

LEGISLATIVE COUNCIL.*Wednesday, 15th October, 1941.*

The Council met at 11 a.m., His Excellency the Officer Administering the Government, Mr. G. D. OWEN, C.M.G., in the Chair.

PRESENT.

The Hon. the Colonial Secretary (Acting), Mr. G. C. Green, M.B.E.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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

The Hon. F. A. Mackey (Nominated Unofficial Member).

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

The Hon. T. Lee (Essequibo River).

MINUTES.

The minutes of the meeting of the Council held on the 10th October, 1941, as printed and circulated, were confirmed.

ANNOUNCEMENTS.**EXTENSION OF TOBACCO DEVELOPMENT SCHEME.**

Professor DASH (Director of Agriculture) communicated the following message:—

MESSAGE No. 16.

Honourable Members of the Legislative Council :

I have the honour to invite the Council's attention to Resolution No. XVII passed on 14th March, 1940, in which the Council approved of a grant of \$7,800 from the Development Trust Fund for a scheme for the development of tobacco cultivation and the training of local tobacco growers. The scheme was laid before the Council in Sessional Paper No. 2 of 1940 and it is being carried out under the supervision of the Tobacco Adviser, Mr. T. W. Bradshaw.

2. The work aims at the establishment of a local tobacco industry, and the stage has now been reached where an extension of operation is necessary. It is proposed, therefore, to instal eight selected trainees on 10 acres of land at Plantation Cane Grove where 2 acres will be retained for experimental work and cultivation carried out under Mr. Bradshaw's direction. The cost of the extension scheme is estimated to be \$6,970, as shown in the Appendix to this Message.

3. In accordance with the provisions of the Colonization Fund Ordinance, 1937, the extension scheme now contemplated has been considered and approved by the Governor in Council and the Advisory Committee for the Development Trust Fund, and the sanction of the Secretary of State for the Colonies is being sought. In pursuance of section 11 of the Ordinance, Council is invited to approve of the

grant of \$6,970 from the Development Trust Fund to meet the estimated expenditure on the extension scheme.

G. D. OWEN,
Officer Administering the Government.
9th October, 1941.

APPENDIX.

CAPITAL EXPENDITURE.

Estimate of cost of preparing land at Cane Grove ...	\$ 1,625 00	
Erection of 3 flue-curing barns at \$290 each ...	870 00	
Erection of 4 fire-curing barns at \$35 each ...	140 00	
Erection of 3 bulkheads at \$50 each ...	150 00	
Fencing ...	125 00	
One boiler for packing ...	150 00	
One steaming box ...	15 00	
Two packing boxes ...	19 00	
Packing screw ...	25 00	
Contingencies ...	390 00	\$ 3,500 00

CURRENT EXPENDITURE, 1941.

(a) *Government* :—

Salary of Assistant—\$64 x 8 \$	512 00	
Motor cycle allowance—\$10 x 8 ...	80 00	
Rent—2 acres at \$5 per acre ...	10 00	
Fertilizers—2 acres ...	50 00	
Seed beds—2 acres ...	25 00	
Purchase of tobacco seed ...	18 00	
Cultivation—harvesting, curing ...	300 00	
Contingencies ...	109 00	1,104 00

(b) *Growers*.

Advances to growers at 50c. per day—\$61.25 x 8 ...\$	490 00	
Rent—8 acres at \$5 per acre ...	40 00	
Fertilizers ...	200 00	
Contingencies ...	100 00	830 00

CURRENT EXPENDITURE, 1942.

(a) *Government*.

Salary of Assistant—\$64 x 12 ...	768 00	
Motor cycle allowance—\$10 x 12 ...	120 00	
Rent—2 acres at \$5 per acre ...	10 00	
Fertilizers—2 acres (twice)...	100 00	
Seed beds—2 acres (twice) ...	50 00	
Cultivation—2 acres (twice) ...	600 00	
Purchase of tobacco seed ...	18 00	
Contingencies ...	100 00	1,766 00

(b) *Growers*.

Advances to growers at 50c. per day 365 days—\$182.50 x 8 ...\$	1,464 00	
Rent—8 acres at \$5 per acre ...	40 00	
Fertilizers (2 crops) ...	400 00	
Contingencies ...	150 00	2,050 00

Less provision in respect of original scheme available in 1942

	\$ 9,250 00	
	2,280 00	
Total	\$ 6,970 00	

PAPER LAID.

THE COLONIAL SECRETARY (Mr. G. C. Green, M.B.E., Acting) laid on the table the following document :—

The Post Office Fine Fund Regulations, 1941.

GOVERNMENT NOTICES.

EXTENSION OF TOBACCO DEVELOPMENT SCHEME.

Professor DASH (Director of Agriculture) gave notice of the following motion :—

THAT, with reference to the Officer Administering the Government's Message No. 16 dated 9th October, 1941, and in pursuance of section 11 of the Colonisation Fund Ordinance, 1937, this Council approves of the scheme for the extension of the development of tobacco cultivation and the training of local tobacco growers set out in the Message involving a grant of \$6,970 from the Development Trust Fund.

DEATH OF THE CHIEF JUSTICE.

THE COLONIAL SECRETARY: Sir, before the Order of the Day is proceeded with, with your permission and with the concurrence of Hon. Members of the Council, I beg to move :—

"That this Council, having learnt with profound regret of the death of his Honour, Sir Maurice Vivian Camacho, Chief Justice of British Guiana, directs that there should be recorded on its minutes an expression of its high appreciation of Sir Maurice Camacho's services to the colony and its deep sympathy with Lady Camacho and her son."

Whilst the Council was in session last Friday it was grievously shocked to learn of the death of the Chief Justice. It was known that Sir Maurice Camacho had been seriously ill, but we had hoped that he would have recovered from his illness and be spared for many years to come.

I have not the personal experience of Sir Maurice's work that members of the Judiciary and of the Bar have had, nor have I the eloquence of the Bar to enable me adequately to express appreciation of his services.

Glowing tributes have already been paid in other places to Sir Maurice's work as a legal man but I would like to-day, sir, to refer to him as a servant of the Crown whose devotion to duty was one of the characteristics of a man who filled the high office of Chief Justice with an ease of dignity and character that earned for him the respect and goodwill of the whole community.

Sir Maurice Camacho had a vast store of experience gained in the many spheres in which he served the Crown, but perhaps

the secret of his success lay in the outstanding qualities of understanding which he exhibited. On his arrival here in September, 1938, Sir Maurice promised to display those qualities, and his success during the three short years he has served the Colony is evidenced, I think sir, by the general appreciation of his character and ability.

In paying a tribute of respect and regard to an eminent man who has been taken from us, our thoughts to-day turn to that gracious and charming lady who has shared his life, and to their son who is now serving in the Great Cause in which the Empire is engaged.

I feel sure that the House will join with me in expressing the hope that, in their grief, Lady Camacho and her son may have the comfort of knowing what we all think and feel about one who was a high-minded, gifted and experienced public servant.

Mr. DIAS : Sir, I crave your permission to second the motion and to add a few words of my own to what has been so eloquently said by the hon. the Colonial Secretary. Sir Maurice Camacho, as we all know, arrived in this Colony just three years ago, and it was with joy that the legal profession learnt of his appointment to this Colony. His good work had been heard of in this Colony; we heard of the many offices in which he had distinguished himself, and when he arrived here it was with great satisfaction indeed that he was received. On the day he was welcomed by the Bar he said he saw no reason why there should be differences between the Bar and the Bench, and he lived up to that. During the period of his service in this Colony there was never a single occasion when there was any difference between himself and the members of the Bar.

Sir Maurice will long be remembered for his sterling qualities as a Judge. His great learning in the law, his manner of conducting his Court, his charming personality to everyone, and his great willingness to assist junior members of the Bar who appeared before him will always be remembered by those who had the honour to appear before him. He was a gentleman all the time.

It was with profound regret indeed that we learnt of his sad death, because the

Colony can ill afford to do without a man of his character, a man against whom a finger has never been lifted. But, sir, he has left behind him learned judgments, because he undertook the most responsible work of the Judiciary and spent considerable time in hearing his cases and in writing his judgments. Those judgments, learned as they are, will remain for the Profession a monument to his memory.

I join, sir, in the wish that this Council will convey to his sorrowing widow and to his son, who is now serving with the Forces overseas, its deep sympathy.

THE PRESIDENT : There is very little I can add to what has been said by the mover and seconder of this motion. I can only reiterate their remarks and say that by the death of Sir Maurice Camacho the Civil Service has certainly lost a most distinguished member and the Colony has lost a Chief Justice who held that office with great dignity and won universal respect wherever he went. I will now ask hon. Members of the Council to signify their approval of this motion by standing in their places for a few moments.

The motion was carried, Members of the Council standing.

ORDER OF THE DAY.

FIRST SUPPLEMENTARY ESTIMATE, 1941.

The Council resolved itself into Committee and resumed consideration of the First Schedule of Additional Provision for the period 1st January to 31st March, 1941, required to meet expenditure in excess of the provision made in the Estimates for the year 1941.

MISCELLANEOUS.

Item 28.—*Ex gratia* payments to Government Officers who lost their personal effects when the *S.S. Simon Bolivar* was sunk by enemy action in November, 1939,—\$1,920.

Mr. McDAVID (Colonial Treasurer) : I think the hon. Member for Central Demerara (Mr. DeAguiar) made some remarks on the last occasion in connection with possible war damage, but for the benefit of

the Council I would be glad if he would repeat his remarks in case it is necessary for Government to reply.

MR. DEAGUIAR: When the item was under consideration I enquired whether Government had given consideration to the necessity of introducing compulsory insurance against war damage in the event of enemy action, and I said that if the matter had not yet been considered I desired to urge that some early consideration should be given to it. The hon. Member for Western Essequibo (Mr. C. V. Wight), who is not yet present, went a bit further and said that in his opinion—and I believe he based his opinion on what actually occurred in Great Britain—he would strongly advise Government not to wait until something occurred before giving the matter some consideration. He felt the same as I do, that the time had come when the matter might receive consideration and some scheme prepared to give effect to the suggestion put forward.

MR. McDAVID: The position at the moment is that the insurance companies in the Colony and the Building Society have made representations to Government in the matter, and they have been told that there is no intention at the moment of applying any of the provisions of the U.K. War Damage Act to this Colony, or of introducing an Ordinance of that nature, but nevertheless the companies have been asked to formulate their proposals and their wishes in rather more precise form, and then confer with the Attorney-General and myself on the question. I understand that those companies have themselves formed a small Committee and that a scheme of some sort will be drafted and brought forward for Government's consideration.

MR. DEAGUIAR: I have no desire to pursue the question to finality to-day. As a matter of fact I am inclined to the view that it is impossible to do so because it is a very wide and important question. The Treasurer's reply conveys to me at once that the matter has not even been thought of by the Government, and I must express a certain amount of surprise for the simple reason that I do not know that it is one in which the Imperial Government is very much concerned at the present time. As a matter of fact I have before me a report

which states quite definitely that the Government has recognized that loss through enemy action is a national responsibility and is not to be borne by any individual or group of individuals. If that statement is correct—and I have every reason to believe it is—it is somewhat disappointing that this Government has not yet thought it fit to give the matter some consideration. As the hon. Member for Western Essequibo said last Friday, it is very germane to the issue. If this Colony is interested in its defence it seems to me that we ought to go further than that, because the mere fact that some consideration is being given to defence measures is evidence that there is imminent danger lying around somewhere, and the question of the insurance of property and commodities should, in my opinion, receive some consideration.

THE ATTORNEY-GENERAL (MR. E. O. PRETHEROE, M.C., K.C.): The hon. Member said that in England it has been held that the payment of compensation for war damage is a national one. That is quite true, but I would like to point out that the individual householder has to pay 2/- on every £ of the compensation value of his property into a Compensation Fund.

MR. DEAGUIAR: I am not going into the question of rates; that is a minor detail.

THE CHAIRMAN: The question has been considered by Government and the position to-day is as stated by the Colonial Treasurer. It was considered some months ago and the action which the Treasurer has referred to is what is being done.

MR. DEAGUIAR: I am disappointed in the reply, but I do not know whether any usefull purpose would be served by pursuing the matter further. The question of rates is not one that is operating in my mind at the moment. I could answer by telling the hon. Attorney-General that at the present time the rate which it is thought might be applicable to this Colony is already under consideration by certain parties. It certainly would not be anything like 2/- in the £. As a matter of fact if that is going to be the rate one could say right away that the community here could ill afford such a thing, but the community might be able to afford a rate which would

certainly show that the matter has received some consideration.

The position of those persons who are in charge of trust funds is this: that should something occur the interested parties might well urge that the matter was not considered and therefore nothing was done. I am not a legal man but I question very much whether there would not be a certain amount of legal liability on the part of those persons who are custodians of trust funds. My personal view is that those persons should be held liable if they did not consider the question at all. I repeat that it is Government's business unless, of course, this Government does not recognize what is recognized in England—that the question of compulsory insurance is one of national interest. If, of course, Government says it is not in this Colony then I agree that it would not be Government's business at all. I merely raise the question because I share the opinion which is held in England.

THE CHAIRMAN: Government is interested and is considering the matter. I hope the Committee which has been referred to will shortly have an interview with the hon. Attorney-General. I do not think we can do anything more at the moment.

MR. PERCY C. WIGHT: It is rather astonishing to hear those words from Your Excellency in view of the effect of a letter received from the Colonial Secretary by the insurance companies in regard to the matter. I trust Your Excellency will see your way to investigate the matter.

THE COLONIAL SECRETARY: Perhaps hon. Members do not fully appreciate the fact that at Government's suggestion the insurance companies are to consult with the Attorney-General and the Treasurer. Prior to that consultation the companies themselves have thought it fit to set up amongst themselves a Committee to work out preliminaries in connection with the matter.

MR. PERCY C. WIGHT: I cannot see how that is a reply to the remark made by me. The letter is there for Your Excellency to read.

THE CHAIRMAN: I do not remember the letter but I will certainly turn it up and see what can be done.

MR. WIGHT: I am very pleased to hear that, sir.

Item put and agreed to.

AGRICULTURE.

Item 10—Livestock, \$619.81.

MR. JACOB: I observe from the note in the "Remarks" column that this is a re-vote of an amount required for the purchase of pigs from Canada. May I enquire if the money has already been spent or is it being re-voted now to be spent?

THE CHAIRMAN: The hon. Member will notice that a special warrant was signed on the 20th March this year, and so I assume that the money has been spent. If I am wrong the Director of Agriculture will correct me.

Prof. DASH: The money is in Canada for the purchase of those pigs which have not yet been delivered.

MR. JACOB: It is time that a little bit more initiative be displayed in these matters.

Professor DASH: I would like to explain that the fault does not lie here. The trouble was that when the order was placed there was an outbreak of hog cholera and the Veterinary Department in Canada refused to allow any shipment of pigs. It was only early this year that they lifted the ban, and since that shipping difficulties have arisen. That is why the pigs have not yet arrived.

Item put, and agreed to.

LAW OFFICERS.

Item 3—Fees to Counsel for prosecuting at Criminal Sessions, \$600.

MR. JACOB: I merely want to say that in the Final Statement of Supplementary Expenditure for 1940 additional to that already passed there was an amount of \$795 voted. This supplementary estimate calls for a further sum of \$600, making a total of \$1,395. I do not know if there will be any further sums, but if it is going to cost a few thousand dollars it may be advisable to employ an additional officer to do prosecutions on behalf of the Crown. I think it would be more economical and far

more satisfactory if we had a permanent officer prosecuting on behalf of the Crown.

THE CHAIRMAN: I am not sure if the hon. Member realizes that it will not be over \$1,000 this year. The position is that \$700 was spent in 1940 and we are now dealing with a supplementary estimate for the first quarter of this year. Nothing has been spent since the first quarter, I am informed.

Item put, and agreed to.

SUPREME COURT.

Item 11—Refunds of revenue, \$1,600.

Mr. DE AGUIAR: I do not quite understand this item. Is it estate duty?

THE COLONIAL SECRETARY: It very often happens that in the final computation of an estate it is found that either an additional amount is due to Government or a refund is due to the estate. Sometimes an estate takes rather longer than others to be finally computed.

Item put, and agreed to.

PUBLIC WORKS—EXTRAORDINARY.

Item 42—Continuation of work at the Tuberculosis Hospital, Best, \$47.75.

Mr. JACOB: I would like to repeat the question I asked yesterday: When were the repairs started at the southern block of the Public Hospital, Georgetown? During my visit to the institution with the hon. Member for Essequibo River (Mr. Lee) we noticed that that portion of the building was in a state of disrepair. I think it had been in that condition for several months. If it is not possible to say how long that portion of the building has been unoccupied it should be possible to say when patients will be able to be accommodated there. I think it is very necessary that questions like those should be answered; it shows that those concerned are keeping a check on what is going on. I was a little bit disappointed with Your Excellency's statement that written notice should be given of that question. I have the experience that when written notice is given some questions take months to be answered. I observe that written questions asked in the House of Commons are answered within a few days.

THE CHAIRMAN: I do not know whether the Director of Medical Services is in a position to answer the hon. Member's question now.

Mr. JACOB: I think the Director should know. As a matter of fact I am inclined to think he does know. I discussed the matter with him some time ago and the views he expressed to me I would like him to repeat here. There is a feeling that one Government officer should protect another. I think the Director should know when the building will be put in order because it is creating a great deal of hardship.

Dr. MACLENNAN: As far as I can ascertain an estimate was made for the re-construction of that block some time last year—I am not quite sure when—and when the work began it was found that a great deal of woodwork, flooring and roofing, was in a very much worse condition than was previously anticipated, so that actually when the work came to be done it was found that a great deal more work was required. That is the information I have from the Public Works Department. Consequently the money voted is insufficient to complete the work, but I am assured that funds will be available early next year to finish the work. That is as far as I can say.

Mr. JACOB: That does not answer my question. How long has the building been unoccupied and when will it be occupied? Can you give the information in years if not in months? We have written information that the person who measured the building for the repairs never went into the matter carefully at all, and I believe that sums were overpaid. Of course that is a technical matter requiring engineering knowledge, but if facilities were given I think a certain amount of money could have been saved and could be saved in the future. I am not prepared to say anything about the matter at the moment as your Excellency has promised some amount of investigation, but it is very unsatisfactory that the Director of Medical Services has not told this Council exactly what the position is there. I would certainly like to know how long that building has been unoccupied and when it will be occupied.

Dr. MACLENNAN: I cannot remem-

ber exactly when the repairs were started, but I think it was early this year or late last year. The portion of the building to which the hon. Member refers will be occupied as soon as the Public Works Department has completed the work early next year when funds become available. Prices of material have gone up during the last year. It is almost impossible to get paint now, and tiles and other materials ordered have not arrived, with the result that the work has been held up. I think the work will start right away next year and we will be able to get into occupation in a few months' time.

Mr. LEE: It is very regrettable that Government is postponing something which is necessary to the health of the people. Patients are lying on the floor at the Public Hospital while Government is spending \$38,000 on river defences. It is said that money is not available to complete the repairs at the Hospital. It is only a rumour but it is said that the money was deliberately mis-spent, and that is why the work has been held up. I am not saying that we have actual proof of that but there is actual proof that the money for the Best Hospital was applied somewhere else. I have that proof. If this is a necessity Government should certainly ask the Council to vote an excess of that expenditure, and I believe every Elected Member after visiting the Hospital would certainly vote the money.

Mr. JACOB: I beg to differ from my friend, I do not think every Elected Member would vote that money.

Item put, and agreed to.

The Council resumed.

The PRESIDENT put the motion which was agreed to.

Schedule approved.

EX GRATIA PAYMENT TO MR. W. F. HALLEY.

Mr. McDAVID: I move:—

That, with reference to Governor's Message No. 7, dated 9th March, 1941, this Council approves an *ex gratia* payment of \$1,153.84 to Mr. W. F. Halley who served this Government as an artesian well driller for periods totalling over 15 years, the last ten of which were continuous.

As indicated in the motion, Mr. Halley was an artesian well driller who served Government in that capacity for 15 years, the last 10 of which were continuous. He retired on the 7th February, 1939, at the age of 65 years on the ground of ill health. At the time of his retirement he was in receipt of a salary of \$250 per month. At the time of his retirement the only authority under which he could have been given a retiring gratuity was a resolution of July, 1930, which provides for the payment of retiring gratuities to subordinate Government employees, and under that resolution Mr. Halley was eligible for a gratuity of \$240. It was considered that that gratuity was somewhat inadequate in regard to Mr. Halley's service, and Government therefore approached the Secretary of State for permission to approach this Council for the payment of a gratuity of a somewhat higher amount. The Secretary of State directed that the gratuity of \$240 for which Mr. Halley was actually eligible should be paid, and that when the proposals, which were then under consideration, for revision of the benefits to non-pensionable employees had been adapted by this Council the matter should be re-considered. As the Council will recollect, the resolution of the 21st August, 1940, provides a new basis for the payment of gratuities to non-pensionable Government employees, and under the terms of that Resolution Mr. Halley would be eligible for a gratuity of \$1,153.84, and it is now sought to pay that amount to him less the sum of \$240 already paid to him.

I commend the motion to the Council because, as Members will all agree, the Pure Water Supply Scheme is perhaps the most successful of the undertakings initiated by the Government, and much of its success is, of course, due to Mr. Harrington and his staff, of whom Mr. Halley was one. As the Message states, Mr. Halley has a particularly good record. His duties were performed under very arduous and trying circumstances, and in view of the fact that he retired on the ground of ill health at the age of 65 years I think it is only proper that he should be given the normal gratuity he would have been entitled to had the August Resolution been available at the time. The sum proposed is somewhat less than five months pay.

Mr. AUSTIN seconded.

Mr. DE AGUIAR: I do not think any hon. Member would oppose a motion of this kind; I have merely risen to obtain some information. I would like to know whether Mr. Halley was engaged on a special contract or on special terms, because we have been told so often in this Council that we want a specialist officer and that we would have to engage him on special terms because he would not get a pension or gratuity. Very often that has had a bearing on the salary paid to the particular officer. I do not know whether my remarks are applicable to this case, but I would like to know whether Mr. Halley was engaged on a special contract and whether his salary had any bearing on the terms of that contract.

Mr. PERCY C. WIGHT: I would be the last person to oppose anyone getting a gratuity of this description, but I would like to know how many wells Mr. Halley has put down and how many are operating at the present moment. That information would help me considerably in voting this sum of money.

Mr. JACOB: I am opposed to this motion. This gentleman retired at the age of 65 but certain people are made to retire at 55. Mr. Halley has only served 15 years, for five years after he was 60, and I believe he was paid an adequate salary. This Colony is not in a position, I maintain, to be so generous to officers who come here for a short period and have been well paid for their work. I do not think he was one of the chief officers in connection with the artesian wells, but even if he was I do not think this Colony is in a position to pay this additional sum of \$913.84. A sum of \$240 has already been paid to him without this Council's authority but on the authority of the Secretary of State, and I think the motion should be amended to that figure.

Mr. LEE: The hon. Member for Central Demerara (Mr. DeAguiar) asked Government whether Mr. Halley knew he was coming out under contract and what were the terms of his contract, if I am repeating him correctly. What I would like to ask Government is whether in the terms of the contract it is mentioned that Mr. Halley is entitled to a gratuity? If it is not mentioned in the contract I think this Council should not

vote this money, for the simple reason that he knew he was not entitled to a gratuity and therefore demanded a salary which would compensate him for his services to the Colony.

The hon. Member for Georgetown Central (Mr. Percy C. Wight) asked for information about the artesian wells. I can give him information with respect to my constituency. There are two wells in my division which are not functioning at all—

THE PRESIDENT: For which Mr. Halley was responsible?

Mr. Lee: I cannot say that, but there are two wells which are not functioning at all, and if he has given 15 years' service those wells were drilled during his time. If all that has been said of Mr. Halley is correct those wells should have been functioning.

Mr. PEER BACCHUS: I think the hon. Member for Central Demerara (Mr. DeAguiar) did not anticipate Members of the Council correctly when he said he did not think any hon. Member would oppose the motion. I rise to oppose it on the principle that when this gentleman accepted employment with Government he did so on the definite understanding that he was not entitled to a pension or gratuity. I do not think Government has made out a case to justify giving him any gratuity at all. I must admit that it would not be creating a precedent; we have given gratuities to officers who were not entitled to them, but in spite of that I am not prepared to follow that precedent with respect to every officer or employee of Government.

Mr. C. V. WIGHT: I see a rather important statement at the end of the Governor's Message to the effect that \$240 has already been paid and would be deducted from the sum mentioned in the motion. One is inclined to wonder whether there have been other cases in which payments had been made and we have been asked to increase those payments without deductions of previous payments? I do not know whether in the case of a surveyor born in the Colony and living in the Colony and who has had to perform arduous duties we would be asked to take those arduous duties into con-

sideration and give him a gratuity. I have not forgotten and I do not intend to forget that on the first or second occasion I took my seat in this Council, the Council was asked to grant a gratuity to a certain employee of Government who is now deceased, on account of his poor circumstances. Some little time afterwards I saw in a newspaper from abroad that estate duty had been paid in respect of that gentleman's estate in a sum which I would not mind dying and leaving. Those are things which make matters of this kind a little harder and need a little more forraging for more details. I am not prepared to vote this sum until Government can give this Council more particulars; something which will support the case for granting this gratuity.

Mr. Mc DAVID: The hon. Member for Central Demerara (Mr. DeAguiar) made the point that possibly Mr. Halley was engaged on contract. I have just looked up the papers and I find that he did originally come to the Colony on a 3-year contract which expired on the 30th January, 1931. That contract was never renewed, and he was employed on a monthly basis and regarded as a normal non-pensionable employee. That is why when he retired he was granted a gratuity which any non-pensionable employee of Government was entitled to at that time.

The hon. Members for Georgetown Central (Mr. Percy C. Wight) and Essequibo River (Mr. Lee) referred to the question of wells not functioning. I am not in a position to deal with that at the moment, and I suggest that if they require details about wells they should either give notice of questions or refer to the annual reports of the Director of Public Works which I know can furnish information on the matter. Nevertheless I do know that Government itself is furnished with regular monthly statements on all the wells, and the information can quite easily be given to any hon. Member who wishes it.

As regards Mr. Halley himself I know of my own knowledge that he retired under very sad circumstances; he was very ill and very badly off. He is not a wealthy man, and he was very hard-working and very efficient.

Mr. C. V. WIGHT: I did not refer to this particular officer. The officer I referred to has left these shores.

Mr. McDAVID: I can assure the Council that this gentleman is not very wealthy and is indeed ill. I would ask hon. Members to see their way to accept this motion.

THE PRESIDENT: The hon. Member for Georgetown Central (Mr. Percy C. Wight) has asked a definite question which he would like answered. The Hon. Member for Western Essequibo (Mr. C. V. Wight) has asked for more detailed information. I am at a loss to know what detailed information he requires. If he would indicate what information he wants I would be quite prepared to defer the motion until later in the session. Government has no wish to keep anything from the Council.

Mr. C. V. WIGHT: For instance I would like some details about the hours of work, the nature of the arduous duties, and how he performed those duties; whether he worked overtime; how many hours a day he worked and how many days he travelled—whether he worked an hour a day for three days and rested during the rest of the week. We know that there are arduous duties but sometimes an officer rides up the Coast for one hour and takes two hours for breakfast. I do not suggest that it was so in this case, but I would like to know the nature of those arduous duties.

Mr. DE AGUIAR: I move that the motion be allowed to stand down for a little while because the more I consider it the more inclined I am to agree that it should not be passed. I do not want to mete out injustice to any employee of Government. At the same time I want to be perfectly satisfied that this payment is justified. As a matter of fact I wanted to ask under what authority the £50 was paid? I see it is stated that it was paid under some Resolution, but I do not know whether that is sound.

Mr. PEER BACCHUS: I am suggesting the withdrawal of the motion so as to allow those who have already spoken on it an opportunity to speak again.

THE PRESIDENT: I understood the motion which the hon. Member for Cen-

tral Demerara (Mr. De Aguiar) proposed to move was that further consideration of the motion be deferred.

MR. DE AGUIAR: I agree with my friend. I take it that when the matter comes up again hon. Members will be allowed to speak again. The more one looks at it the more one feels there is something more we should find out.

THE PRESIDENT: I think there are means by which Members may be able to speak a second time.

MR. DE AGUIAR: I shall have to adopt those means.

THE PRESIDENT: Is the hon. Member's motion seconded.

MR. PEER BACCHUS: On that assurance I will second it.

Motion deferred.

INCREASED PENSION TO EX-POLICEMAN.

MR. McDAVID: I move:—

THAT, with reference to Governor's Message No. 8 dated 1st May, 1941, this Council approves the payment to ex-Police Constable C. L. A. Smith, who was retired from the Force on the 16th of February, 1938, of an increased pension at the rate of \$288 per annum with effect from the date of the passing of this Resolution.

Ex-Police Constable Smith retired from the Police Force on the 16th February, 1938, after 11 years and 7 months' service, at the age of 42 years, on the ground of physical unfitness. He was awarded under the Constabulary Ordinance the pension to which he was entitled—\$55.60 per annum with a lump sum of \$281.60. Shortly after his retirement he made representations to Government that his physical unfitness was brought about by an accident which occurred to him whilst he was in the execution of his duty. The accident, I may inform hon. Members, took this form: He was on patrol duty on a country road at night on a motor cycle. The road was in very bad condition and as a result of his cycle getting into a hole he was thrown heavily and fractured his skull and collar-bone. He remained in hospital for a long time and subsequently resumed duty, but was unable to carry on and was retired eventually on the ground of phy-

sical unfitness. The case was re-examined and reviewed by the Medical Department, and the Director has certified that his physical unfitness was the result of that serious accident. Smith retired on the 16th February, 1938, and that was unfortunate for him because only a few months afterwards this Council enacted an Ordinance, No. 2 of 1938, which provided that in the case of a police constable retiring under circumstances such as those, as a result of infirmity brought on by accident, he should be awarded a pension equal to three-fourths of the salary he was receiving at the time. As I said, it was unfortunate for him that he was just four months too early, and it is sought to award him, with the approval of the Council, the pension he would have got had that Ordinance been applicable at the time of his retirement. I think this is also a case which should be approved.

MR. C. V. WIGHT: I am prepared to second the motion but I would like to be satisfied that the hon. mover has satisfied himself that it is not a case of the roadway meeting the cycle because of some optical illusion. I have great sympathy with certain members of this particular branch of the Police Force who have to be out on duty at night in all weathers.

MR. DE AGUIAR: I am supporting the motion. I have risen to point out that this case is not at all similar to the one previously moved by the hon. Colonial Treasurer, and I should not allow the observation he made to pass unnoticed. This is an entirely different matter. The only point that is worrying me is whether this amount should be charged to the Road Vote, but I will leave that to the Accounting Department of Government to deal with.

MR. JACOB: I think this is a motion which deserves the consideration of the whole Council. (laughter). I do not understand Government's ways at all. I notice that the Council is asked to approve of the increased pension having effect as from the date of the passing of this Resolution. It seems to me to be so one-sided, if not niggardly. Here we have a policeman who served 11 years and 7 months and was incapacitated through no fault of his own but through the negligence of the Public Works Department. I think an action

for damages could be successfully brought against the Department. I do not know whether certain Members of this Council or certain people who have the means to secure legal talent should not bring a test case as regards the roads of the Colony, as apart from accidents and personal injuries there are all sorts of incidents. I do not know how many motor car parts have been broken as a result of the bad roads of the Colony, and I have had to pay for some of them.

Apart from that this constable has five minor children and is to receive a pension of \$24 per month, but it is only to be paid as from the date of the passing of this Resolution. I am suggesting that the pension should commence as from the date of his incapacitation. I think it is only fair that he should be given the increased pension from that date. If the Council had met before and had been given an opportunity to consider the Bill earlier I think the officer would have been entitled to consideration as from that date. The Message is actually dated 1st May, 1941, and through no fault of this Council, this motion is being considered now on the 15th October. As a matter of fact I have information that this unfortunate individual had to petition the Governor in Council and submit his whole case before the Message was brought forward. I think the motion should be amended to read "as from the 16th February, 1938." I move that as an amendment.

Mr. DEAGUIAR: I am going to support that suggestion. As the hon. Colonial Treasurer has pointed out, had this constable waited for another four months he would automatically have come under the new Constabulary Pensions Ordinance. It seems to me, therefore, that it would be only equitable and just that this motion should take effect as from the date of his retirement.

Mr. McDAVID: As regards the point made by the hon. Member for North Western District (Mr. Jacob) that the pension to be granted should be pre-dated, I wish to point out to the Council that Smith has already been awarded a pension of \$55.60 per annum with a lump sum. Hence it is quite obvious that if this pension is to be back dated all the payments already made must be taken into

consideration, and I am not quite sure whether he will stand to benefit or not. I was trying to point out that it was due to delay in holding a meeting of this Council that this motion was not brought forward before, and I think it is reasonable and that Government would be prepared to accept the suggestion that the date from which the pension should be paid should be the date of the Message itself, that is the 1st May, 1941. It is quite true that representations were made to Government by the man himself but his case had to be very carefully reviewed. This pension is only payable on a certificate by the Medical Department that his retirement was hastened by the accident, and his case had to be very carefully gone into before action was taken.

As regards the point made by the hon. Member for Western Essequibo (Mr. C. V. Wight) as to whether the road met the cycle or the cycle met the road, I think the Authorities are satisfied that it was purely an accident and not due to any fault of the man himself.

Mr. JACOB: The Colonial Treasurer has stated that he does not know whether, if the pension is dated back to February, 1938, it would be to the advantage of the pensioner. The amount paid to him as lump sum was \$281.60 and a year's pension is \$283. From February 1938 to October, 1941 is over 3½ years, and I am amazed that the Government's financial expert should have made the statement that he was not quite sure that the constable would benefit if the increased pension was made to take effect as from the date of his retirement. It will mean that for 3½ years he will receive a pension at the rate of \$288 per annum, and I think the Council will agree that the amount already paid—\$281.60—should be deducted. I think that is only reasonable, but it is very unreasonable to suggest that the motion should take effect as from the date of the Message. Government in its usual way has taken two years to consider the matter. I am pleading that the date be February, 1938. I have moved an amendment to that effect and I wish to add that the amount already paid be deducted from the amount.

THE PRESIDENT: I understand that the Treasurer is satisfied now that it would

be of benefit to Smith if this motion were pre-dated to the 16th February, 1938. At first, I understand, he thought that possibly after deducting the gratuity already paid, the amount might have been a little less and Smith might have been worse off, but apparently he will benefit to some extent. The amendment which has been moved by the hon. Member for North Western District (Mr. Jacob) and seconded by the hon. Member for Central Demerara (Mr. DeAguiar) is that the motion be amended by the substitution of the words "from the date of his retirement subject to deduction in respect of any amounts already paid." Is the hon. Member for North Western District prepared to substitute those words for the words "from the date of the passing of this resolution?"

Mr. JACOB: Yes, sir, and I think from the figures I have worked out the man will benefit to the extent of about \$500.

Motion as amended put, and agreed to.

EX GRATIA PAYMENT TO MRS. ADA KING.

Mr. McDAVID: I move:—

THAT, with reference to Governor's Message No. 14 dated 20th September, 1941, this Council approves of the grant of an *ex gratia* payment of \$144 to Mrs. Ada King, widow of the late Mr. Napleton King, who was a regular road maintenance employee in the Public Works Department.

I have no hesitation in saying that this case is somewhat similar to the last one because Mr. King was a regular road maintenance employee of the Public Works Department. He served satisfactorily for 15 years and ceased work in June, 1940, owing to illness. He subsequently died on the 28th July, 1940, leaving a widow and six children. At the time of his retirement the Council had not yet passed the Resolution of 1940 providing for gratuities to subordinate employees and the payment of gratuities to their dependents in the case of their death. This is another hard case and the Council's approval is sought for the payment of this gratuity to the widow as if the Resolution of August, 1940, applied.

Mr. C. V. WIGHT: I beg to second that. I am not one of those gentlemen who subscribe to the view that Govern-

ment is always right or those who think Government is always wrong. Government is right on this occasion.

Motion put, and agreed to.

INCREASE OF GRANT FROM DEVELOPMENT TRUST FUND.

Professor Dash (Director of Agriculture): I move:—

That, with reference to Governor's Message No. 11 dated 16th June, 1941, this Council approves in accordance with the provisions of section 11 of the Colonization Fund Ordinance, 1937 (No. 7 of 1937), of the original grant of \$25,000 from the Development Trust Fund being increased by \$2,154 to cover the increased costs of material since the war, and the payment of temporary war bonus on wages which were not provided for when the estimate on which the grant was based was prepared.

The motion before the Council hardly needs any explanation from me in view of the facts set out in the Message laid before the Council. It is now sought to obtain the approval of this Council of a small excess of \$2,154 to cover the increased cost of materials since the war, and the payment of temporary war bonuses on wages, which were not provided when the original estimate of \$25,000 for work on the Government estates in Essequibo was passed by the Council.

Mr. WOOLFORD seconded.

Mr. DE AGUIAR: May I ask the indulgence of the Council to move the suspension of the Standing Rules in order to move that the Council be adjourned at the interval until to-morrow?

THE PRESIDENT: Are you suggesting that we should not proceed with the motion now?

Mr. DE AGUIAR: I wish formally to move that the Council be adjourned until to-morrow for reasons which I will give.

THE PRESIDENT: Is the hon. Member suggesting that we adjourn before 12.30? I had intended to ask hon. Members if they would prefer not to sit this afternoon, and if they agreed I would adjourn the Council at 12.30 until to-morrow. Is it necessary that we adjourn now?

Mr. DE AGUIAR: If your Excellency proposes to do that it would meet what I am asking for.

Mr. JACOB: I am not opposed to the motion but I should like to refer to Governor's Message No. 12 dated 30th June, which gives very necessary details in regard to the expenditure on the works to be undertaken, and I commend Government on that departure. The Message relating to the motion we are discussing now is dated 16th June, and it would have been much easier for Members to know exactly how things were going and how the works were progressing if details had been given. Surely some details could have been worked out. One can sit down and put anything on paper. I have done many of those things myself. (Laughter) I have put down many a figure on paper, but when I consider I have to spend money and what could be done I have to reconsider the matter and find out details of everything that has to be done. I would suggest that in future before any expenditure is put before the Council the necessary details should be given. Then if the hon. Member for Essequebo River (Mr. Lee) and I wish to go and measure and check we would not need to have an engineer with us. We would then be able to commend Government on the work it is doing. At the present moment I am sorry to say I cannot commend Government on these public works. I wish to refer the Colonial Secretary to the statement he made when the motion with respect to Message No. 10 was debated here. I have the report from the Official Reporter in which the Colonial Secretary said he had never known of details being given. An officer of Government should be very keen on his work and should not mislead the Council. He should give the Council all material assistance so as to get its co-operation. Only in that manner will this Colony progress.

Professor DASH: I may remind the hon. Member in the first instance that a full statement in connection with this expenditure of \$25,000 and the reasons therefor was published as a Sessional Paper. I cannot recall the number of the Paper, but what is sought now is to obtain

the Council's approval of a small excess which was not provided for at the time.

Mr. JACOB: That statement is misleading. I am saying that details were not given as in the case of Message No. 12.

Mr. McDAVID: To the best of my recollection what the Director of Agriculture said is correct.

Mr. JACOB: I object to that statement: "To the best of my recollection."

Mr. McDAVID: To the best of my recollection that statement is correct because, as a member of the Advisory Committee, I remember that a printed Sessional Paper was laid before the Committee giving full details of all the works to be carried out with the grant of \$25,000. It is a matter which can be easily confirmed. The Sessional Paper is No. 28 of 1939. As the Director of Agriculture has said, it is merely an excess on the works estimated for in that Sessional Paper.

Mr. DE AGUIAR: I rise to confirm what the hon. Colonial Treasurer has said and I invite the hon. Member to read the terms of the Message itself which says that the scheme is "set out in Legislative Council Paper No. 28 of 1939." If the hon. Member was so interested in the measure as he wishes this Council to believe, I would have expected him to turn up that Council Paper and obtain all the information he desired instead of getting up here and saying that the Treasurer is not correct in his statement. I have risen to support the motion and I would like to tell the hon. Member that I am not doing so because I happen to be a Member of the Advisory Committee of the Development Trust Fund, but I have given every consideration to the proposals set out in the Sessional Paper and I was perfectly satisfied at the time that the work was beneficial to the Colony and that the excess was necessary for the reasons set out in the Message.

Motion put, and agreed to.

THE PRESIDENT: As it is the wish of hon. Members that the Council should not sit this afternoon I adjourn the Council until 10.30 a.m. to-morrow.