 1924, when he retired voluntarily and had therefore put in sixteen years' service. He was appointed again in January, 1932, but to a non-pensionable post as a Land Surveyor. That post became pensionable when the District Administration Scheme was brought into force. He has served from that period until the beginning of this year as District Commissioner in the Rupumuni—a period of some nine years. Not having served ten years he is not entitled to any pension under the Pensions Ordinance. He was also not liable to any pension in respect of his first period of service. This officer having served Government for twenty-five years, Government considers it an extremely hard case if he receives no retiring allowance. This Bill is to enable Mr. Haynes's pension to be calculated as if he had given twenty-five years unbroken service. I move that the Bill be read a second time.

MR. DIAS seconded.

MR. HUMPHRYS: Before this Bill goes into the committee stage, I regret to ask Government for some more information in the matter, because I feel a dangerous precedent is being created here. It is well known that Government has repeatedly strained the interpretation of the Pensions Ordinance in order to limit the pensions that are payable to retired old Government servants. There are very many instances of that. No one grudges any Government employee his pension but I think, Your Excellency, that when it comes to a case of this kind where a man had been in the Service for a number of years, left for no one's benefit but his own, and returning later served a further period, great care ought to be exercised as to whether in the circumstances pension should be granted him.

I have not the slightest doubt that this officer served well in the past, before he left the Government Service in the first instance, and also after he returned. Personally I have heard nothing but good

spoken of him, and it is purely a question of principle involved. I would like to enquire of Government whether there is any precedent in the past for doing this. It does seem strange that whereas the Ordinance expressly states that if a Government employee leaves the Service and then returns the previous employment shall not be counted for pension, an amendment is being proposed to give a particular officer such pension. I feel that Government is opening the door to a great many applications in the future. I may not be here, and many of us sitting around this table may not be here, but Government will have it thrown at it that it is making fish of one and fowl of another. I feel extremely sorry I have to say it in the case of this officer, because I have heard nothing but good spoken of him.

Sitting here in my capacity as an Elected Member I must record my protest against this Bill, unless Government can give me more information as to why it should be done and can point to a precedent where it had been done in the past. I know of my own knowledge as a Member of this Council that in many instances Government servants had served Government faithfully and the Ordinance had been strained very much against them, and that repeatedly the matter had to go to the Secretary of State. For us to sit here and say "Oh, no, in this instance we do not even strain the interpretation of the Ordinance but will amend it," there must be very good grounds for it. An explanation is due to this Council as to why it should be done. If it is on the ground that the officer has served twenty-five years and therefore he should get a pension, Government is going to be inundated in later years with applications of this kind.

If a man had been in the Service, had not been disgraced and left it, then he must have done so because he thought he could have done better outside. If he subsequently returns to the Service, then that is his bad luck. Although the officer left the Service for six years it is sought to give him a pension for the years he served previously. It is the taxpayers' money involved and I am prepared to guard it. I am also interested as a taxpayer. This is a matter involving about £300 or £350 a year, and we are swelling the Pension List all the time. I

suggest that grave consideration be given this matter and it be not passed over lightly.

MR. DE AGUIAR: I find myself in the same position as the hon. Member for Eastern Demerara (Mr. Humphrys), although I am the last person to do a deserving officer out of his pension. I think this Council is entitled to more information in this matter. For example we have heard that Mr. Haynes joined the Service in 1908 and retired in 1924, but we have not been told that the post he held for those sixteen years was a pensionable one. That may have some effect on the situation. Then I would like also to know, what will be the financial obligation of Government if this officer is entitled to a lump sum, how much, and what will be the annual pension payable to the officer. I may say this: I am not in sympathy with any person who joined the Government Service and after serving sixteen years left because he felt he could do better elsewhere. I think that is the case in this matter. The officer actually resigned from Government, tried his hands outside the Service for six years and then rejoined, when he was temporarily engaged in a non-pensionable post and then subsequently appointed to a non-pensionable post which became pensionable later. I do not think the facts in this particular case are those which should receive consideration by special legislation. I hope I may hear something more which, perhaps, will convince us on this side of the table.

MR. WALCOTT: Your Excellency, I must say that I entirely agree with the views expressed by the two previous speakers. It seems to me that all the instances we have had point to the question of a man eating his cake and still wanting to have it. I do not think it is fair to the community, that an officer who has given continuous service to Government for a certain number of years should be able to leave and return knowing that a paternal Government would take him back and give him a pension. That is all wrong. I do not intend to say anything more. I object very strongly to this Bill. I think a principle is involved in this case and, therefore, I am going to vote against it though it is a Government measure.

THE COLONIAL SECRETARY: The first speaker said he hoped that a precedent would not be created and asked whether a precedent could be pointed out. I can point to quite a recent one. It occurred last year when this Council granted a pension to Mr. R. L. Thomson. That is fresh in my memory. One speaker wondered whether Mr. Haynes had left the Service to better his position. From the correspondence before me I find that the officer left the Service because he was a very ill man in 1924. He suffered from something which prevented him from doing his work satisfactorily in a swampy part of the country. In fact he was forced to retire on grounds of ill-health. He was not so ill as not to be able to perform duties in another part of the Colony, but it was not possible to remove him. As a Surveyor he had to go into the interior and in swampy areas and, therefore, he had no alternative but to tender his resignation. The hon. Commissioner of Lands and Mines will correct me if I make a wrong statement. Later the post of Government Surveyor became vacant and he was temporarily appointed and eventually given a non-pensionable post which was subsequently made pensionable. Another speaker asked whether when the officer served for sixteen years it was in a pensionable post. My reply is: "Yes."

Mr. WOOLFORD: I would like to make a few remarks which might help hon. Members to come to a decision. The hon. Colonial Secretary cited the recent case of Mr. Thomson. I would like to add to that. Mr. Thomson left the Service because he was dissatisfied. Having performed certain duties abroad he had hoped, expected, or had been promised by Government that on his return to the Colony he would have been re-engaged on promotion. Whatever the circumstances were, he left the Service for what he called a just cause. In his case he was determined to leave the Service and he did so. In the case of Mr. Haynes he retired voluntarily in circumstances which he thought would be beneficial to the Service. In other words, he did not desire to draw public pay and render inefficient service. There is a clear distinction between the circumstances attendant upon Mr. Thomson's withdrawal and Mr. Haynes's retirement. I would ask hon. Members that in view of that distinction to follow the precedent which was created in the case of Mr. Thomson.

The hon. Mr. Walcott says a man should not be allowed to eat his cake and still have it at some future time. In this particular case, if my distinction is logical, that is not the case with Mr. Haynes. He took no part of the cake, neither the currants nor the plums. He retired without any cake and had no desire to have it again. It seems only fair that if you have allowed a precedent in another case where an officer was recalcitrant, you ought to allow it in the case of a man who in unavoidable circumstances left the Service and did not apply to re-enter it but was asked by Government to do so. That is quite a different thing to a man who left his post because of a grouse. If there is any fault it is that Government should approach the officer and ask him to re-enter the Service, but we cannot say it is the officer's fault in rejoining. It was not a question of his exercising an option but one of Government's offer to him.

Mr. WALCOTT: What occupation Mr. Haynes was engaged in during the intermediate years of his resignation and re-appointment?

THE COLONIAL SECRETARY: I think he was interested in gold-mining. I am not quite sure.

Mr. WOOLFORD: My recollection is that in some way or other he was associated with Messrs. Garnett & Co. in the Potaro District. It is a pretty clear recollection.

THE PRESIDENT: I think hon. Members are quite right to draw attention to a case like this. It is quite an unusual case. There have been many instances of special pensions being granted by law to people who are not entitled to them under the law. I cannot say how many there are here, but there has been quite a number of pension laws for some reason, or other methods of granting pensions to retiring officers who are not strictly entitled to them for varying reasons. In this particular case I say frankly that Mr. Haynes is deserving of a pension. Mr. Haynes had been serving for a long period of time in a distant area—the Rupununi District—in a post which required special knowledge and qualification. Very few persons can serve satisfactorily and continuously in these distant posts, and Mr. Haynes's



knowledge made him valuable. I think he was asked by Government to come back after retirement with that view. When he was brought back as Land Officer, I understand he did serve in the Rupununi and was ultimately made District Commissioner of the Rupununi before the District Administration Scheme came in. Normally he could have gone on longer, but he has been advised to retire now as his health is not too good. He is really due to retire before he earns a pension as normally he will earn a pension after ten years' service.

I think this is a case where special long service in a remote district should be given special consideration. The hon. Attorney-General has just given me a list of some fifteen special pension laws which have been passed, all of which, I presume, for one reason or another provided pensions for officers who were not strictly entitled to them under the terms of the Pensions Law. This is not a case, however, I wish to press on the Council against the wishes of Unofficial Members at all. If there is any substantial opposition on the part of Unofficial Members I would withdraw the Bill and allow time for further consideration. When I say "withdraw", it is not that I will not undertake to present it again.

Mr. HUMPHRYS: If Your Excellency decides to take that course, certainly as far as I am concerned and speaking on behalf of the hon. Member for Central Demerara (Mr. de Aguiar) we wish to do no injustice to the officer. It is purely a matter of principle.

THE PRESIDENT: I suggest that the debate on the second reading of this Bill stand adjourned.

Question put, and agreed to.

Debate on second reading adjourned.

#### TEACHERS' PENSION (RE-COMPUTATION OF AMOUNTS) BILL.

THE COLONIAL SECRETARY: I move that the following Bill be read the second time:—

A Bill intituled an Ordinance to provide for the payment of pensions at specified rates per annum to certain retired certificated teachers in place of the pensions computed in respect of

such teachers under the Teachers' Pensions Ordinance.

Under the Teachers' Pensions Ordinance provision is made whereby additional amounts are added to the pensions in accordance with the class of certificate which the teachers hold. Prior to July, 1928, these additional amounts were calculated in respect of the whole period of their service, allowing for the certificate which they hold at the time of retirement. Government was advised in July, 1928, that the calculation was not correctly made and that it should be in respect of the length of service a teacher was employed while holding each class of certificate; the amounts so obtained should then be aggregated. That practice continued until June, 1938, when a Bill was passed in this Council reverting to the old method of calculation. I think I am right in saying that attention was drawn to the fact by a petition laid before the Council by a number of teachers. That Bill came into force in June, 1938, and since that date teachers who have retired have had the benefit of a larger pension, but those teachers who brought it to the notice of Government derived no benefit under the new Bill.

The object of this Bill is to enable those teachers who forwarded the petition and any others who retired between 1928 and 1938 to benefit from June, 1938, by being granted the additional pension which the others are now receiving. After the Bill is read a second time, I shall ask leave when in Committee to amend the Schedule, because since the Bill was printed it has come to light that there are several other teachers who should be on the list. It is no fault of the draftsman, who did not know actually how many teachers should be included. When the Bill was published one or two teachers found that their names were omitted and wrote Government. The revised list has been circulated to hon. Members and I shall move that the revised list be substituted in the Schedule to the Bill.

Hon. Members may wish to know what the financial effect of this Bill will be. There are thirty-one teachers in the Schedule as amended and the annual increased cost will be \$806.15. The Bill provides for payment to be made as from the 1st June, 1938, under clause 4 and,

therefore, the amount of money required from that date to the 28th of this month (February, 1941) is \$2,216.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

#### SCHEDULE.

THE COLONIAL SECRETARY: I move that the following Schedule be substituted for the Schedule as printed in the Bill:—

Name of Retired Teacher.	Annual Rate of Pension.
Agard, John Benjamin Arthur	...\$226 80
Barrow, Alberta Antoinette	...364 20
Bennett, (Miss) Henrietta Augusta A.	...306 00
Berchmans, Sister Mary	...396 00
Cummings, Peter Augusta	...396 00
Dathorne, Thomas William	...306 00
DeWeever, Guy Egbert Leon	...132 00
Edwards, Joseph Nathaniel	...396 00
Farley, Maria	...352 08
Frank, (Miss) Rosamond	...306 00
Gordon, Emma	...396 00
Gordon, Phyllis Elizabeth	...306 00
Hamilton, Robert A	...268 56
Hazel, Joseph Adolphus	...396 00
Hazelwood, Alfred Barrington	...486 00
Hunte, Alexander Rufus	...378 48
James, Madeleine Elvira	...396 00
Jones, Robert Alupha	...254 16
Jackson, Joseph Waterton	...486 00
LaRose, Joshua Francis Ovren	...396 00
McLennan, John Patrick	...407 64
McLennan, (Mrs.) Louise A	...270 00
Parkinson, Joseph	...486 00
Pereira, Ellen Isabella	...396 00
Potter, Fredericka Duke	...234 60
Ralph, Isabel Amelia	...306 00
Saunders, Ellen	...396 00
Smith, James Augustus	...396 00
Williams, Simon Augustus	...396 00
Wilson, William Wallace	...396 00
Yearwood, Josephine	...244 80

Twelve names have been added to the printed list in the Schedule. Hon. Members may notice that in the printed list Mr. Joseph Parkinson is put down as being entitled to \$481. It should be \$486. That has been corrected in the amendment. Also the last name but one—Samuel Augustus Williams—the word “Samuel” should read “Simon.” That correction has been carried out in the amended Schedule. I move that the names and amounts on the

typed Schedule be substituted for the Schedule printed in the Bill.

Question put, and agreed to.

The Council resumed.

THE COLONIAL SECRETARY gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

THE PRESIDENT: There is no further business before the Council at the moment. Rather than bring hon. Members back to-morrow for what may be a formality—the third reading of Bills—perhaps hon. Members would prefer that the third reading be taken now. I have no objection to that. It will, however, mean the suspension of the Standing Rules and Orders.

#### SUSPENSION OF STANDING RULES AND ORDERS.

THE COLONIAL SECRETARY: I move that the Standing Rules and Orders be suspended to enable the third reading of the Bills dealt with to-day to be taken to-day.

Mr. DIAS seconded.

Question put, and agreed to.

#### APPROPRIATION BILL.

Mr. McDAVID: In view of the motion just passed, I move that a Bill intituled “An Ordinance to appropriate the supplies granted in the current session of the Legislative Council” be read a third time and passed.

Mr. AUSTIN seconded.

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

Bill read the third time and passed.

#### HOBABOE CREEK (DIVERSION) BILL.

THE ATTORNEY-GENERAL: I move that a Bill intituled “An Ordinance to amend the Hobaboe Creek (Diversion) Ordinance by substituting references to the Drainage and Irrigation Ordinance, 1940,

for references to the Polder Ordinance” be read a third time and passed.

Professor DASH seconded.

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

Bill read the third time and passed.

MOTOR VEHICLES AND ROAD TRAFFIC  
(AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that a Bill intituled “An Ordinance to amend the Motor Vehicles and Road Traffic Ordinance by providing for certain exemptions from the payment of specified fees; by empowering the Commissioner of Police to prohibit or restrict Road Traffic on particular occasions and by reducing the area wherein licence fees at the higher rate are payable” be read a third time and passed.

Professor DASH seconded.

Mr. JACOB: As a mark of my protest I ask that my dissent be recorded against this Bill.

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

Bill read the third time and passed.

INCOME TAX (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that a Bill intituled “An Ordinance fur-

ther to amend the Income Tax Ordinance Chapter 38, by increasing the rate of tax on Companies; by making provision for the deduction of amounts paid as excess profits tax; by making certain corrections; and for purposes connected with the matters aforesaid” be read a third time and passed.

Professor DASH seconded.

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

Bill read the third time and passed.

TEACHERS' PENSION (RE-COMPUTATION OF  
AMOUNTS) BILL.

THE COLONIAL SECRETARY: I move that a Bill intituled “An Ordinance to provide for the payment of pensions at specified rates per annum to certain retired certificated teachers in place of the pensions computed in respect of such teachers under the Teachers Pensions Ordinance” be read a third time and passed.

Mr. DIAS seconded.

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

Bill read the third time and passed.

THE PRESIDENT: That concludes the business immediately before the Council, and the Council will stand adjourned *sine die*.

The Council adjourned *sine die*.