

LEGISLATIVE COUNCIL.

Tuesday, 17th December, 1940.

The Council met at 11 a.m. pursuant to adjournment, 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. A. Luckhoo, O.B.E., (Eastern-Berbice).

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, Comptroller of Customs.

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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

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

MINUTES.

The Minutes of the meeting of the Council held on Thursday the 12th December, 1940, as printed and circulated, were confirmed.

BILLS—FIRST READING.

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

A Bill intituled an Ordinance to amend the New Amsterdam Town Council Ordinance, Chapter 87, by extending the period between general appraisements; by changing the avenue of appeal against appraisements; by declaring the area known as Winkel to be part of the township: and for purposes connected therewith.

A Bill intituled an Ordinance to amend the Tax Ordinance, 1939.

A Bill intituled an Ordinance to amend the Miscellaneous Licences Ordinance, Chapter 108 by providing for the abolition of Omnibus Licences in Mining Districts and for matters connected with the aforesaid.

UNOFFICIAL NOTICES.

Mr. JACOB, on the behalf of Mr. Lee, gave notice of the following questions:—

RICE DAMAGED BY INSECT PESTS.

1. Is Government aware of the fact that insect pests have damaged a large area of growing rice in the Colony during the last crop? If the answer is in the affirmative, what steps, if any, were taken to combat this evil in each of the following districts: (a) Essequibo, from Charity to Supenaam; (b) Wakonaam and Leguan; (c) West Coast, Demerara; (d) East Coast, Demerara?

LIVESTOCK PURCHASES.

2. Will Government state what livestock were bought during the current year, from whom, and the amount paid per head?

MILK FROM GOVERNMENT COWS.

3. Will Government state what quantity of milk was obtained from the cows in the Botanic Gardens, Georgetown, and the Experimental Station, Georgetown, from January 1st to November 30th, 1940, each month separately?

4. To what use was the milk applied?

5. Is Government aware that the several charitable institutions and the Children's Breakfast Centres would welcome a supply of the milk obtained from the cows belonging to the Colony?

6. Will Government apply this principle of free distribution to these institutions in future?

EGGS, POULTRY, AND FRUIT.

7. Will Government state what becomes of the eggs, poultry and fruits from the Experimental Station in the Botanic Gardens, and what income, if any, is derived from the several items to November 30th, 1940?

ORDER OF THE DAY.

DRAINAGE AND IRRIGATION BILL

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to establish the Drainage and Irrigation Board; to define its duties and prescribe its powers, and for purposes connected with the matters aforesaid" be read a second time. In doing so I would in the first instance refer very briefly to a little past history. Hon. Members will be aware that the existing Ordinance was passed in 1927, and acting under powers conferred by that Ordinance a number of drainage and irrigation areas were established in 1928, 1929 and onwards. From the very inception the majority of those areas relapsed into debt, and that process was accelerated year after year. By 1938 most of the areas were believed to be bankrupt, and in that year a Committee was appointed, with the hon. Member for Georgetown North (Mr. Seaford) as Chairman, to examine the whole question and to make recommendations. That Committee went into the matter very thoroughly and submitted a report on the 6th February, 1939. That report was laid on the table of this Council on the 14th February, 1939, and was considered. Arising out of that report there was correspondence with the Secretary of State who accepted most of the recommendations made in that report. Some of

the recommendations were accepted subject to one or two reservations, and in one case only was the recommendation not accepted. When that correspondence ended a resolution was brought before the Council and the recommendations of the Committee, as amended by the Secretary of State, were accepted by the Council on the 21st August, 1940. The object of this Bill, therefore, is to give effect to that resolution. There is no need for me to comment on the various changes being introduced at this stage, but I will do so as I go through the Bill and refer to the various provisions.

Dealing with the Bill itself clause 2 is the Interpretation clause which explains itself as it ought to. Clause 3 is an important clause as it establishes the Drainage and Irrigation Board. That Board is to supersede all existing local Drainage Boards—over a dozen in number—which at present administer all drainage and irrigation areas. In the existing Ordinance there are drainage areas, irrigation areas, and drainage and irrigation areas. Under this Bill as drafted in future there will be only drainage and irrigation areas. I am informed that in practice it is almost impossible to identify the point where irrigation leaves off and where drainage commences. This Central Board is to have all the powers and all the duties which were previously vested in the district Boards. I think I can say that the new Board will have certain additional powers and also one or two additional liabilities.

Clause 4 provides for the constitution of the Board. Hon. Members will see it is proposed to constitute the Board firstly by the officers performing the duties of the Director of Public Works and Sea Defences, the Director of Agriculture, the Commissioner of Labour and Local Government, and the Commissioner of Lands and Mines, those being the four Government officials who, by the nature of their duties, are most closely connected with the operation of the irrigation and drainage areas. Those four are to be known as *ex officio* members, that is the officers performing those duties at the time and not the individual officers themselves. There will also be two Members of this Council nominated by the Governor in Council; two members of the village councils within declared drainage

areas also nominated by the Governor in Council, and lastly, four members to be nominated by the Governor in Council. Hon. Members will see from that that this Council will have no less than five, perhaps six and possibly more than six representatives on this Board which will consist of twelve persons. In other words Members of this Council will in fact have a controlling influence over the operations of this Board. This, of course, is important because the Board is expected to handle large sums of money, part of which will be provided by the Colony and part, we hope, when the Empire has finished the task in hand, from Empire funds. The rest of the clause is common to all Bills of this nature. It defines the duties of the Board and is very similar to the provisions in the Sea Defence Ordinance.

Clause 5 provides for the appointment of a secretary, and later on I shall move an amendment to that clause. It has been pointed out to me that by giving power to the Board to appoint a secretary and not naming any other officials it would appear that the Board has no statutory power to do so. I will move an amendment specifically giving the Board power to appoint servants in addition to the Secretary. The rest of Part I is identical with the existing Ordinance.

Part II of the Bill is partly new. Under the present Ordinance property in drainage and irrigation areas when works are completed, and after certain formalities have been gone through, vests in the Director of Public Works. This Bill by clause 10 seeks to transfer property in these works from the Director of Public Works to the Board. The Board will own the works in future. Sub-clause (2) provides for the registration of the title of the Board to those areas. That fills in an omission in the present Ordinance where, although title is vested in the Director of Public Works, no provision is made for its registration.

Part III provides for the declaration of drainage and irrigation areas. The procedure follows literally the existing Ordinance; it has not been changed in the slightest degree. The only new provisions in that Part of the Bill are clauses 13, 20 and 21. Clause 13 gives the Governor in Council power to declare what proportion

of the capital cost shall be borne by the proprietors within drainage and irrigation areas. The existing Ordinance provides that 60 per cent. of the cost shall be borne by the proprietors and 40 per cent. by general revenue. That provision more than any other has been responsible for bringing those areas to a state of bankruptcy. In practice it has been found, with one exception, that those areas are quite incapable of paying 60 per cent. of the capital cost together with interest thereon. Therefore this clause seeks to give the Governor in Council power to state before the declaration of an area what proportion of the total capital cost shall be borne by the proprietors. There is no limitation in that clause. In practice, knowing the condition of things now, it is quite obvious that the percentage to be borne by the proprietors will, in the vast majority if not all cases, be very substantially less than 60 per cent. In other words the object of the clause is to reduce the liability, although there is no limitation actually stated.

The other new clauses in Part III of the Bill are clauses 20 and 21. At present the ownership of works in drainage and irrigation areas or in a drainage or irrigation area is vested in the Director of Public Works, but it is merely the ownership of the land occupied by the works and no more. In other words, in order to approach any particular works one must go over somebody else's property. There is no elbow room; there is just the actual land the work stands on as originally constructed. That is obviously unsatisfactory. To put a wire fence up to protect your work you have to acquire land or take somebody else's land. It is therefore proposed that a small distance around all declared works, a distance of 12ft., shall vest in the Board in addition to the land on which the work actually stands or out of which it is excavated. That condition is to apply not only to works which will be constructed in the future but works already in existence.

The only remaining new clause is clause 21. That reproduces in principle a portion of the Sea Defence Ordinance—the right of opposition to the registration of title, but that opposition will apply only to the payment of compensation; it will not delay or defeat the registration of title.

Part IV deals with the construction of new works in a drainage and irrigation area. That is in actual fact new because under the old Ordinance it went through the cumbersome business of declaring a works area and doing work on the area so declared. Now it is proposed to follow exactly the procedure of declaring a drainage area. The expression "works area" disappears entirely. The only difference is that where an area is declared a drainage area it must come before the Council before an order can be made. In the case of new work, which most probably would be constructed out of the funds in hand, the Board need not necessarily come to the Council unless it requires funds. If the Board has sufficient funds in hand to perform the work the usual course is followed of registering the title, and the property is thereupon vested in the Board.

Part V deals with the question of compensation. It reproduces the existing law. It has been re-worded because the existing provisions are rather confused. This Part reproduces all existing rights to compensation, and in one small respect it extends that right. In paragraph (b) of clause 26 an additional right is conferred by the words "or by the making of any survey." In other words damage caused during a survey is now to be the subject of compensation. Previously, although in fact compensation was paid, there was no statutory provision authorising such payment. The proviso to clause 27 is new. It provides that where there is any plant or machinery on the land the Board shall have the right to do one of two things—either pay compensation to the full value of the plant or machinery, or to tell the proprietor he is at liberty to remove his plant and re-erect it elsewhere, and the Board will in such case pay the costs of removal and re-erection.

Part VI consists of general financial provisions. They are in all respects save one the same as those now existing. They have been re-worded and re-drafted but they are substantially the same. One difference is that where before 60 per cent of the total capital cost was refunded by the proprietors, now an unknown amount dependent on the order of the Governor in Council will have to be refunded each year. The proviso to clause 34 exempts from liability to assessment plots whereon any

church, chapel or school building devoted to the purposes of religion or education stands, and also registered burial grounds. That is new although a similar provision applies in the case of sea defences. Clause 38 is new. It seeks to give the Governor in Council power to modify any rate. A recent example of the necessity for this occurred during the recent disastrous drought which came after the assessment, and many areas were quite unable to pay the amount for which they had been assessed. In similar circumstances it is desirable that, rather than accumulate arrears, the rate of assessment should be reduced, and clause 38 seeks to give the Governor in Council power in exceptional circumstances to reduce any rate.

As drafted there is no difference between clause 41 of this Bill and the existing law, but hon. Members have before them a number of amendments to this clause. I am sorry there are so many but I only got the last suggestions this morning, and I have not had much time to incorporate them. In those suggested amendments hon. Members will see that we are now seeking to include permissions. A number of cases have been brought to my notice where certain persons held leases in areas which were declared drainage and irrigation areas. After the declaration of the areas those persons surrendered their leases and took out annual grazing permissions instead. The result of that is that they avoid payment of rates. By including permissions in this clause and by altering the definition in clause 2 we are endeavouring to prevent this ability to avoid payment of rates by people who get all the advantage from the drainage and irrigation areas just as they would if they held leases.

The whole of Part VII has been subject to re-wording. From Part VIII onwards is all new. Part VIII deals with special provisions relating to certain specified drainage and irrigation areas. Clause 53 provides for the continuance of 15 drainage or irrigation, and drainage and irrigation areas. Clause 54 provides for the abolition of three existing areas, the names of which will be found in the Fifth Schedule. There is an important amendment to be moved to the proviso to clause 54.

With regard to clause 55 the recommendation of the Seaford Committee was that the outstanding liabilities in the case of the named drainage areas incurred after the 1st January, 1939, should be written off. The Secretary of State agreed in principle but not entirely. He agreed on the condition that arrears up to the 1st January 1940, were paid in 12 equal instalments. This clause seeks to arrange the payment of those 12 instalments by the named areas. Hon. Members will observe from sub-clause (4) that there are some areas to which that does not apply. In other words they are not required to pay those arrears. Schedule E of the Report shows very clearly why they are not expected to pay. It is because, with one exception, their total deferred indebtedness greatly exceeds one year's total revenue. In the case of two areas which have ceased to be drainage areas—Gibraltar and Courtland drainage area and Bush Lot drainage and irrigation area—their total indebtedness exceeds \$23,000 in each case, while in the latter case the annual revenue is less than \$3,000. In the case of Kitty it has ceased to be a drainage area and it is the only one which is solvent. It is a built-up area and the whole object of the drainage and irrigation is for agricultural purposes. It is inappropriate that this Bill should apply to such areas. It was never so intended and therefore Kitty is to cease to be a drainage area.

Clause 56 converts the Canals Polder into a drainage area under this Bill. Part IX provides for the absorption of District Drainage Boards by the Board. The various District Boards are to hand over their books and debts to the central Board—the debts owing by them and the debts owed to them.

Part X deals with general provisions which are the same as the existing law. Later on I shall move an amendment to clause 66 (1) which gives the Board general power to make by-laws, but in the suggested amendment that power is to be replaced by the grant of specific powers. Clause 68 is new so far as this Colony is concerned, although it appears in English and Irish law. It merely gives the Board power to remove bridges, culverts, kokers and other works belonging to private persons which prevent the work of the Board functioning, and where necessary to rebuild or re-erect at its own expense.

Clause 69 is also new. It is quite obvious that it is no good spending large sums of money if adjoining areas are not maintained, and consequent flooding may destroy most of the work in a drainage area. Therefore some control over adjoining lots is required. Such control will not impose any heavy obligation on the proprietors of adjoining lots. Only in cases where a proprietor wilfully or negligently fails to repair or maintain any work the Board is given power to effect the necessary repairs and charge him with the cost incurred. I shall in due course move a number of amendments, copies of which are in the hands of Members. I move that the Bill be read a second time.

Professor DASH (Director of Agriculture) seconded.

Dr. SINGH: During last week I was invited to attend meetings at Canals Nos. 1 and 2 Polder at which the Bill was discussed. After much discussion at both meetings it was unanimously decided to ask Government to delete the Canals Polder from the schedule of drainage areas. They also made certain suggestions in the form of a resolution which is now before Government. I do hope that Government will consider that resolution.

Mr. KING: I regret that owing to my absence from the Colony recently it has not been possible for me to take much interest in the affairs of the Canals Polder so far as they concern the constitution of this Drainage Board, but I have been informed by the hon. Member who has just taken his seat that it is the desire of the people of the Canals Polder that they should be excluded from the provisions of this Bill. With the utmost respect for the wishes of the people of the Canals Polder I think their decision is a little premature. They fear—and perhaps things that have taken place in the past are the cause of that fear—that matters may not work as smoothly as it is hoped by Government and certainly by the Members of this Council, and that instead of being a blessing to them this scheme may be a curse. The people in the Canals are in the peculiar position that they at present enjoy an extraordinary form of self-government. They entirely control their own affairs, and bred as they have been with that in their bones they naturally feel a certain

amount of anxiety that there is a possibility of that right being taken away from them and placed in the hands of the drainage Board contemplated by this Bill.

This morning I had the pleasure of speaking with one who has taken a tremendous amount of interest in the affairs of the Canals Polder during the last 25 or 30 years, and I gathered from what he told me that his anxiety was more than a fear that in years to come the rates which have now been reduced may be increased as a result of additional works or by expenditure which he feels may be incurred by Government for the benefit of the Canals but might turn out to be wasted money. I tried to explain to him that so far as I was concerned (I am a proprietor of land in the Canals Polder) I did not view with any grave alarm any action Government might take in the future so far as the Canals Polder are concerned, and as a ratepayer in the Canals Polder I certainly appreciate the prospect of a reduction of rates next year.

I think what is worrying the people of the Canals Polder is not so much this Bill as the fear that as a village or country district they will come under the unpleasant strictures of the Village Ordinance. They feel that as villages in various parts of the Colony have suffered they may also be made to suffer in the same way, but I assured them that Government would consider any proposal they might put up as regards the future control of their internal affairs. It is true that there is on the Statute a form of government for village and country districts, but I feel sure that Government will sympathetically consider any proposal put up by the people of the Canals Polder for the management of their own affairs, and I feel sure that their fears would be subdued to some extent if they were assured that the peculiar form of self-government which they now enjoy would be continued in some way. Undoubtedly it would mean a certain amount of additional taxation if they were allowed to control their own affairs.

THE PRESIDENT: I may remind the Council that the question before it at the moment is the second reading of this Bill. I would suggest that the question of the Canals Polder would probably be more conveniently dealt with when we come to

those clauses which affect the Canals Polder. It is not a question which should be dealt with on the second reading of the Bill itself. It may rather obscure the question before the Council which is the acceptance in principle of this Bill in accordance with the resolution passed by the Council.

MR. DE AGUIAR: I was going to preface my remarks with the words which have just fallen from Your Excellency's lips—that this Council has already accepted the general principles of this Bill, but nevertheless I think it would be competent for a Member, if he desired to make any observations with respect to any particular clause in this Bill, to do so at this stage so that when the Committee stage is reached the matter would in the meantime have had some consideration.

THE PRESIDENT: I do not suggest that Members are out of order in any way in making any remarks they wish, but it might probably be more convenient to deal with the question of the Canals Polder in the Committee stage when we come to the particular clauses. The hon. Member is quite in order in drawing attention to any particular clause.

MR. DE AGUIAR: I thought we would have had the pleasure of hearing one or two Members on particular phases of the Bill. I think their style was a bit cramped and I would assist them by letting them know that they would be quite in order.

MR. SEAFORD: We appreciate the hon. Member's assistance. (laughter).

MR. DE AGUIAR: The hon. mover of the Bill gave us a little bit of history leading up to its introduction. Of course he quite rightly omitted a few of the unpleasant phases of it, presumably in the fear that perhaps there might have been some criticisms levelled at Government. The cost of the works in those areas was far in excess of the estimates prepared, and as a result of that those areas, including the local authorities, found themselves with heavy millstones around their necks which they could not afford to carry. As a matter of fact that is what led up to a number of applications to Government for relief, and we were told in a few words that in the first instance the relief afforded

was to the extent of 60 per cent. and now it is proposed in some areas to abolish it altogether.

My first criticism—and I believe it is one which will be accepted from me—is that in its generosity to wipe off these debts due by the various drainage areas Government found itself unable to extend it to all the areas concerned, but the only area excluded from this generous treatment is the Kitty area. At first we were told in this Council that the reason was because Kitty was in a very prosperous condition and was able to meet all its obligations to Government and other parties, therefore it was unreasonable to give that area any relief at all. This morning the hon. Attorney-General tells us—I presume it is another reason—that the reason why Kitty has been excluded is because it is a built-up area. If we took those two reasons together they may be quite sound. It is true that Kitty district is from outward appearance exceedingly prosperous, but it cannot be gainsaid that at the present moment that district is heavily indebted. What would be true to say is that as a result of careful management of the district it is in the fortunate position of being able to meet its obligations as and when they occur, but I venture to suggest that to use that as a means of saying that the district is prosperous and therefore should not be afforded relief Government was acting on a wrong premise, having regard to the fact that the cost of the works in that area and in all the areas was in excess of the original estimate, and that the benefit those areas expected to receive did not materialize. I think those are the two premises on which Government should have acted. There can be no doubt about those two questions at all; they have been admitted many times before, and when they were mentioned Government did not argue that Kitty village was prosperous.

THE PRESIDENT: What the Attorney-General said was that the village was solvent.

Mr. DE AGUIAR: I have raised the question in this Council before.

THE PRESIDENT: I am drawing a distinction between solvent and prosperous.

Mr. DE AGUIAR: The word “prosperous” was not used to-day; it was used before in this Council. I am sorry I have not the Seaford Committee’s report in my hand this morning, but I think in that report a phrase somewhat similar is used. The point I am making is that if Government accepts the point raised so many times before that the cost of those works exceeded the original estimate, and as a result of that Government at that time felt that a case was made out and afforded a certain amount of relief, and also if Government accepts the view that the works carried out in those areas—I would not say all of them but the majority of them—did not result in the benefit expected of them, then I can hardly see why any particular area should be left out of such consideration. On the other hand I know that in some areas after the work was done the proprietors in some cases, and in others the local authorities, failed to carry out the maintenance work expected of them. I am quite prepared to join Government on that aspect of the question, but I am asking Government to agree with me that that charge cannot be levelled at Kitty.

If those are the facts—and I doubt very much whether they can be questioned—then it seems to me that Government is penalizing a village which has for several years not only endeavoured to meet its obligations to Government but to the particular community concerned. At that time when I represented the matter to Government I had hoped that serious and very careful consideration would have been given to it. I regret to find that in this Bill the intention is to exclude Kitty from its provisions. I can do no more; I can only sympathise with the Kitty Authority and advise them that in future they should neglect their obligations to the community, allow the village to get into bad shape and come to Government for assistance in another form. I am sure that Government would not like such a thing to occur, but it seems to me that this is a penalty for doing good work.

We have heard that in the case of two other areas mentioned in the Fifth Schedule—Gibraltar and Courtland drainage area and Bush Lot drainage and irrigation area—it is proposed to wipe off their liabilities entirely, and the handsome

figure is something in the vicinity of \$23,000. The amount owed by Kitty is nothing much. My reason for speaking so strongly on this point is that I think the Kitty Authority ought to be encouraged in the good work they are doing. I know, and Government must know, that that particular area has been advancing year by year. Hardly a year passes without some scheme being put up for the improvement of the village. Isn't it a good thing to encourage the Kitty village council in that matter? Every scheme that is put up is carried out successfully. At present there are two or three schemes before Government for the improvement of the area, but this is the sort of encouragement they get. As a matter of fact it is no encouragement; it is a hindrance, because they are going to be saddled with this amount until the debt is paid.

THE PRESIDENT: How much is the amount?

Mr. McDAVID (Colonial Treasurer): It is \$240 a year.

Mr. DE AGUIAR: What is the total debt? That has been left out.

THE PRESIDENT: What is their total revenue?

Mr. McDAVID: About \$12,000 a year.

Mr. DE AGUIAR: I do not think it would be sufficient merely to refer to the \$240 payment.

THE PRESIDENT: I only want to get the picture clear.

Mr. DE AGUIAR: As far as I am concerned whether it was \$5 or \$100 I would say the same thing. If I knew that the annual amount would have been raised I would have armed myself with some more figures to show what the Kitty Authority have to pay annually out of their rates. Merely to put \$240 down is very weak; it is a matter of 2 per cent. of their rates. I can assure Government that small as it may appear the sum of \$240 would be of very great assistance to the Authority from my knowledge of the desire of the people of Kitty to improve their position in the community. As a matter of fact their desire is to make

Kitty one of the cities of this country, and I think they ought to be encouraged in that sort of thing.

So far as the Bill itself is concerned I have very little to say on it except as regards clause 13 which I think is about the most important. Clause 13 provides for the proportion of the capital cost of the works to be borne by the proprietors. That is quite sound. What was not clear to me was the statement by the hon. Attorney-General that the liabilities of the proprietors will be reduced. I do not quite follow what was meant by that: In the case of works done in the past the people contributed 60 per cent. and the Government 40 per cent. of the cost, and we are told now that the object of the Bill is to reduce the liability of the proprietors.

THE PRESIDENT: I would draw the hon. Member's attention to the words "if any" in the clause. It says that the Governor in Council shall prescribe the portion, *if any*, of the capital cost of the works to be borne by the proprietors of estates within an area. There may be none.

Mr. DE AGUIAR: I admit I did not notice the significance of the words "if any" until you drew my attention to it. Apparently "if any" may make a great deal of difference.

THE PRESIDENT: They may. (laughter).

Mr. DE AGUIAR: At any rate I am hoping they will.

THE PRESIDENT: Those words materially affect the sense of the clause.

Mr. DE AGUIAR: I will not pursue that point any further. There is a bouquet I would like to hand to Government. There can be no doubt that the reason why the benefits expected from the drainage works completed have been nullified is because of the fact that maintenance has not been carried out. One of the reasons why I welcome this Bill is because it will provide not only for works to be done but for the maintenance of those works, which is so essential if we are to receive any benefit at all. That is one of the good points in the Bill, and is what we have

wanted for a long time. I do not think there can be any criticism of the personnel of the proposed Board because it is very wide. It seems to me that everybody will have a voice in its affairs.

Mr. JACOB: Fortunately this Bill does not affect my constituents in the North Western District, but as a Member of the Canals Polder Authority I have a few comments to make on it. The Bill was published on December 7; it was read for the first time within a week, for the second time to-day, the 17th., and if everything goes according to plan I think it should become law to-morrow. I do not think that is good enough notice to the general community.

THE ATTORNEY-GENERAL: Before the hon. Member goes further I would like to draw his attention to the last clause of the Bill which states that it shall come into operation on the 1st January, 1941.

Mr. JACOB: It will come into operation on the 1st January but it will probably take 10 years before we begin to repeal it or amend it in some form. We have had that experience already. I mention that to show that while everyone anticipated this Bill the public has not had sufficient time to consider it, and it is so complicated, involving as it does several Ordinances, that it will be very difficult for the general community to understand how they can approach Government in matters of this kind.

As one of the Members of the Canals Polder Authority I have been presented with a resolution, a copy of which I understand has been forwarded to the Colonial Secretary's Office. The final clause of the resolution states:—

"Be it resolved, that the small proprietors decide to inform Government that whilst they welcome very appreciably the writing off of the loan, they do not agree to sacrifice their long enjoyed privilege of managing their own affairs by going into the Central Drainage and Irrigation Board, which will cause double taxation if the Polder is created a village as was intimated by Government in the Legislative Council.

"And be it further resolved, that Government be asked to direct that the postponed general election of the Canals Polder Authority be held as early as possible,"

I merely transmit that to Government as

the considered opinion of the residents of the Canals Polder area. They have my entire sympathy as regards their request that they should not come under the village laws of the Colony, but when I consider the working of the Local Government Board and the entire village administration in this Colony I have no sympathy for the Board at all. I find myself in the position of almost entirely agreeing with the people of the Canals Polder area. It does appear to me that the Local Government Board can treat the village authorities exactly how it likes and expect co-operation. I have in mind several distinct cases. There is trouble at Golden Grove-Nabaclis. I can call it trouble because the people are not receiving any representation at all from the council of that area. There are several other villages in practically the same condition. I do not know when there will be a Local Government Board run in the interest of the village authorities and for the benefit of the entire community. I do not think it will be said even by Elected Members that there is not dissatisfaction as regards the working of the Board. I think it is quite clear that there is great dissatisfaction with the working of the Local Government Board and there should be a radical change in its personnel. It is time that something be done to create confidence in the minds of those concerned and cause general satisfaction.

This Bill, when it becomes law, is going to affect the entire community, and I am wondering whether there is not far too much co-operation among officers of this Government. All of us want co-operation up to a certain point, but when it becomes too great it resolves itself into something very bad. I think there is far too much co-operation between the Local Government Board, the District Administration and the Public Works Department. The result is that neither of those bodies will criticize the other even constructively. I had personal experience of that when I made representations to the District Commissioner that something should be done. I was told that he could not interfere because the matter was in the hands of the Public Works Department. When I offered criticisms I was told that he could not transmit them; I must do so myself. Those are facts. The District Commis-

sioner is afraid to criticize the Local Government Board and the Board is afraid to criticize the Public Works Department. They are all afraid to criticize one another. It is time that constructive proposals were put forward so that those officers might realize that after all they represent the taxpayers, and if constructive criticisms are levelled against a Department it is the duty of the Department to transmit those criticisms. I would not say that the Head of a Department should agree with those criticisms. The Commissioner has gone so far as to say that he would not listen to criticism.

There is no co-ordination between the Departments. I do not think the drainage works of the Colony have been a success so far. We hear of drainage and irrigation but we see practically no progress. There are instances within the knowledge of Government where plans have been found to be not in accordance with the wishes of those concerned who felt that the works would not give them the desired benefits, and those plans have had to be modified. There is no co-ordination between the Departments or joint inspection and collaboration. There is an entire absence of those things, but there is far too much co-operation which has led to wasteful expenditure. (laughter). Government may laugh at it and feel that those criticisms are not justified. I feel they are 100 per cent. justified, and I can give several specific instances to show that if there had been better collaboration and joint inspection of several works which have been carried out there would have been greater benefit to the Colony. I am not satisfied that things are going well. I hope they will be better in the future, but if the present state of affairs continues I can hardly see how there can be any improvement in the near future.

THE PRESIDENT: Is the hon. Member moving an objection to the second reading?

Mr. JACOB: I shall record my dissent against the second reading.

Mr. C. V. WIGHT: I rise to refer to the point which I have already raised—whether some distinction should not be made between cultivated and uncultivated land, or tilled and untilled land? That

may be a matter of general policy which might be discussed under clause 34 of the Bill. On the other hand it may be a matter which should properly be discussed by the Board itself.

THE PRESIDENT: I would like the hon. Member to make clear whether he has in mind that uncultivated land should pay a higher or a lower rate.

Mr. WIGHT: A higher rate. The rate for cultivated land might be reduced. I suggest that the idea should be to compel those persons who are inclined to allow their lands to lie idle to do something for the general benefit of the community by creating employment. That principle has been adopted elsewhere and it might be adopted in this Bill. I was glad to hear from the hon. Member for North Western District (Mr. Jacob) that there is such a great deal of co-operation between the various Government Departments, because I thought there was none. In some cases one Department does not know what is happening in another.

Mr. SEAFORD: Would the hon. Member go a step further and have varying rates for different types of land? We know that there are some lands in the Colony on which practically nothing will grow. It is rather difficult to draw a line between what is cultivable land and what is not.

Mr. WIGHT: I think that would be a matter of definition.

THE PRESIDENT: It is just the definition that causes the difficulty.

Mr. WIGHT: It is a matter of detail. I think there was that difficulty in Barbados where people were compelled to pay on rocky soil. I do not think there would be any difficulty here in deciding what is cultivable land and what is not.

THE PRESIDENT: The hon. Member will have to take into consideration the term "beneficially occupied."

Mr. WIGHT: Beneficially occupied is a term which could be easily defined by the Attorney-General.

THE PRESIDENT: I have known of a claim for beneficial occupation of forest

land where people occasionally went to collect snails. It constituted beneficial occupation, not in this Colony, of course. I am not speaking of British Guiana.

THE COLONIAL SECRETARY: The hon. Member for Demerara-Essequibo (Dr. Singh) referred to a document which had been forwarded to Government. I received the document from the hon. Member a few days before the Council met; it is a letter signed by the President of the Canals Farmers' Association Limited, and also by the President of the No. 2 Canal Polder Farmers' Union, and includes a copy of a resolution passed at recent meetings. I should like to inform the hon. Member that Government had already received a communication from the Canals Polder Authority. The hon. Member for Demerara River (Mr. King) is a member of the Canals Polder Authority and I do not know whether he attended the meeting which was held on the 28th November to consider an enquiry submitted by Government to ascertain whether the Authority proposed to accept the waiver of the outstanding charges on the condition that the expenditure of the Authority would be under the control of the Central Drainage Board, and the reply was that the Authority agreed to the conditions mentioned by Government. They have agreed to accept those conditions. Two of the speakers, the hon. Member for Demerara River (Mr. King) and the hon. Member for North Western District (Mr. Jacob) are members of that Authority. It is possible they were not present at that meeting. One other Member said that in the resolution it is stated that they are pleased to be relieved of the amount of the loan. The amount is \$100,000 and naturally they would be pleased to be relieved of that sum, but they also want to continue to control their own affairs. I do not think they can have it both ways.

The hon. Member for North Western District accused the Local Government Board of being afraid to criticize another Department. As Chairman of the Board I am prepared to say that it is not afraid to criticize any Government Department if it considers that criticism is due. I may remind the hon. Member that the Board is also governed by Ordinance. I am not sure what he means when he says that no

action is taken to help the village authorities. No doubt the decisions of the Board do not meet with approval everywhere, but the Board is guided by the law to which the hon. Member can refer. I would be glad if he would refer me to the instances. The hon. Member at this session has made innumerable references to dissatisfaction, and has been asked on more than one occasion to communicate with Government if anything is going wrong. He referred to the District Commissioner being afraid to take up some matter. I only hope he will put those instances in writing and let me have them.

THE ATTORNEY-GENERAL: The hon. Member for Demerara River (Mr. King) and the hon. Member for North Western District (Mr. Jacob) referred to the question of the Canals Polder, and as I understand that they are going to move a substantial amendment to the Bill, I will delay my reply until that amendment is moved.

The hon. Member for Central Demerara (Mr. De Aguiar) raised the question of Kitty. The hon. Member will recollect that it was a recommendation of the Seaford Committee that Kitty should be treated in the same way as other drainage areas are being treated. That recommendation was submitted to the Secretary of State who refused to accept it. The Secretary of State held that the Kitty area was totally different from other drainage areas; it was neither an agricultural nor a pastoral area. It is a built-up area, and he considered that a built-up area should be treated differently in this respect from an agricultural or pastoral area. Secondly he pointed out that Kitty could well afford to pay a small annual sum towards a just debt which is due. They have had the benefit of that loan and they have had certain relief in the meantime, and the Secretary of State held that in those circumstances Kitty could reasonably be required to make this small payment without any difficulty or any hardship.

The hon. Member for Western Essequibo (Mr. C. V. Wight) desires some distinction to be drawn between tilled and untilled land. I suggest that that might be left over for the time being. In the first place I think the Board should be allowed to operate for a

time and find out the conditions. I have no doubt that the Board will examine all those problems. In any case there is no hurry for that particular amendment, for the reason that all the areas have been rated already and this Bill saves the assessments already made. Therefore, even if it is amended the amendment would not have any effect for more than 12 months. I suggest that the Board should consider the problem and if it considers it workable or desirable it would make that amendment.

Question put, and agreed to.

Bill read a second time.

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

Clause 2.—Interpretation.

THE ATTORNEY-GENERAL: I propose to move four amendments to this clause as indicated in the list of amendments. The first amendment introduces a definition of "boat." I am well aware of the fact that at present the word "boat" does not appear in the Bill, but it will be introduced at a later stage. I move that clause 2 be amended—

(a) by the addition of the following definition hereto:—

"boat" includes any type of craft used for the purpose of navigating inland waters;

(b) by the insertion of the following word and comma "buffalo," in the definition of "cattle" between the word "ass" and the word "bull";

(c) by the deletion from the definition of "estate" all the words in brackets and by the substitution therefor of the following:—

"other than Crown or Colony land not held under any lease, licence or permission";

and (d) (i) by the insertion of the following words and commas, "paal off, bridge" in the definition of "work" after the word "stop-off" in the third line and (ii) the deletion of the word "may" from the third line of the definition and substituting therefor the following words:—

"has been or which may hereafter"

Amendments put, and agreed to.

Clause 4.—Constitution of the Board.

MR. PEER BACCHUS: I move that paragraph (b) of clause 4 be amended by the addition of the words "one of whom shall be interested in a minor industry."

THE CHAIRMAN: Does the hon.

Member think this is the proper place to introduce an amendment of that kind?

MR. PEER BACCHUS: Yes, sir.

THE CHAIRMAN: It does not seem to me to be the proper place.

MR. PEER BACCHUS: I think Government should have the choice of a good many persons to serve on the Board. The proposition has been made to me that a person interested in a minor industry should be on the Board.

THE CHAIRMAN: I again suggest to the hon. Member that the proper place for an amendment of that kind is in paragraph (d).

MR. PEER BACCHUS: I thought I said "(d)."

THE CHAIRMAN: I think the hon. Member said "(b)."

MR. PEER BACCHUS: Representations have been made to me and I was convinced by the point raised by persons interested in rice, coconuts and other minor industries, that no provision has been made in the Bill for their representation on the Board. They pointed out that they would be contributors to the maintenance of drainage and irrigation works in their area but they will have no voice in the control of that expenditure. I know that in practice the Governor in Council might consider those persons, but there is no provision in the Bill which gives them the assurance that persons interested in minor industries would be appointed to the Board. I hope Government would see its way to include them. To allay the anxiety of those proprietors I do not think there would be any harm in making that amendment.

MR. C. V. WIGHT: Paragraph (a) refers to the Director of Public Works and Sea Defences. In view of the resolution passed by the Council for the creation of two separate posts I suggest that the clause should make provision for a Director of Public Works and a Director of Sea Defences.

THE COLONIAL SECRETARY: It is not proposed to have a Director of Sea Defences. The officer will be called Con-

sulting Engineer and the post will still remain as Director of Public Works and Sea Defences.

Mr. LUCKHOO: With regard to the suggestion of the hon. Member for Western Berbice (Mr. Peer Bacchus) I do not think there is any necessity for nominating any particular individual at this stage to represent the minor industries. The Governor in Council has wide powers to nominate persons who have the ability and experience to carry out these works. In the past a great deal of reliance had to be placed on the sugar estate managers and I think it might be left to the Governor in Council to select competent persons. If that course had been adopted in the past many of those schemes which have been a failure would have been brought to a successful issue. I know of occasions on which sugar planters were not consulted on intricate matters, and that has been the downfall of a great many of the schemes in the past. I hope Government will bear in mind the importance of selecting persons who have the necessary knowledge and experience to advise the Board in these matters.

Mr. DE AGUIAR: I am going to support the hon. Member for Western Berbice (Mr. Peer Bacchus).

At this stage the Committee adjourned for the luncheon recess until 2 p.m.

2 p.m.—

Mr. DE AGUIAR: At the adjournment I rose to support the amendment which was put to the Council by the hon. Member for Western Berbice (Mr. Peer Bacchus). I am doing so on the principle that there should be no taxation without representation and, I think, it would be agreed that the hon. Member has in mind that those people who are engaged in the minor industries of the Colony, such as those mentioned by him, should have a voice on this Board. I also agree with the hon. Member for Eastern Berbice (Mr. Luckhoo) that, perhaps, in practice that representation may be given. That is to say, Government would probably bear in mind the request made by the hon. Member when making appointments under clause 4 (1) (b) of the Bill. I do not know whether Government is prepared to give an undertaking that that will be done, for

I think that is what the hon. Member has in mind. It seems to be very difficult to fit in the words that he has in mind to the clause having regard to the wording. I always say it with every feeling of goodwill and genuineness that so long as the present administration remains any undertaking given will be carried out, but what we fear is when there is a change of administration. Unless you can refer back to any particular section of the law that makes it obligatory on the part of the Government to make the appointment, a difficulty exists. I support the hon. Member on this ground but, as I said just now, I find it extremely difficult to fit it in the Bill.

THE CHAIRMAN: It just depends on what is a minor industry.

Mr. DE AGUIAR: I have discussed it with the hon. Member during the adjournment. I do not know if a definition of a minor industry would cover it. I think, if Government gives an undertaking that the request made by the hon. Member would be carried out as far as practicable, perhaps there would be no necessity to put it in the Bill.

Mr. SEAFORD: To use the expression of my friend, the hon. Member for Central Demerara (Mr. De Aguiar), I would like to make a few observations on the amendment. First of all I desire to congratulate the hon. Member for Western Berbice for having the courage to come here and call the rice industry a minor industry. (Laughter). The second point is, as brought out by the hon. Member for Central Demerara, it is going to be a very difficult thing to define minor industries. Is rice a minor or major industry?

Mr. PEER BACCHUS: Everything but sugar is!

Mr. SEAFORD: Is canefarming minor or a major industry? Personally do not feel that a Bill of this kind is the right place to bring in anything of that kind. I feel that this Bill is really dealing with major industries, and I feel sure that Government will appoint people who it feels will represent the various districts and to the best interest of the Colony. On the Boards which we have at present, some having been appointed before the present administration—the Board of

Agriculture, the Drainage Committee which has been sitting, the Sea Defence Board—all these so-called minor industries are represented, and I do not see why one should doubt, if I may use the expression, the goodwill of Government in having the fullest representation on this Board. I feel, sir, as has been suggested by the hon. Member for Central Demerara, that this matter should be deferred, as I am sure that Government would not mind undertaking to give the fullest representation to any industry for the best advantage of all concerned.

THE CHAIRMAN: That does not mean the hon. Member's is the best way, as I can see if you try to limit Government by a definition it might land you in a great many difficulties.

MR. PEER BACCHUS: Yes, sir.

THE CHAIRMAN: Government will take into consideration all industries other than sugar.

MR. PEER BACCHUS: I am satisfied.

Clause 4 passed without amendment.

Clause 5—Appointment of Secretary.

THE ATTORNEY-GENERAL: I move that the whole clause as printed be deleted and the following clause substituted therefor:—

"5. The Board shall appoint a secretary and such servants as the Board may deem necessary;

Provided that the appointment of a secretary shall be subject to the approval of the Governor in Council.

Question put, and agreed to.

Clause 8—Meetings of Board.

MR. JACOB: I would like to point out that there is no mention of a quorum anywhere.

THE ATTORNEY GENERAL: In sub-clause (6) of Clause 4.

MR. JACOB: Thank you.

Clause 10—Certain existing works to vest in the Board.

MR. JACOB: Sub-clause 2 reads:

One copy of each such plan shall be authenticated by the signature of the chairman or vice-chairman and shall be deposited with the Registrar who shall file the same as of record in the Deeds Registry and shall make such annotations on the records as may be necessary.

I think that before a plan is actually filed and becomes a record, the parties concerned should have an opportunity of seeing a copy of that plan and agreeing to it. I think it would save time. I see mention has been made in several parts of the Bill that the plan will be submitted to the villagers or estate proprietors concerned, but if after submission to them it is changed it would mean that you have to submit the revised plan to the Registrar. I throw that out for the consideration of the hon. Attorney-General.

THE ATTORNEY-GENERAL: This particular part of the Bill—Part II deals with existing works—works which are there now. The plans have been prepared long ago. It is not a question of preparing new plans. The land is now vested in the Public Works Department and no private concern is interested.

Clause 22—Power of Board in connection with the construction of works.

THE ATTORNEY-GENERAL: I beg to move an amendment that the words "animals and vehicles" be deleted from sub-clause (1) and the following words and comma substituted therefor:—

"animals, vehicles and boats."

Question put, and agreed to.

Clause 24—Special powers in case of threatened flood.

THE ATTORNEY-GENERAL: I move the same amendment as in clause 22 (1)—the deletion from sub-clause (3) of the words "animals and vehicles" and the substitution therefor of the following words and comma:—

"animals, vehicles and boats."

Also that the following additional sub-clause be inserted:—

"(8) The provisions of section twenty of this Ordinance shall, *mutatis mutandis*, apply in respect of the lands adjacent to any work marked or delineated on any plan deposited with the Registrar under this section."

Question put, and agreed to.

Clause 27—Amount of compensation.

Mr. SEAFORD: I am not quite clear about the proviso which reads:—

Provided that in any case where it is possible to remove any structure, plant or machinery from any such land and to re-erect it elsewhere the amount of compensation to be paid in respect of such structure, plant or machinery may, at the discretion of the Board, be the actual cost of dismantling, removing and re-erecting the same.

Does that mean that the Board or proprietor can do the dismantling and re-erection? If that is done by the private owner and the amount of compensation is the actual cost of dismantling and re-erection, then the Board must have some control over that cost. I am not quite clear that is the idea.

Mr. DE AGUIAR: Before the ruling is given I am going to make this point under clause 25 (c). If this proviso was not there I would have said something under clause 25 (c) which deals with compensation. It reads:—

There shall be no right of compensation in respect of any land acquired by the Board under this Ordinance which is required for the construction of a facade supply canal across any estate, or across the lay out of the allotments in any village or through any undivided land in a village which is owned and occupied in common.

I take it that if it became necessary to do any work in a village where there are buildings and it became necessary also to remove those buildings, the Board would give compensation for the removal from one spot to another.

THE ATTORNEY-GENERAL: The object of the proviso is to cover the cost which is not likely to occur very often but mainly will occur where buildings and plants of sufficient value in the drainage area are worth dismantling, removing and re-erecting. The Board has the discretion to decide whether it will pay compensation for the buildings and take them, or alternatively whether it will pay the cost of dismantling removing and re-erecting. As it is at the discretion of the Board, the Board will assess the amount; if the owner refuses to accept the amount the Board would have the buildings on their hands to do it themselves.

Mr. SEAFORD: I only want to get on record the exact definition. I was rather

doubtful of the interpretation the Board may have to place on it at some future date.

Clause 32—Liability to pay maintenance costs and a proportionate amount of capital costs.

THE ATTORNEY-GENERAL: It has been pointed out from several sources that paragraph (c) is not clear. In effect it is rather not clear and rather gives the impression that not only new buildings and new works are included in capital costs. I therefore move that paragraph (c) be deleted and the following substituted therefor:

(c) the total cost of maintaining, repairing or replacing any works—

- (i) which vest in the Board by virtue of the provisions of section ten of this Ordinance, or
- (ii) which may be constructed in compliance with any Order in Council made under either section twenty-three or section twenty-four of this Ordinance.

Question put, and agreed to.

Clause 34—Assessment of rates.

Mr. C. V. WIGHT: I am going to suggest that the same right of appeal be given against assessment arrived at by the Board as is given in the case of compensation under the clause recently passed. I see that under clause 36 there may be a valuation by the Governor in Council. I am going to suggest that the right of appeal against assessment should go through the ordinary channels—the Magistrate's Court and from there to the Supreme Court.

THE CHAIRMAN: Does the hon. Member mean an appeal against the uniform rate?

Mr. C. V. WIGHT: The assessment on the uniform rate per acre of land will naturally involve the acreage of the particular land in question. I have in mind the Boerasirie Ordinance, Chapter 125. Certain plantations there are assessed on a certain acreage. I have already taken the matter up with the Commissioners about six months ago, and I have had it from them that certain of those lands which have been assessed are not getting any irrigation from the Creek at all. I wonder if in a case of that kind you are

dealing with acreage more or less than with the assessment.

THE CHAIRMAN: The area is declared by an order.

Mr. C. V. WIGHT: I appreciate that, and the amount is assessed on the acreage of the particular land in question.

THE CHAIRMAN: It is not quite clear what the hon. Member desires the appeal to be against—whether it is the acreage, where the property assessed as containing 20 acres really only contains 19 acres.

Mr. C. V. WIGHT: That is precisely one of the points in question.

THE CHAIRMAN: One will not carry an appeal of that sort to the Supreme Court. This is just an ordinary procedure one has been working on years ago.

Mr. C. V. WIGHT: I know it is very difficult in drafting, the framework having not been set up. If there is the fear of disarranging the policy as set up, I suggest that we leave the discussion on uniform rate to the Board when it gets into working operation.

Mr. JACOB: On this clause I would like to express one of the fears of the farmers of the Canals Polder. It is that certain lands which are almost valueless will come within the area and be assessed, and the assessment which will have to be divided between the farmers will be a burden. This is one of the clauses I object to very strongly.

THE CHAIRMAN: What happens now?

Mr. JACOB: Nothing is paid on those lands. They are left like that. They are not properly drained or irrigated. Unfortunately the trenches of those lands will come within that area. The whole of the Canals Polder acreage would come within the drainage area. Certain of those lands cannot be put into cultivation unless large sums of money are spent on them. The farmers feel that if the total acreage of the Canals Polder is taken into account and assessed at so much per acre and they are unable to cultivate 10,000 acres the other 10,000 acres will have to meet the assessment for the whole area.

THE CHAIRMAN: I do not see how it differs much from the position now.

Mr. JACOB: I respectfully submit it does differ. At the present time money is collected within that area for the benefit of that area. Now it will be collected over a wider area.

THE ATTORNEY-GENERAL: Exactly the same area? The Sixth Schedule is the same as now.

Mr. JACOB: Do I understand then that the Canals Polder Nos. 1 and 2 will be a distinct entity by itself?

THE ATTORNEY-GENERAL: It is distinct by itself. It has got a credit balance and that is being credited to the Canals Polder drainage and Irrigation area.

Mr. JACOB: If that is so, there should be no fear.

THE CHAIRMAN: It is made clear at another stage.

THE ATTORNEY-GENERAL: Yes, in clause 61.

Clause 39—Rates payable in moieties due on the 1st January and 1st April respectively.

Dr. SINGH: I think that is a bit wrong to have to pay in January and then again in April in spite of an allowance or concession of one month. I am asking Government if it cannot allow the second payment to be the last day in July instead of April. The payments really follow each other too closely. These people have to pay their moieties in four instalments—

THE ATTORNEY-GENERAL: I agree that the payments are close, but the rice crops follow each other in the same interval. The object is to enable the people to pay at the time they have the money to pay. That is the object of these two dates.

Mr. JACKSON: I desire to urge that payment of the first moiety at the end of January will considerably affect the villages and country districts. The estimate of assessment for these villages may not be passed in time. This year it is asked that the estimate should be ready by the 31st July. If it is ready at the 31st January it is patent the money can only

be collected after that date. I would suggest that the first moiety be made payable in the month of February. That, I think, will give some slight relief to the villagers who will then have to the end of February to pay their first moiety. I am rather inclined to think that the hon. Member for Demerara-Essequibo (Mr. Singh) in asking that the second moiety be paid in July has that in view. Let February and July be the months instead of January and April.

Mr. A. G. KING: I also support the suggestion before the Council, because there are many crops that are reaped in this Colony either towards the end of the year or the middle of the year. Very few crops are reaped in January. The crops of the Canals Polder are reaped towards October and November, and to ask a man to pay his rates in January of the following year is going to be most difficult. The Town Council Ordinance, which I have just looked up, makes the rates for the City of Georgetown, where more or less the responsible people live, payable on the 10th February of the current year, and I feel Government will not be giving away anything to their detriment by making the rates payable at the end of January; if Government cannot extend it to February, at any rate let it be to the middle of the month; and in respect of the second moiety let it be to the middle or end of July. I know that we in town feel it does not cost too much for a farmer who is making a living out of the land to pay as rates 40 or 80 cents per acre, but if we go around the districts as I have been doing during the last few years we would realize that even a small amount like that is very difficult for the people to realise especially following so closely the Christmas holidays in which many people try to drown their sorrow in enjoying themselves. I appeal to Government, and very strongly too, that for the payment of these rates an extended time be given so as to enable the people to meet the demands of their rates.

I am hoping that when the new Act comes into existence and all these debts are wiped off, speaking on behalf of the Canals Polder, the people will in future find it possible to keep up with their demands. I am hoping that these rates will not be allowed to accumulate again. I will support any movement by the Board

to see that the rates are paid punctually in future. Things have been allowed to slide in the past; it was not only impossible for the average farmer to reap his crop, but it was very difficult for him to pay something. I think some latitude should be given the farmer to enable him to cut his rice so as to pay his rates. The Bill provides that if he does not pay his first moiety by the 31st January the whole rate becomes due.

THE ATTORNEY-GENERAL: I understand the hon. Member for Demerara-Essequibo to move that the word "January" in sub-clauses 1 and 2 be substituted by the word "February," and for the word "April" the word "July" be substituted. Government has no objection to accepting that.

Mr. LUCKHOO: It seems a bit awkward time to fix—the 1st January and the 1st April. In the country districts the people get one crop a year and in the County of Berbice sometimes a second crop which is very small in comparison with the first crop yield. As has been rightly pointed out, the village rates are also paid in two moieties. I am asking for an extension of the time of payment.

THE CHAIRMAN: They will not clash at any rate.

Clause passed as amended.

Clause 40—Unpaid rates or moieties may bear interest at the rate of 6 per cent. per annum.

Dr. SINGH: Six per cent. is very high. I think it should be reduced to four.

THE CHAIRMAN: Is 6 per cent. an unusual rate of interest to charge on money overdue here?

Mr. SEAFORD: On all the Boards that I sit 6 per cent is the universal charge. If the hon. Member were to go to the Bank and ask to borrow money he would know what it is. He is one of the lucky ones who do not have to borrow at interest.

Clause 41—Crown or Colony lands occupied by lessee or licensee to be rateable.

THE ATTORNEY-GENERAL: I beg to move an amendment. This is to meet

the case mentioned this morning wherein the lands are surrendered to avoid paying rates. I beg to move that the clause as printed be deleted and the following substituted therefor:—

41. Crown or Colony lands within any drainage irrigation area held under any lease or occupied or used under any licence or permission shall be liable to be rated but only the right, title or interest of the lessee, licensee or permittee of such land shall be taken in execution.

Question put, and agreed to.

Clause 42—Payment of rates in respect of Villages.

THE ATTORNEY-GENERAL: I beg to move an amendment. This particular clause is reproduced as it stands from the existing Ordinance. The hon. Member for Eastern Berbice (Mr. Luckhoo) pointed out to me that since this Ordinance is connected with the Local Government Board Ordinance we should alter the method of payment under that Ordinance, and therefore I beg to move this amendment so as to make the method of payment the same as that under the Local Government Board Ordinance: that the clause as printed be deleted and the following substituted therefor:—

42. (1) It shall be the duty of the local authority to levy the rates and interest (if any) imposed in pursuance of this Ordinance in respect of any village and such rates and interest shall be a preferent charge on all rates levied and collected in respect of the village by the local authority.

(2) All monies received by the local authority under this section shall be transmitted to the District Commissioner in charge of the District.

(3) The District Commissioner shall transmit to the Board all monies received by him from any local authority under this section.

Question put, and agreed to.

Clause 44—Enforcement of rates not exceeding \$100.

Mr. KING: I beg to move the deletion of sub-clauses 1 to 6. It is not only an unusual provision in an Ordinance of this nature, but an Ordinance imposing rates of any kind always imposes levy on the land and never on your movable property. I have tried to find a similar provision in any Ordinance imposing rates and providing for the recovery of those rates by means other than by parate execution, and I have

been unable to find any. Sub-clauses 1 to 6 (inclusive) provide for the recovery of rates under \$100 by a warrant of distress issued by a Magistrate for the purpose of seizing movable property to satisfy the unpaid rates. That may be a very easy means of recovering a rate of this nature, but I feel that it will create a hardship on the people. When a man's land is taken into execution, before it can be sold it has to be advertised for three or four weeks during which time it becomes necessary for him to raise the money. Within that time in about 90 per cent. of the cases the money is raised and the property released. In this case, however, the Bailiff under a warrant of distress can go into a man's house, take out his furniture or the property of anybody and sell it within eight days. That may lead to a tremendous amount of difficulty and certainly to a good deal of dissatisfaction in the various districts.

THE CHAIRMAN: Has it in effect led to much difficulty or hardship?

Mr. KING: I know of no such similar instance of any Ordinance imposing rates in this Colony.

THE ATTORNEY-GENERAL: It is copied from the existing Ordinance.

Mr. KING: Which Ordinance?

THE ATTORNEY-GENERAL: Chapter 165, section 24.

Mr. DIAS: The Local Government Board Ordinance, Chapter 84, which has been in existence since 1892.

THE CHAIRMAN: If it has been in existence all that time and has not come to the hon. Member's notice, then it could not have created such a great hardship.

Mr. C. V. WIGHT: That Chapter quoted by the hon. Nominated Member, Mr. Dias, gives the definition of "proprietor" as "includes the person in whose name any lot of land is rated for taxes in the assessment book." One has to remember that the definition of "proprietor" as given in this draft bill means a person in possession. Clause 43 can be interpreted to affect the person in possession of movable property.

THE ATTORNEY-GENERAL: Clause 46 covers that.

Mr. C. V. WIGHT: That gives the right in cases of movable property. A man may deposit his bicycle in a yard only to find it taken away.

THE CHAIRMAN: He can get it back.

Mr. C. V. WIGHT: If the rates are not too high, by paying the amount. Some of the estates are heavily mortgaged and he may find himself for the sake of \$75 or \$80 having to risk money to pay off the mortgage.

Clause 54—Abolition of certain drainage and irrigation areas.

THE ATTORNEY-GENERAL: I beg to move that the proviso be deleted and the following substituted therefor:—

Provided that the local authority of the area formerly known as the Kitty Drainage Area shall pay to the Colonial Treasurer annually the sum required to liquidate the outstanding balance of the proportionate cost of the works, together with the interest thereon, constructed prior to the commencement of this Ordinance within the area under any Ordinance repealed by this Ordinance.

Mr. DE AGUIAR: I move the deletion of the proviso which is proposed by the hon. Attorney-General. I want to say right here and now that I am not unmindful of the fact that this proviso has found its way into this Bill on instructions from the Secretary of State. I have reasons to believe that if those instructions were not definite, as I presume they are, the arguments that were put forward in support of relief of this district would have borne some fruit. I see this new proviso is rather to remove any bit of doubt as to the meaning of the original proviso as appearing in the Bill. I do not know whether the Secretary of State (who is so far away) is thinking that at some early date or future time Kitty Village will become a part of the City of Georgetown, and in that case their financial position will be more prosperous. Perhaps that is so. However, in addition to what I have already said on this question I am very sorry to think that this Government cannot see its way, as a gesture to this village for the good work it is doing for the inhabitants of that particular area, to relieve them of this small annual contribution. I would add, if it is considered small for a village to pay, it ought to be considered smaller still for this Govern-

ment to waive. There is a question of principle involved. Here we have it that Government agrees in principle that those districts that have to meet their obligation for drainage and irrigation works which were badly done—

THE CHAIRMAN: The hon. Member is mistaken there. Other works,

Mr. DE AGUIAR: I have heard that expressed so many times before, not in this Council alone but by people in the district which I have the honour to represent.

THE CHAIRMAN: I am not saying that the works are not badly done, but the fact that they are badly done does not enter into the principle of the Ordinance at all.

Mr. DE AGUIAR: I quite agree, but it is a point which one cannot stress too much. The people did not obtain the benefit they had hoped to receive from the works, apart from the question of cost. I think, sir, that from this local Government's point of view it would have come with very good grace to the Local Authority if it had said: "In appreciation of the work you are doing for the community we relieve you of this \$240 per annum and you can, perhaps, utilize the amount for a better purpose." I am going to be consistent. I am sorry I have to be against the Secretary of State in this particular matter. I do not know what has led him to arrive at this conclusion but I must be consistent in principle, and I am going to formally move that the proviso be deleted.

Mr. PEER BACCHUS: I join the hon. Member for Central Demerara in his appeal that Kitty Village be treated similarly as other village areas. It would appear that this proviso before the Council is making fish of one and fowl of the other. If Kitty is in such a position as to have paid a large portion of their drainage cost. I think they should be complimented. I do not think if relief is being given to other drainage areas that Kitty should still be asked to pay their amount. I think the same concession that is being given to the other drainage areas should be extended to Kitty.

THE CHAIRMAN: Before the debate goes further I may make it clear where Government must stand in this matter.

It was definitely held that Kitty Village was not the kind of area that came within the purview of this Ordinance at all. The principle of this Ordinance was not intended to apply to areas of that sort—suburban areas—but to irrigation and drainage areas. Government finds it impossible to controvert that view, and to give way to the conclusion now submitted without jeopardizing the principle of the Ordinance.

MR. DE AGUIAR: I quite agree, but they were forced into the old Ordinance and had to bear their proportion of the cost. I can hardly see what they are paying for at the present time. For all I know that village may be called upon later on to join in the scheme just propounded. That is all the reason why they should not be called upon to continue paying.

THE CHAIRMAN: If there is anything in the hon. Member's case it would call for a special Ordinance for Kitty Village

MR. DE AGUIAR: I see here that provision is made in the Ordinance to remove districts from the drainage area and for them to continue paying their debt. I can hardly see what other opportunity I will have to launch an appeal in their favour. I have only had two so far.

THE CHAIRMAN: That is quite correct, but I cannot withdraw from the position I have explained to the hon. Member.

MR. DE AGUIAR: For the sake of argument, if the Council agrees to my motion that the proviso be deleted what would be the position of the village? I would expect that the Village would not be compelled then to pay and would be removed from the drainage area.

THE CHAIRMAN: I will answer that question at a later stage.

The amendment moved by the Attorney-General put, and the Committee divided, the voting being as follows:—

For:—Messrs. Jackson, Percy C. Wight Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid, Dias, Dr. Singh, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary.—16

Against:—Messrs. C. V. Wight, King,

Jacob, Peer Bacchus, De Aguiar and Gon-salves—6.

Clause as amended adopted.

Clause 66—Power of Board to make By-laws.

THE ATTORNEY-GENERAL: I beg to move that sub-clause (1) be deleted and the following substituted therefor:—

66. (1) Subject to the approval of the Governor in Council the Board may make By-laws, which may be made applicable to all, or any, drainage and irrigation areas, for any of the following purposes—

- (a) regulating the distribution, or restricting the use of water;
- (b) regulating the drainage of any area;
- (c) regulating the manner in which water shall be supplied to, or received by, those entitled thereto;
- (d) regulating the manner in which water shall be discharged into any drainage or irrigation trench;
- (e) preventing the pollution of water contained in or passing through, any work;
- (f) preventing damage or injury to any work;
- (g) prohibiting or regulating traffic on, over or along any dam, canal, trench or reservoir;
- (h) compelling the owners or occupiers of land in any drainage and irrigation area to repair and maintain any works on such lands;
- (i) prescribing the fees to be paid in respect of any service rendered, or any privilege granted, by the Board; and
- (j) generally to give effect to the objects and purposes of this Ordinance.

Question put, and agreed to.

Clause 67—Power to enter upon lands for the purpose of survey.

THE ATTORNEY-GENERAL: I move the deletion from sub-clause (1) of the words "animals and vehicles" and the substitution therefor of the words and comma "animals, vehicles and boats."

Question put, and agreed to.

Sixth Schedule—Boundaries of the Canals Polder Drainage and Irrigation Area.

THE ATTORNEY-GENERAL: I move that the words "of the Polder" in the first line be deleted.

Question 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.

COLONIZATION FUND (RESERVE APPROPRIATION) BILL, 1940.

The Council resumed the debate on the second reading of the following Bill :—

A Bill intituled an Ordinance to make provision for the transfer of the colonization reserve to the general revenue of the Colony.

Mr. PEER BACCHUS: When the Council adjourned last week, I had just finished making the point that the further increase in taxation was not unreasonable or financially unjustifiable in the existing circumstances. I had also suggested that an increase of the tax on Excess Profits—and I do now again suggest it—be increased to 90 per cent. so as to prevent us uplifting this fund. I am not quite so sure if it is reasonable to give a concession of 10 per cent. to those persons who do not intend to give their full co-operation. I think that if they have any complaint to make they can be allowed a 10 per cent. concession in respect of their excess profits. I still maintain, however, that Government will be disappointed with the yield of that tax as I certainly do feel that the majority of the people who are doing business in this Colony would not like the taxpayers to be burdened any further. To my mind when one is thinking of imposing an excess profits tax the standard of living in that community has to be considered, and I make bold to say without fear of contradiction that the standard of living in this community is far from being healthy. I think, Your Excellency expressed a similar view in your speech at the opening of this Session when you said :

The general level of taxation in this Colony is by no means low by Colonial standards, and a careful review of the various sources of indirect taxation discloses that there would be great difficulty in increasing rates without enhancing the burdens on the poorer classes of taxpayers which, everyone will agree, would be neither equitable nor financially justifiable.

In my humble opinion if a tax of only 60 per cent. is levied on Excess Profits, as is intended, it would be in direct con-

trast to that well considered observation by Your Excellency, because it would encourage or induce business-people to charge an excess profit on their goods so that they could be benefited by the margin allowed. When one considers that our entire surplus balance of \$775,600 and the only reserve fund on which we can draw will disappear by the end of 1941, I think it is a situation that should cause much apprehension in the minds of those who are interested in this country. I would ask that if such a situation arises we should ask ourselves what special effort or sacrifice have we made to meet it. According to your forecast at the beginning of the Session our surplus balance, which was \$775,600 at the end of 1939, will be reduced by the end of this year to \$376,000, while the apparent deficit reflected by the draft estimates is \$427,000, making an estimated deficit of \$51,000. The estimated yield of the proposed Income Tax is \$300,000; if that is withdrawn and my proposal is put through, I take it, the estimated deficit of \$51,000 would be met and we would still have a surplus of \$241,000 which could be taken as working expenses. I agree that provision should be made for any short fall in revenue receipts and, I suggest, what is collected from the Excess Profits Tax should go towards making provision for that during 1941.

There are many demands for improvement in the country which cannot be met, and I am confidently suggesting that to meet these essentials this \$400,000 be transferred to the Development Trust Fund where it can be utilized in the promotion of agricultural industries, which in time will increase our internal production not only in this time of war but for all times. I hope that the matter would receive sympathetic consideration in the interest of the Colony and that our only reserve fund would not be withdrawn to meet the current budget and so disappear at the end of 1941.

Mr. McDAVID (Colonial Treasurer): I would just like to make a few observations on the remarks of hon. Members. The hon. Member for Central Demerara (Mr. De Aguiar) began by regretting the necessity for this transfer although he said he realized it was inevitable in the present circumstances. He

also said that he would like Government to endeavour to maintain it intact for as long as possible. I may say that is precisely what is intended, because if you look at clause 2 although provision is made for the realization of the Fund the investments of the Fund remain to be appropriated when necessary. I can assure the hon. Member that the Treasurer will keep not only one eye, as he asked, but two eyes on this particular fund and that it will only be used as and when necessary.

As regards the remarks by the hon. Member for North Western District (Mr. Jacob), he said he was very much embarrassed and did not know what to say, but ended up by criticizing this Government for not having embarked on large-scale development measures. I think that every thinking person knows that all this Colony could have done during the last 20 years was to maintain and preserve its capital assets and at the same time improve its social services. We have effected considerable improvements during those years. We have improved the sanitary condition of our towns and put in a pure water supply in the villages. For anyone to suggest that it was possible for Government to undertake large schemes is unfounded. These larger issues have been considered by the Royal Commission and, as hon. Members know, the Welfare Act has been passed by the Home Government and in good time when schemes are ready we would receive assistance from that source.

Relative to the remarks of the hon. Member for Western Berbice (Mr. Peer Bacchus), he rather thought we should not take this fund in appropriation but should have a greater measure of taxation. That is the point of view held by other people as well, but I feel that whatever is done this particular reserve should be used to strengthen our financial position. It is a reserve earmarked for a particular purpose which is very remote, and this Council having resolved that we stand on our feet brings into account this amount at the present time. It may be necessary to go in for increased taxation in the not too distant future. The proposal to increase the surtax on Income Tax is not abandoned but is put aside for the present, and instead we are introducing an Excess Profits Tax. A Bill dealing with that will come before the Council.

With regard to the criticism that the rate of Excess Profits Tax should be 100 per cent., there is some confusion of thought as regards what an excess profits tax really means. Excess Profits here are not necessarily synonymous with war profits. In England where the Government is spending immense sums of money with the business firms the profits derived by those firms are immensely increased directly as a result of that war expenditure. In this country, firms *do* make excess profits but that merely means an increase over a standard set by the average of a previous period. Such excess profits may arise from circumstances quite outside those caused by the war, although incidentally, the war may assist those profits. The making of excess profits is not necessarily an immoral or vicious procedure at all. For anyone to suggest that it is absolutely necessary for ethical reasons that Government should take away the whole 100 per cent. would be going too far. When first introduced in England the rate was 60 per cent. I am not saying that 60 per cent. is the rate which will be fixed for all time during the war. It may be increased and it may become necessary to take the whole 100 per cent. We have strayed somewhat away from the Bill. The actual purpose of the Bill before Council is to authorize the appropriation of the Colonization Reserve Fund.

Mr. SEAFORD: There is just one point I was hoping the hon. Colonial Treasurer would have said something on, and I would like to mention it. It is this: It has been suggested that Government may take 90 per cent. of the excess profits. There are some large firms in this Colony registered in the United Kingdom which are paying 100 per cent. in the United Kingdom. If we take 90 per cent. here it would leave them only ten per cent. to pay in the United Kingdom.

Mr. DE AGUIAR: To a point of order! Are we discussing excess profits?

Mr. SEAFORD: I mentioned that because it was mentioned. I do not intend to steal the hon. Colonial Treasurer's thunder. I wish to make it clear that by doing that, we will be taking the tax from the Mother Country, which to my mind is not the proper thing to do.

THE PRESIDENT: I have no desire to add anything to what the hon. Colonial Treasurer has said. This is a precautionary measure which, in any circumstances, whatever rate of taxation is adopted we are bound to adopt. The great difficulty in forecasting finance is that none of us know what may be the result in the coming year. It is all very much a matter of guess-work. I do not think anybody can make a sure forecast. If anyone can I am sure that His Majesty's Government would like to send over for his advice. On the other hand Government always dislikes to take more money from the taxpayers than is necessary. Unless we see how the taxation works in practice we do not know where we fall. Whatever the rate of taxation adopted, it will be a measure of precaution to make this reserve available, but every endeavour will be made to keep it intact as far as possible. When experience shows how this tax would operate, we will have no hesitation in coming forward and asking for the increase.

Question put, and the Council divided, the voting being—

For:—Messrs. C. V. Wight, Jackson, King, De Aguiar, Gonsalves, Percy C. Wight, Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid, Luckhoo, Dr. Maclellan, Professor Dash, the Attorney-General and the Colonial Secretary—18.

Against:—Messrs. Jacob, Peer Bacchus and Dr. Singh—3.

Motion carried.

Bill read a second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clause 2—Transfer of proceeds of Colonization Reserve to Revenue on 1st January, 1941.

Mr. JACOB: I would like it to be placed on record that while Government finds itself in a position that it must make provision for expenditure during this year, I cannot agree that the procedure is right in principle. The hon. Colonial Treasurer stated that it may be possible that the money may not be used at all, or just a portion of it. If that is so, why take this

precaution at this stage? I think it is wrong in principle and a definite breach of faith especially to those people who have been expecting and do still expect that something will be done for them.

Mr. C. V. WIGHT: I desire to point out to the hon. Member that as recent as August this year Government was reluctant to adopt the procedure it is adopting now. Certain questions were put to the Council by me and the answer was that the fund could not be used. Government has since been forced to do so by dint of circumstances beyond its control.

Mr. SEAFORD: This reserve fund was for the purpose of bringing immigrants into the Colony. If there is no likelihood of that for the present or for some time to come, the money should be utilized and so obviate increased taxation.

Mr. LUCKHOO: Had it not been for the fact that we find ourselves in tight corners I would not support the Bill. The original purpose of this fund was to introduce into this Colony unindentured labour. I understand that Your Excellency in your speech said that if the necessity arises for such a course to be adopted, the money will be obtained from other sources for the purpose. Relying on that assurance it is our duty to support the measure. We have undertaken to carry out all financial responsibilities without aid from the Imperial Government. How can that object be achieved without the means of meeting that expenditure? This fund was accumulated from an export tax on produce sent out from this Colony. I think we can properly use the amount of that fund in straightening out our financial position. We want to balance our budget and meet our expenditure.

Mr. JACOB: I would like to remind the hon. Member for Western Essequibo (Mr. C. V. Wight) and the hon. Member for Eastern Berbice (Mr. Luckhoo) that we have agreed to carry on this Colony without additional help from the Imperial Government, but not that the only reserve we have put aside for a particular purpose should be used. It has been pointed out that we may get sufficient money to meet the deficit in the budget. That section of the community concerned with that Fund is expecting this money to be spent for their benefit—

THE CHAIRMAN : Whose benefit ?

Mr. JACOB : East Indian immigration.

THE CHAIRMAN : That is very wide !

Mr. JACOB : That is a very big question and I am not opening up that at all. One hon. Member said the fund was the result of a special tax on exports. I would like him to say who provided the exports—sugar, rice and other commodities ? The fact is, we maintain it is wrong in principle as the money is set aside for a particular purpose.

THE CHAIRMAN : The hon. Member has already spoken on the principle in the second reading.

Mr. JACOB : I only wanted to emphasize the point in reply to the hon. Member for Western Essequibo.

Mr. C. V. WIGHT : To a point of order ! I do not think I said anything about taxation. I do not know why the hon. Member should refer to the hon. Member for Western Essequibo unless it is getting on his brain.

THE Council resumed.

Mr. Mc DAVID 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.

GEORGETOWN RATING BILL, 1940.

THE ATTORNEY-GENERAL : I beg to move that a Bill intituled "An Ordinance to prescribe the method to be adopted in computing the taxes and rates to be levied and collected by the Mayor and Town Council of Georgetown in respect of the year nineteen hundred and forty-one" be read a second time. I need hardly recapitulate the facts in this case as I did it in this Council last year. The facts are that the Mayor and Town Council of Georgetown considered a new method of appraisalment which is not yet decided upon or accepted. As the time for the general appraisalment has already passed there is no legal method of appraising properties next year. For that reason this Bill is intro-

duced so that the method used in 1938 can be adopted in the following year.

Professor DASH seconded.

Mr. JACOB : I should like to afford the hon. Member for Georgetown, Central, who is the Mayor of Georgetown, an opportunity to correct, if he can, the figures I submitted last week on the assessment of City properties. I have in my hand the *Official Gazette* of the 14th December which showed that the actual expenditure in 1939 on appraisements at the instance of the Mayor and Town Council was \$10,001.35, in 1940 the approved estimate was \$4,800 and for 1941 the estimate is \$5,000, making a total of \$19,801.35 for the three years spent and to be spent in order to adjust in some measure the appraisalment of the properties in Georgetown.

Mr. C. V. WIGHT : To a point of order ! May I ask where the hon. Member is quoting his figures from ? He is reading from a document which I do not know.

Mr. JACOB : For the benefit of my hon. friend who is very touchy and nervous I repeat—"The *Official Gazette* of the 14th December, 1940, page 1599." When I stated certain figures last week the hon. Member for Georgetown Central (Mr. Percy C. Wight) said definitely that they were incorrect. I was making no wild statement then. I repeated them and he repeated the statement that they were incorrect. I stated then that the amount was \$20,000, and the *Gazette's* figure is \$19,801. The whole appraisalment business of the Georgetown Town Council is in a serious mess and has been in a mess since 1938 when \$1,604.48 was spent which we could not afford. To come to this Council again and ask that the 1937 valuation be used, after having spent so much money and the Town Council given \$5,000 to play with in 1941, there must be something seriously wrong which needs investigating. It is common knowledge that there has been a general mix-up in the Town Council. It has been stated here by an hon. Member, a representative of the Government, that the Town Council should be abolished. I would not go so far.

THE PRESIDENT : A representative of the Government ?

Mr. JACOB : Yes, the hon. Mr. Walcott.

THE PRESIDENT : He is a Nominated Member. That does not mean the same thing.

Mr. JACOB : I do not know what the position would be next year. Probably another enabling Ordinance would be rushed through this Council to allow the Georgetown Town Council to function—that Town Council which is so properly managed and well conducted and has such wonderful co-operation. There seems to be too much co-operation of a kind in the Georgetown Town Council, if that was not so the taxpayers' money would not be wasted year after year in this manner. I am opposed to this Bill.

Mr. PERCY C. WIGHT : The last speaker definitely has a bias. There is no doubt that he is unable to read figures and understand them. He said here on the last occasion that the Town Council had spent between \$30,000 and \$40,000 on this appraisalment business. To-day he comes and says his statement was \$20,000.

Mr. JACOB : I beg to correct the hon. Member. I said the ratepayers, not the Town Council.

Mr. PERCY C. WIGHT : The expenditure on valuation for the year 1938 was \$4,000 and in respect of improvements that year \$1,514.68. The expenses for general appraisalment for 1938 were \$8,980. In 1939 appraisalment for improvements—where people had improved their properties and the Town Council had to request increased valuation—amounted to \$1,961. The general appraisalment, including law costs which were brought about by one of the appraisers disclosing that he had not been sworn and which amounted to \$4,591, was \$8,041 making a grand total of \$10,001 for the whole period of 1939. The last speaker referred to other statements. He is evidently incapable of understanding figures when they are put on paper. The general appraisalment is put down at \$4,000 for 1940. It was intended to spend that sum if the new system of assessment had been evolved. He would also find in the present assessment for 1941 a similar sum that has not been spent. The thing, as set out in the *Official Gazette*, is as perfectly clear as the noonday.

This question of appraisalment is much too great and important a matter to be rushed through. I happened to be in the Mayoral Chair during the period; we had several schemes submitted to the Town Council and I appointed a Committee to go into the whole question and give an opinion on it. I know that it is the opinion is that the matter is one on which we should get an expression of opinion by a special expert from outside. I have set about in my private capacity to get that. I have correspondence on it, and I am satisfied that Government is not prepared to accept anything except it came from a proper and authentic source in respect of a scheme of this proportion. I say without fear of valid contradiction that our system of appraisalment as operated for the last, I do not know how many years, is about the best for a Colony such as this, with the exception that we must find three suitable men as appraisers. Unfortunately that is where the collapse comes in. The one handicap in arriving at a decision on any basis of appraisalment is that appraisers when asked to go and assess improvements made to properties endeavour between themselves to fix the valuation. Improvement is made to a property at a paltry cost of \$25 and the assessment is far in excess of that amount.

The whole situation has arisen through one appraiser being dissatisfied with his earning and appealing to the Court. The information that the appraisers had not been properly sworn as required under the Ordinance was supplied to the other side who later brought a suit against the Town Council. The Town Councillors cannot be blamed as a body for it. Anyone could see that it is not brought about by the act of the Corporation. I repeat the last speaker has, what I term, a very serious bias on this particular subject. We have sent in papers to Government so as to give us an opportunity of considering the whole question. I am not authorized by the Town Council to make the request, but I am asking this Council to make provision for 1941 and 1942. Under present conditions we find it very difficult to engage a special person to go into the details of the different schemes that are put forward. I would like to make an appeal that we pass this Ordinance to cover both 1941 and 1942. When we have a properly investigated scheme put before you, I feel sure

that you will be the first to assist us in having it passed.

Mr. GONSALVES: I would like to say in regard to the remarks of the hon. Member for North Western District that perhaps it would have been better if he had not advocated the abolition of the Georgetown Town Council.

Mr. JACOB: I did not say that. I am sure.

Mr. GONSALVES: Perhaps it is better he did not use those words, as he thereby put it into one's mouth to say that maybe there is a feeling of disappointment somewhere.

Mr. JACOB: I rise to correct the hon. Member. It was the hon. Mr. Walcott who suggested that.

Mr. GONSALVES: It is a pity the hon. Member did adopt the words of the hon. Mr. Walcott. He (Mr. Jacob) had agreed with the suggestion that the Town Council should be abolished, and maybe it is through a feeling of disappointment at his difficulty to secure a seat on that Council that he feels it should be got rid of. That is a very bad thing to say, and it is a pity. The hon. Member when making speeches should weigh his words lest they rebound, as they have, with greater effect.

On the question of expense relative to the figures referred to by the hon. Member on my right (Mr. Percy C. Wight) and explained by him as far as I have listened, the hon. Member for North Western District would realize that in the Georgetown Town Council Ordinance there is provision for the right of appeal by a proprietor against any appraisal considered exorbitant or unjust. When the appraisal for 1937 came before the Town Council and was passed, every proprietor was given the right to appeal before a Magistrate to have his appraisal reduced. With regard to some of those appeals, as the result of a decision of the Supreme Court it was held that there was something wrong with the appraisal. The Town Council did not pursue the matter further, but in the interest of the ratepayers adopted a compromise and allowed the ruling of a single judge to stand. That is well known

to everybody who owns property in Georgetown. There were several legal points but only one was dealt with, and the decision was that of a single Judge.

I think it is known that with the permission of this Government a Government Officer has put forward to the Town Council a scheme in regard to appraisements. That scheme has been prepared by the officer in question and submitted to the Town Council and this Government. It was also submitted to and considered by another institution in the City that has nothing to do particularly with the assessment of property. I refer to the Chamber of Commerce—and a reply was given about a fortnight ago in regard to it. The Government Officer referred to has since made a request to the Town Council for assistance in order to get over a difficulty in connection with the scheme as put up. That matter is receiving attention now. So soon as the Town Council is ready the matter will be fully considered, and at the same time consideration will be given to all representations sent in.

Suggestion has been made as to the advisability of getting someone abroad to consider and advise in regard to the question of appraisal. Everyone will appreciate that if there is a scheme with counter-proposals it is necessary that everything in connection with it should be considered before someone abroad is consulted in the matter. Though if it becomes necessary such a person may be consulted. In view of the possible further delay in getting this scheme finally considered, I agree with the suggestion made by the hon. Member for Central Georgetown that this Ordinance should be made to cover both 1941 and 1942. I hope Government would see its way to have that amendment made.

THE ATTORNEY-GENERAL: I have already explained the situation.

Mr. GONSALVES: I am going to support the Bill as it stands for 1941, and it may be necessary for the Town Council to approach Government again in the matter.

Mr. C. V. WIGHT: I do not propose to speak at any length because the hon. Members for Georgetown Central and South, who are the Mayor and

Deputy Mayor, respectively, have dealt with the position as fully as one can expect. I would like, however, to add to what the hon. Member for Georgetown South has said. The present system which has been in force for a period of nearly 70 years is one which has stood the test for all those years. It now transpires that one or two persons in the community are of the opinion that that system should be abolished and a new one put into force within a year at their dictation or the raising of their hands. That seems to me a biased view and dictatorial attitude.

I was unfair to the hon. Member for

North Western District when I said he had traversed all the electoral wards of the City in order to obtain a seat on the Georgetown Town Council. I have subsequently verified that it was only on three occasions and in three different wards and that he failed on each occasion. In justice to him I think I should give that explanation to the Council.

Question put, and agreed to.

Bill read the second time.

Council adjourned until the following day at 10.30 a.m.