

**LEGISLATIVE COUNCIL.**

*Wednesday, 8th October, 1941.*

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Officer Administering the Government, Mr. G. D. OWEN, C.M.G., President, in the Chair.

**PRESENT.**

The Hon. the Colonial Secretary, (Acting), Mr. GEO. C. GREEN, M.B.E.

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

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

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

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

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

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

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

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

The Hon. N. M. Maclellan, 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. Elcazar (Berbice River).

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

The Hon. Peer Bacchus (Western Berbice).

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

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 7th of October, 1941, as printed and circulated, were confirmed.

**UNOFFICIAL NOTICES.****LABOUR UNION MEETINGS AT WISMAR.**

Mr. C. V. WIGHT, on behalf of Mr. LEE, gave notice of the following questions:—

1. Will Government state whether the Executives of any Labour Union were verbally warned not to hold meetings at Wismar, Demerara River?
2. If the answer is in the affirmative, will Government state the reasons for such action?

**VISIT OF MR. MATHURA.**

3. Will Government state whether Mr. Mathura, of Trinidad, made application for visiting British Guiana during the East Indian cricket tour? If the answer is in the affirmative, will Government state why was he refused permission?

**RICE BLENDING.**

1. Will Government state how many bags of rice blended in the months of October, November and December, 1940, and for each and every month up to September, 1941?

- (a) The grade of each bag that was blended.
- (b) The amount of each grade that was blended.
- (c) The grade of rice that the blended rice produced.
- (d) The amount of each of the said quantity of blended rice that was sold locally and exported, and to which colony?

**GRADING OF RICE.**

2. Is Government aware of the great dissatisfaction over the grading of rice by the Grading Officer?

3. Will Government state how many appeals (a) made against the Grading Officer for the periods afore-mentioned, each month separately

and (b) how many were allowed and (c) how many were made by the members of the Advisory Committee and (d) how many were allowed to them, stating the name or names of the members?

#### INCREASED RENT FOR RICE LANDS.

4. Will Government state whether steps will be taken to stop the increase of rent of rice lands and rent of tenant's house on rice land?

#### QUEEN'S COLLEGE.

1. Will Government state the reasons why Queen's College was removed from Carmichael Street to its present site, and when, and how many pupils were then in attendance? What was the number of Masters on the staff at the time of the removal?

2. What is the number of pupils now in attendance at Queen's College? What is the number of Masters at the present time? And what is the largest number of pupils in any one Master's class?

3. With regard to sanitation—Will Government state (a) how many urinals and (b) how many water closets, and (c) What washing utensils have been provided for

- (i) The use of the pupils;
- (ii) The use of the Masters;
- (iii) The use of the lady-typist employed as a clerk at the College;

and whether any of the articles in (a), (b) and (c) are for the common use of more than one class—i, ii or iii? If so, what articles and which classes?

4. With regard to safety—What provisions exist at the College in respect of

- (a) Fire-fighting equipment on each floor of each building?
- (b) Exits in the event of fire from each floor of each building?

5. Will Government state whether the Board of Governors or any of its members have expressed dissatisfaction with conditions relative to questions 2, 3, or 4 above, or with the suitability of the buildings for their use as a College? If so, will Government disclose the relative correspondence?

Is Government itself satisfied with the conditions pertaining at Queen's College? If not, will Government state what measures it proposes to adopt to remedy those conditions and when it proposes to put such measures into operation?

6. Will Government state when it proposes to commence the building of the new Queen's College, and how long will it take to be finished?

#### ORDER OF THE DAY.

##### IMPROVEMENT OF SOCIAL CONDITIONS.

Mr. C. V. WIGHT on behalf of Mr. LEE, asked and the COLONIAL SECRETARY laid over replies to the following questions:—

Q. Will Government particularize the schemes that were introduced in the budget for the year

1941, which were to improve the social conditions, or were made to relieve the unemployment for the said year from the funds of the Colony?

A. The Honourable Member's attention is invited to page 5 of the Legislative Council Paper No. 13B/1940 lines 32-43.

#### EAST DEMERARA CONSERVANCY.

Q. 1. Will Government state whether a communication was received from the Secretary of State for the Colonies asking for certain information with regard to the petition laid over by the British Guiana East Indian Association for the residents in the Mahaica-Mahaicony and Abary Rivers—When was this communication from the Secretary of State for the Colonies received by the Government and when was the reply sent?

A. 1. A despatch was received from the Secretary of State for the Colonies on the 10th of January, 1940, dealing with this subject and replies were sent by telegram on the 28th of February, 1940, and by despatch on the 21st of March, 1940.

Q. 2. Will Government state when first the two sluices in the Demerara River were built and on whose advice and proposal, and who was the engineer in charge of the said works?

A. 2. There are four sluices draining into the Demerara River:—

- (1) Outer Sluice at Friendship,
- (2) Inner Sluice at Friendship,
- (3) Outer Sluice at Land of Canaan,
- (4) Inner Sluice at Land of Canaan.

The proposal to drain part of the Conservancy into the Demerara River was put forward in 1935 by the late Major J. C. Craig, then Director of Public Works. Sluice No. 1 was started on 1st February, 1937, and completed on 28th February, 1938.

Sluice No. 2 was started on 25th October, 1938, and completed on 25th April, 1939.

The construction works were under the control of Mr. R. B. Craig, A.M. Inst. C.E., District Engineer, until June, 1937, and from then onwards to their completion under the control of Mr. E. S. F. Piers, B.Sc., District Engineer.

Sluices Nos. 3 and 4 were built by the East Demerara Conservancy Commissioners. It has been ascertained that sluice No. 3 was started on 18th September, 1937, and completed on 18th December, 1937, and that sluice No. 4 was started on 7th October, 1939, and completed on 28th December, 1939. Mr. Alan E. Craig, Superintendent of the Extension Scheme, was in charge of these works.

#### QUALIFICATIONS OF WARDEN, MAHAICA HOSPITAL.

Q. 1. Will Government state what qualification Boyd, Warden for the Mahaica Hospital, has for holding the post of Warden at the said Hospital, and from which position was he promoted to the post of Warden, and what salary was he receiving at his entry into the unclassified Civil Service, and who were the persons recommending him for the post on his entry and for Warden?

A. 1. No qualifications for the post of Warden, Leprosy Hospital, have been laid down but it is desirable that an appointee should be a good administrator and disciplinarian. Personal qualities and gifts of management are important. He is also required to organise games and entertainment.

Mr. Boyd was appointed to the post of Warden, Leprosy Hospital, in August, 1940, on six months probation and, as he has proved to be suitable, he has been confirmed in the appointment. Prior to his appointment as Warden, Leprosy Hospital, Mr. Boyd was in receipt of a salary \$480 per annum as clerk, Outpatients Department, Public Hospital, Georgetown.

Q. 2. Is Government aware that he is not a British subject?

A. 2. According to the information in the possession of Government Mr. Boyd is a British subject.

Q. 3. Will Government make it a condition precedent that all future appointments in the Civil Service shall be British born subjects and preferably British Guianese?

A. 3. Government is not prepared to lay down the conditions suggested as a rigid rule in making appointments to the Civil Service.

#### HAYNES PENSION BILL.

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

An Ordinance to make provision for the payment of a pension to Edwin Allison Haynes.

THE PRESIDENT: I reminded hon. Members yesterday that when this Bill last came before the Council there were very few Elected Members present and one or two of them were opposed to the principle of the Bill, the second reading of which was adjourned. I now ask the Council to proceed with the second reading. I may remind hon. Members that the Colonial Secretary had already replied to the debate when the second reading was adjourned, but it is still open to other Members to speak if they wish to do so. If no other Member wishes to speak it will be moved that the Council resolve itself into Committee.

Mr. JACOB: I am against this Bill in principle, sir. The objects and reasons as printed on the Bill itself are not to my mind convincing. If the finances of the Colony were in a different condition and we wanted to be generous it might be possible to allow this Bill to be passed, but the finances of the Colony being as they are, and the objects and reasons not being convincing, I do not think Government should proceed with the Bill. I think a

certain amount of sympathy or consideration may be shown to officers who have been temporarily employed, but when an officer accepts employment at a certain salary and after a certain period, if his services are satisfactory, Government should come forward with a proposal to make his service pensionable and not wait until he retires. I do not know whether this gentlemen is in such a position as to require this concession from the Colony, but even if he is in such a position the Colony is not in a position to grant the concession. I think the state of the finances of the Colony is well known to the Government; I do not think it is well known to the Members of the Council. I am not at all satisfied that things are looking well, especially when I see the number of people who are unemployed and who are going about half-fed—I do not think some of them are even half-fed—and half-clothed. I do not think Government is acting properly in pushing this Bill forward. I think it should have been withdrawn after it was debated in February last.

THE PRESIDENT: The Bill was not withdrawn; the debate was adjourned.

Mr. HUMPHRYS (who entered the Chamber during the debate): I understand that the question before the Council is the second reading of the Haynes Pension Bill.

THE PRESIDENT: Have you risen to a point of explanation?

Mr. HUMPHRYS: Are we in Committee, sir?

THE PRESIDENT: No, but if you have any explanation you wish to offer you would be in order.

Mr. HUMPHRYS: It is hardly by way of explanation. I will wait until we are in Committee.

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—

Mr. HUMPHRYS: On the previous occasion I opposed this Bill and made very clear to Government my reasons for opposition. Those reasons were that I was of the opinion, and I am still of the opinion, that Government is rather prone to make fish of one and fowl of another in the Government service with regard to pension, but however that may be, I would not for one moment attempt to deprive any Government officer of a pension if he were deserving of it. My opposition was based on information I had received which I had reason to believe was correct—that Mr. Haynes had left the Government service in order to better his position, and therefore when he came back to the Government service the service he had previously given could not be counted for pension, and if his later service was not sufficient to entitle him to a pension he should not get a pension.

Since the last session I have made enquiries of persons who, I have every reason to believe, are telling me the truth, and they tell me that Mr. Haynes's object in leaving the Government service in the first instance was because he was medically advised that he could not continue to work as a surveyor on the coastlands as his health was suffering tremendously. That, I believe, is the truth, and I think Mr. Haynes did not leave the Service to better his position but simply because of the ailment he was suffering from it was necessary for him to seek employment on lands above Kaieteur. That, I believe, is perfectly true, and I accept the statement from Government that Mr. Haynes, when he rejoined the Service, was doing Government a favour because they were very hard-pressed at the time to find a suitable man. For those reasons I wish to state that I am not continuing my opposition to the granting of a pension to Mr. Haynes, but I have in no way withdrawn my indictment of Government that they do not act fairly to all Government officers. They pick out one here and there for special treatment, but that is no reason why Peter should pay for Paul.

THE COLONIAL SECRETARY: (Mr. G. C. Green, M.B.E.) Government is very glad to have that explanation from the hon. Member because it was a point made by the mover of the Bill that Mr. Haynes

had left the Service not for the purpose of bettering his position but because of medical advice, and the enquiry which the hon. Member has made has now confirmed Government's attitude in the matter. In regard to the question of Mr. Haynes's re-employment I am very glad to be able to assure the hon. Member that his statement that Mr. Haynes was more doing Government a service than Government was doing him is, in my opinion, correct. He was re-employed at the time when the Department of Lands and Mines was extremely short-staffed of qualified surveyors. The majority of the qualified surveyors had been seconded for work on the Boundary Commission, and it was in those circumstances that Mr. Haynes was offered re-employment. It is very difficult indeed to obtain an officer who is fully qualified and suited to the post of Land Officer, as he was then, in the Rupununi district. It is not every officer who can carry out the duties of administrator of the Rupununi district. Mr. Haynes was re-employed for that purpose and he has given very faithful and satisfactory service to the Government. I do think the Council would be acting in accordance with its usual attitude of consideration towards Government officers of long-standing employment if it passed this Bill which would give Mr. Haynes what he really deserves.

Mr. C. V. WIGHT: Perhaps it is advisable that I should make a comment which might serve some useful purpose in the future. I understood the Colonial Secretary to say that Mr. Haynes's qualifications were somewhat fitted for the post he held. I do not know if Government can give a similar assurance with respect to the officer recently appointed to the post. I happen not to know the officer but I understand that he was formerly an overseer of the Public Works Department. I do not know whether he is a qualified surveyor or whether the Public Works Department has given him specialized training for the Rupununi district.

Clause 2 put and agreed to.

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it

would be moved that the Bill be read a third time and passed. (*Colonial Secretary*).

#### MILITIA AMENDMENT BILL.

THE ATTORNEY-GENERAL (Mr. E. O. Pretheroe, K.C., M.C.): I move that "A Bill intituled an Ordinance further to amend the Militia Ordinance by prescribing the age for retirement of Bandsmen and Band Apprentices" be read a second time. The Militia Ordinance makes provision for the discipline, service and pension of the Members of the British Guiana Militia Band, but that Ordinance has an extraordinary omission; there is no reference to any compulsory retiring age. The result is that so long as a member of the Band can blow or beat an instrument efficiently he can remain in the Band. I am not suggesting that any person is endeavouring to achieve a long-distance record. In fact if this Bill becomes law no member of the Band will be affected for a period of three years at the least. The question arose quite indirectly. The position of apprentices in the Band is being considered, and this is one of the two methods of improving their lot. Hon. Members will hear more about that when the Estimates are presented by the Colonial Secretary. For present purposes it is sufficient to say that the provisions of this Bill make applicable to Bandsmen identically the same rules as regards pension as applied to other Government officers.

Professor DASH (Director of Agriculture) seconded.

Mr. C. V. WIGHT: I do not know whether consideration was given to this amendment of the Militia Ordinance before the receipt of a letter which I addressed to Government on the 1st April requesting Government's consideration of an amendment of the Ordinance to allow of additions in respect of service beyond 30 years in the case of Bandsmen, and the payment of death gratuities similar to those provided in the Constabulary (Death Gratuities) Ordinance. I speak subject to correction, but I do not think I have received a reply to that letter. I may be assuming rather rashly that this amend-

ment of the Ordinance has something to do with the suggestion I have made as to the additions to service. It may be that this proposed amendment will not be retrospective, and that those members of the Band who are approaching the age of 60 and are about to retire will receive favourable consideration in the light of my letter. I am still asking Government to consider that letter and, as far as possible, bring the members of the Band into line with other Government employees as regards pension rights and conditions of service.

Mr. ELEAZAR: I do not know whether Government intends to make Bandsmen retire compulsorily at 60, but it seems to me that they should be eligible to retire voluntarily at 60 and at 65 by compulsion. I am not sure that a musician is not fit for work after he is 60 years. I know a man in Berbice who was cashiered after 5 months' notice. He had been a Bandsman for 30 years and was fit to continue another 30 years. I do not think everybody in the Government service should be put on the same level. Some work calls for greater and other work for less energy, and I think in the case of musicians of a certain class 60 years is not too old an age for them to work.

THE PRESIDENT: I would like to inform the hon. Member for Western Essequibo (Mr. C. V. Wight) that this Bill has not come up as a result of his letter. In the Estimates he will notice an item with respect to four boys who are growing old and gray as Apprentices, and it is felt that they should be looking forward to promotion in the Band. They have not the least idea when they will be absorbed in the Band as Bandsmen. That is how it came to light that there was no age-limit for Bandsmen. There is an age-limit for everybody else in the Government service, and it is only fair that there should be an age-limit for Bandsmen. If this Bill is passed those Apprentices will be able to look forward to being absorbed in the Band in three or four years' time. The hon. Member's letter may be receiving attention. I cannot recall it; I may have been out of the Colony at the time.

THE ATTORNEY-GENERAL: I have never seen the letter to which the hon. Member refers, and I can assure him that

this Bill arose out of another matter altogether—the question of the Apprentices, as Your Excellency said. There is one Apprentice who has been an Apprentice for 14 years—a married man with a large family—and has no hope whatsoever of ever becoming a Bandsman if the older Bandsmen are allowed to go on indefinitely. Hon. Members are aware that it is an inflexible rule of the Colonial Service that an age is fixed at which all Civil Servants have to go. In this Colony the age is 60 years, and it is only reasonable that that rule should apply to Bandsmen as well as other members of the Service.

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—

Mr. C. V. WIGHT: May I ask, sir, that you will let my letter reach the eyes of the Attorney-General? He may be able to make the necessary amendments in this Bill and so save a little extra labour.

Mr. McDAVID (Colonial Treasurer): I would advise the hon. Member not to press that too far. If I remember correctly I did see his letter and I think the position is that under the Militia Ordinance Bandsmen are entitled to a statutory pension which is higher or better than the pension or allowance which is paid to officers of similar status and salary in the public service. If, therefore, the hon. Member presses the case too far he will find that by trying to do a service to Bandsmen by assimilating the conditions which apply to other Government servants they will lose by it. I am afraid that is the stumbling block which kept the hon. Member's appeal from going any further. Under the present Ordinance Bandsmen are rather better off than other employees of similar status in the Government service.

Clause 2 put, and agreed to.

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*Attorney General*).

#### INTERPRETATION (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Interpretation Ordinance by providing that the appointment of a public officer to perform statutory duties may be made either by name or by the public office held by such officer" be read a second time. At the present moment under the Interpretation Ordinance His Excellency the Governor can appoint persons and public officers to Boards, Commissions, Committees and similar bodies by office or by name, but nobody other than the Governor can exercise that power. Present conditions have shown, for example in the case of officers going on short leave to Barbados, long notices have to be published in the *Gazette* because another officer has taken over statutory duties temporarily. To quote a recent case, an officer went away for a short time and as a result of that another had to be given power to exercise powers under several Ordinances which had to be specified in the notice published in the *Gazette*. If this Bill is passed it will be possible to avoid such notices having to appear in future by appointing public officers by their offices instead of by their names. The Bill is permissive; it is quite possible to appoint public officers by name if it is desirable to do so. His Excellency the Governor is the only person who can at present exercise that power. In this Bill it is proposed to extend that power to any public officer and any body. For instance the Commissioner of Lands and Mines is River Navigation Officer and the Ordinance gives him the power to appoint deputies in respect of any river or stream. If this Bill becomes law the River Navigation Officer will be able to appoint deputies by office, and whoever fills any such office will be able legally to perform the duties of that office.

With regard to public bodies, such as the Georgetown Town Council, the New Amsterdam Town Council, and certain assurance bodies, they have statutory rights, and there are trustees appointed by Ordinance who are given power to make certain appointments. It is proposed that they should all enjoy the same right to appoint by office instead of by name. As an example we may take the case of the Commissioner of Lands and Mines who at present performs the duties of a great number of offices. If he were

to go on leave it would mean that a very long list of appointments will have to be prepared, whereas if the Governor was able to appoint the Commissioner by office no notice of any sort would be necessary. It is a matter of great convenience, and I may say that the wording of this particular amendment follows that which is in the law now in nearly every Colony. This is one of the few Colonies which has not got this provision.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Attorney-General*).

#### DRAINAGE AND IRRIGATION (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Drainage and Irrigation Ordinance, 1940, by making provision for the registration of title to land whereon new works are erected in a Drainage and Irrigation area" be read a second time. Hon. Members will see that there is an amendment on the Order Paper to be moved in Committee. Both the proposal in the Bill and the amendment to be moved in Committee are to correct errors which appear in the original Ordinance. Clause 2 and its three sub-clauses were omitted from section 23 of the Principal Ordinance. When the Drainage and Irrigation Ordinance was originally drafted those sub-clauses were in it. At some stage of the preparation of the Bill—perhaps the scissors and paste stage—they were by accident omitted. That omission was not noticed by myself, or anybody else for that matter, and the Bill went through the Council without the omission being noticed. When I was writing my report on the Bill to the Secretary of

State I noticed it for the first time. The clause merely gives the Drainage and Irrigation Board the right to register title to land which it might require in the future. It is to correct an obvious oversight. The amendment which appears on the Order Paper is to correct another error in another section of the Ordinance, and I propose to deal with that in Committee. I move that the Bill be read a second time.

Professor DASH seconded.

Mr. DE AGUIAR: I do not know whether that was a purposeful omission but I accept the explanation given by the hon. Attorney-General in good faith. The proposal in this Bill is a very far-reaching one and I would like the mover to give the Council further information on the subject. The point about the Bill I do not like is that it is proposed that title to land shall immediately vest in the Board as soon as the plan prepared by the Board is deposited in the Deeds Registry. I can see a number of dangers about that. I do not wish to cramp the work of the Board but I do see a number of dangers if such a power is given under this Bill. There is, for instance, the question of compensation which must be decided upon if compensation is necessary. In this country where title to land passes from one person to another by means of transport which has to be advertised for three weeks—and there are very strong reasons why that provision is made in our method of conveyancing—I think it would be a very dangerous thing if title to land should immediately be vested in the Drainage Board, or anybody else for that matter, without a similar procedure being adopted. I know I am going to be told that in the Principal Ordinance there is provision that when a plan is prepared it has to be deposited at various offices in the District, one of which is the Public Works Department, but I do not think that is sufficient safeguard for people who own land, the title to which will vest in the Drainage Board by the mere act of depositing a plan at the Deeds Registry. I have no desire to hamper the work of the Board but perhaps the matter might be reviewed in the light of the criticisms I have offered. Let the Board have control over the lands by all means, but when it comes to acquiring absolute title I think some provision should be made whereby those interests I have at

the back of my mind would be properly safeguarded.

Mr. PEER BACCHUS: I think the hon. Member is unduly alarmed. I think he is thinking that the entire property of a land-owner would be taken away and title vested in the Drainage Board. Where an area is declared a drainage and irrigation area and title is vested in the Board it increases the value of that land to the proprietor. It is not a question of taking the land away from the proprietor. An area may be 15 or 20 miles long but the Board might only wish to control 40 or 50 feet of that area. It is only where the Board happens to be doing work in an area and wishes to control a portion of the land that title to the land would be vested in the Board. Before an area is declared a plan has to be prepared and put up in the district where proprietors would have an opportunity of examining it, and they are called to a meeting to approve of it. They have every right under the Ordinance to oppose the work to be done in the area. There is also provision in the Ordinance for the payment of compensation, and if a proprietor is not satisfied he has the right of appeal against the assessment. I do not know if what I have pointed out has alleviated the alarm of the hon. Member. There have been no complaints about land being taken away. When the West Coast of Berbice is declared a drainage area I am sure the proprietors of land will willingly agree to title to their land being vested in the Board for the purpose. (laughter).

THE ATTORNEY-GENERAL: There is very little I need add to what the hon. Member for Western Berbice (Mr. Peer Bacchus) has said. Actually, of course, the land-owners are amply protected. Notices have to be published in the *Gazette* and two daily newspapers, a public meeting of the people concerned has to be arranged, an officer of the Board has to attend the meeting and produce plans and specifications and explain them to the meeting. At that meeting the officer explains what it is proposed to do and compensation is arranged. The whole plan is submitted to the Governor in Council and any person concerned is entitled to submit a letter of protest to the Governor in Council. If anybody thinks he is not being adequately com-

pensated he can submit a protest to the Governor in Council, and if the Governor in Council is satisfied that there is substance in the protest the matter is sent back to be adjusted. Not a single letter of protest has been received up to the present.

Mr. ELEAZAR: Can the Board not have control without having title to the land? Title is only given in this country by means of transport or Letters of Decree.

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—

Mr. DEAGUIAR: I am not convinced either by the hon. Member for Western Berbice (Mr. Peer Bacchus) or by the hon. Attorney-General. I am "unduly" alarmed that this Council should give power to the Drainage Board or anybody else whereby title to land should pass from the owner in the way it is sought to be done in this Bill. It is no good telling me that this country is crying for irrigation and drainage; I know that, but at the same time the interests of the people should be safeguarded. Let us give the Drainage Board all the control that is necessary, but don't let us by the stroke of a pen attempt at any time whatever to remove the title of people to their land. Whether I stand alone or not I move that clause 2 (8) be amended by the deletion of the words "forthwith vest in the Board and shall be the property of the Board" and the substitution therefor of the following words "be under the control of Board."

Mr. JACOB: I rise to second that amendment; I see no harm in agreeing to that. The Board would have control of the land and I see no reason why it should have title. Perhaps litigation might be started to prevent ingress and egress if one finds himself in difficulty, and I think it would be much safer to give the Board control. I do not know whether provision has been made for ingress and egress.

Mr. PEER BACCHUS: This Bill does not create any precedent; I think a similar



provision has been made in the Sea Defence Ordinance whereby a certain portion of the land is under the absolute control of the Sea Defence Board. It is the same control the Drainage Board is asking for. It is essential that complete control of the land should be given to the Central Drainage Board for the purpose of carrying out drainage works.

Mr. DEAGUIAR: The power given to the Sea Defence Board in the instance cited by the hon. Member is an entirely different thing. Under the Sea Defence Ordinance the land within 50 feet of the waterline or low water mark is declared to be the property of the Board.

Mr. SEAFORD: I think it is 50 feet from the wall.

Mr. DEAGUIAR: In that case there is a clear indication of what powers the Sea Defence Board is given. In this Bill the Drainage Board can take anybody's land and immediately that is done title to the land is vested in the Board.

Mr. SEAFORD: I think the hon. Member has forgotten that where the Sea Defence Board considers it necessary to retire a sea defence it can take whatever land it requires and pay compensation for it.

Mr. JACOB: I have been told only this week that certain people at Canal No. 1, Polder, have been summoned by the Drainage Board and the case is to be heard soon. I am not acquainted with all the facts, but it does look peculiar that people should find themselves in the Magistrate's Court at the instance of the Drainage Board. I have been promised that I will be given the facts some time next week. I foresee a lot of difficulty and I think a little bit more consideration should be given to the cultivators even by the Drainage and Irrigation Board.

Mr. SEAFORD: I think the hon. Member knows that there are certain dues which are supposed to be collected by the Drainage Board. The Board has given very careful consideration—in fact I am not sure that it has not erred on the side of leniency in not having taken action against those delinquents a long time ago. The Board has to collect these dues and Government has reminded the Board of

the necessity to do so. The reason why we get into this trouble, not only with regard to drainage and irrigation but also with sea defences, is because of non-collection of rates. The Board feels that if it is to carry out the works it must collect the rates. There are certain people against whom action was taken and they paid up immediately. I think the excuse was that Government had not done it in the past. The Board has decided that these rates must be collected and must be paid, and it was with this object in view that it asked the Law Officers of the Crown to take proceedings to collect the amounts.

Mr. JACOB: I do not know whether that is intended as a reply to what I have stated. The question of rates does not come into the matter. It is a question of the people putting in stops-off for the purpose of irrigating their growing crops. That may be one of the reasons why the Board wishes to have effective control. I want to safeguard the interests of those cultivators. While it may be the intention of the Board to help those people, other things may be operating to actually hinder them. Certain farmers have been summoned and are to appear at the LaGrange Court next week. I think a solicitor is going to the Canals Polder on Sunday to investigate and take the matter up. Three farmers have to get money to defend themselves. I know that these people are going to be penalized and may probably perish to some extent. I wish to say that I am no party to such legislation being rushed in this Council, particularly these amending Bills. Amendments have gone through here which deprive people of their liberties. I am very alarmed over amendments being put through in this fashion.

THE CHAIRMAN: The hon. Member said he was not sure that the hon. Member for Georgetown North (Mr. Seaford) was dealing with the particular question, but I understood the hon. Member to say that he was not quite sure of the details of the case. I gathered that the hon. Member for Georgetown North was trying to explain what was probably the case that the hon. Member was referring to.

Mr. SEAFORD: I think I know the case the hon. Member is referring to. It is an example of how difficult it is to deal with individuals. The Board has control

over the canals and trenches, and I think certain farmers resident there wished to irrigate their rice fields and put a stop-off in the canal so as to collect water, the result being that the people below them got no water at all. I do not think it is a question which affects the village community as a whole.

Mr. JACOB: It is not a question of other parties within that area not benefiting. I do not think it can be stretched so far. I am not acquainted with all the facts, but the matter is to be heard soon. I brought it up now as I considered this an opportune moment to remind Government that great care should be taken in these matters. The question of rice has been brought in; I did not want to bring it in. (Laughter).

Mr. SEAFORD: I apologize; I withdraw the word.

Mr. JACOB: I know the circumstances very well indeed.

THE CHAIRMAN: Is the hon. Member getting on to the subject of rice? (Laughter).

Mr. JACOB: I have done all I possibly could to make the people of the Canals Polder self supporting by raising stock and planting provisions, including rice, but up to this moment nothing is being done. The sum of \$180,000 of the taxpayers' money has been spent there, and while some little improvement has been made it is not commensurate with that large expenditure. Some of the people who have been trying to do something for themselves now find themselves in the Magistrate's Court. As long as the law is there and the Drainage Board presses it people may lose their properties and may even go to jail. I am not properly informed about the matter but I feel very much concerned. This idea of taking people into Court because the law is there is going to cause a lot of trouble. I will be no party to such legislation.

THE CHAIRMAN: I do not know the facts of the case referred to by the hon. Member but I do not think it has any connection with the amendment now before the Council.

THE ATTORNEY-GENERAL: I rise to oppose the amendment moved by the hon. Member for Central Demerara (Mr. DeAguiar). I listened to hear whether the proposer would explain exactly how it is going to work—how control without ownership is going to work. Legally it is impossible. Ownership implies full control, and if the owner is not in control of the land the position is impossible, as neither the controlling authority nor the owner knows where he stands. No lawyer can define complete control except by reference to the owner, and it is legally impossible to have complete control without ownership. Otherwise there must be conflict. The hon. Member for North Western District (Mr. Jacob) says that the people have been taken unawares by this Bill. It was published in April this year. I would like to be informed by him what he calls ordinary notice. These provisions already appear word for word in two other places in the Ordinance. No rights are being taken away which are not absolutely necessary for the working of the system. Full compensation to the satisfaction of the persons concerned has to be paid. Without ownership it is physically impossible for the Board to perform its functions, to defend its own interests or look after the interests of other people. It must be accepted as a fundamental fact that the Board, to function efficiently or at all, must be the owner of the land where its work is proceeding. For those reasons I oppose the amendment.

Mr. ELEAZAR: The hon. Attorney-General is absolutely wrong. Ownership and possession are two different things. I am in possession of a house which I am renting, but have I got ownership of the house? The law gives the Board control of the land; where is the conflict? The Board can control by being in possession, but the ownership of the land belongs to me.

THE CHAIRMAN: Is the hon. Member saying that if you are in possession of a house you can do what you like with that house?

Mr. ELEAZAR: You cannot break it down, but you have control of it, surely.

Mr. JACOB: I was attempting to frame an amendment but the hon. Member has

suggested the deletion of certain words and the substitution of others. Maybe that is not quite acceptable to the hon. Attorney-General, and he may frame some suitable amendment to meet what we are asking for—that the Board should have control without acquiring title to people's lands. Before title is vested in any individual due notice has to be given in the *Gazette*. This Bill has been published since April but I sincerely ask if Government believes that the people whose case I have referred to read the Bill or new what the implications would be? I am not suggesting that this Bill is going to affect the case I have referred to, but it may, and since these people have been actually summoned they have to look into the law now, and if they can find some means of defending themselves they should do so. I think they have a just grievance. Perhaps it could have been straightened out without recourse to law, but the Drainage Board has taken them to Court. It must be remembered that they have transport for their land which is absolute title, and nobody with such title would look for legislation which takes that title from him and vests it in a Board.

Mr. SEAFORD: Is the hon. Member suggesting that this Bill gives the Board power to take away land without title or anything else?

THE CHAIRMAN: The hon. Member says that possibly some people would not see the Ordinance.

Mr. JACOB: I maintain, unless I am convinced to the contrary, that the land becomes the property of the Board.

Mr. SEAFORD: That is after it is advertised; it has to go through a long process.

THE ATTORNEY-GENERAL: The advertisement required when the Board wishes to acquire land is very much wider than that required in the case of ordinary transport. In the case of land required by the Board, either under existing sections or as proposed in this Bill, a notice has to be published in the *Gazette* giving 21 days notice of a public meeting. It has also to be published in a local newspaper, and a copy of the notice has to be posted at the office of the District Commissioner and at

each post office and police station within the area. If that is not adequate notice of intention to acquire part of somebody's land I fail to see how it can be made any more adequate.

Mr. C. V. WIGHT: It might have cleared the air if clause 2 (8) specified the manner in which title shall pass to the Board. In this Colony our system of conveyancing is somewhat peculiar, and it would perhaps be of some assistance if the Attorney-General would indicate what would be the title deed after title has been vested in the Board under clause 2 (8), having regard to the provisions of the Deeds Registry Ordinance. It might lead to a considerable amount of litigation because one can visualize that this is a complete incursion into the system of conveyancing in vogue in this Colony. I have endeavoured to find out what will be the title deed to be acquired by the Board but I have been unable to do so.

The ATTORNEY-GENERAL: It is admitted, of course, that the form of transfer of title is different in this case from the ordinary transport. It is also different in the case of the Sea Defence Ordinance. In both cases it is different for the same reason—that the ordinary transfer by transport is not applicable. That system would not work in this case. The honourable member for Western Essequibo (Mr. C. V. Wight) asked what title would the Board get under the Ordinance? The answer is that it would get a special title, a statutory title under this Ordinance. The Registrar files the document as of record in the Deeds Registry and makes such annotations on the record as may be necessary. If anybody goes to the Deeds Registry he will find the reference which would put him on to the filed records.

Mr. ELEAZAR: If the Board erects a koker on somebody's land and has control of the land around the koker, whose land is it when the koker is out of use? Let the ownership of the land remain with the person who has title to it. The laws of the Colony have been spoilt by these amendments.

Mr. C. V. WIGHT: I quite appreciate what the hon. Attorney-General has said, that this is a special form of title. I am only saying that I presume the Law

Officers of the Crown have carefully considered the effect which this special title may have in relation to our usual form of titles. When a person has transport he has a full and free title. How a special title created by law will affect that person's title one cannot visualize at the present moment. We have such intricacies as bankruptcy and other wide issues. I would suggest that a Committee be appointed to investigate the general position in relation to our law of property and whether some provision can be made to include special titles which are being created at the present moment.

THE CHAIRMAN: I do not know whether the hon. Member realizes that a provision similar to this exists in section 19 of the Principal Ordinance. I think it is very necessary to have this provision if the Board is to function satisfactorily.

MR. DEAGUIAR: The provision in section 19 is not on all-fours with this.

THE CHAIRMAN: I should have said section 24 (6).

MR. DEAGUIAR: That is an entirely different provision altogether. That is a case where the hands of the Board would be forced to perform certain acts in cases of danger. That is a different thing altogether. If a particular area is subject to constant flooding and the Board decides that something should be done in that area we may give special powers to the Board to do certain things. The hon. Members for Western Essequibo (Mr. C. V. Wight) has referred to a number of points I had in mind. I want to safeguard the individual ownership of land. This is a dangerous procedure and I again sound a note of warning. I know that the proposed amendment will not find favour with the majority of the Council but nevertheless I intend to let it go on record that I have moved this amendment, and I sincerely hope I shall not have occasion to refer to it at a later stage.

MR. JACOB: I do not know whether Government intends to use as a precedent section 24 (7) of Ordinance 25 of 1940, in which practically the same words appear. In the particular case I have in mind, if the Board has acted in the way it has then those people will have to look for a defence,

and so litigation goes on. I do not think it is the intention of this Legislature to open avenues for unnecessary litigation which helps no one but those who get fees. I strongly urge on Government to leave the matter over for further consideration. The Board should have control, but if the person who owns the land finds he is suffering he should have the right to protect himself. The Board can have control, but if that control causes trouble or loss to the owner of the land he should have the right to say "We will have to discuss this matter." Because legislation was passed last year this Council is seeking to use it as a precedent to perpetuate a wrong.

THE CHAIRMAN: I will remind the hon. Member that in his opening remarks the Attorney-General stated that this provision was in the original draft Bill but it was omitted when the Bill was printed.

MR. JACOB: My point substantially remains. Owners of land enjoy certain rights. By a Bill passed last year those rights have been removed. Government now wants to perpetuate that wrong by passing further legislation to-day. I maintain it is wrong and I am urging very strongly that the matter be re-considered. The Board should have control but should not take away people's title to their land.

MR. DEAGUIAR: I am asking the hon. Member not to labour too much on the question of precedent. I indicated a short while ago that in cases where the Board thinks that there is immediate danger to certain land section 24 of the Ordinance provides certain procedure which the Board should carry out before the land becomes vested in the Board. Those are special circumstances for which the Legislature perhaps made wise provision, but when it comes to the question of giving title to the Board to do new works that is a different matter altogether.

MR. ELIAZAR: I am asking Government to defer consideration of the Bill in order to give the people an opportunity to consider the matter.

THE CHAIRMAN: The Bill has been published since May and from the trend of the debate I am not convinced that the mover of the amendment is carrying a very large section of the Council with him.

Mr. WOOLFORD : I am very unwilling to say anything at this moment because I was not present when the hon. Member spoke, but I am interested in the proposition raised by the hon. Member for Western Essequibo (Mr. C. V. Wight) as to how far this power to acquire land would defeat the provisions of the Deeds Registry Ordinance which says in effect that the only title to immovable property in this Colony is what is known as a transport. There are two kinds of transport, one in which A conveys to B as a result of a contract, and the other a form of title, also known as a transport, whereby a purchaser acquires title at execution sale. On reference to the Civil Law it will be seen that if a person has been in undisturbed possession of land for a period of 12 years he cannot be disturbed, not even by the real owner who previously had title. Having regard to the present state of the law, which provides that the only form of title which a Court of Law will recognize is what is known as a transport, and the Deeds Registry Ordinance providing that such transport shall be indefeasible after a period of two years except for fraud, etc., it is for the Attorney-General of the Colony to say whether titles which one Ordinance says are indefeasible can be taken away by another Ordinance which it is proposed to pass to day. I am not in a position to say whether it is right or wrong. I have just asked the Attorney-General and he says it can be done.

That appears to me to be the important point involved—whether lands belonging to persons who have title to them can be taken away by the Drainage Board for the purpose of performing certain public works by means of a statutory enactment. As a lawyer I cannot subscribe all at once to the view that this Ordinance could be passed by which a compulsory acquisition of land previously held by the owner under title which the Statute Law of the Colony says is indefeasible, could be done in this way. I am quite willing to admit that the objects of the Drainage Board cannot be achieved unless some system of right is given to it to enter upon land and take possession of it for the purpose of performing certain public works. It has been found in actual practice that certain essential drainage works involving trenches and sluices cannot be performed because of the opposition of the owners, but what is to prevent the owner who has

been in possession for 12 years from saying : “ I will not allow you to dig that trench ? ”

The Attorney-General has pointed out that the notice to be given to those interested is adequate. I agree with him that the notice provided is ample, but under the present law if anyone seeks to acquire property from another there is a separate procedure in the matter. On the first or subsequent notice it is open to any party to oppose transport, in respect of which there is a regular form of procedure, and no departure from it is allowed. The party opposing has to file a notice giving his reasons for opposition. There is no procedure of that kind provided in the Bill. All I can gather is that if the Board advertises its desire to acquire a piece of land the only form of protest which the owner or a creditor interested in the land can adopt is to approach the Supreme Court by way of interdict, which is a very expensive form of procedure. I hesitate to subscribe to the opinion that it can only be acquired by means of title which I venture to think at the moment cannot supersede the rights of indefeasible ownership to land. It is a very interesting question because there are several decisions which say that a transport can only be set aside if there is fraud or some act akin to fraud.

THE ATTORNEY GENERAL : The hon. Member says that no provision is made in the Bill as to procedure in cases of opposition. He has obviously overlooked section 21 of the Ordinance.

Mr. JACOB : I hold in my hand a copy of the Legislative Council debate of the 11th June last, and in His Excellency's Message to the Council he concluded with these words :—

“ Official members whose seats in Council would be affected by the proposed changes will, of course, take no part in the debate or in the vote.”

THE CHAIRMAN : I think the hon. Member is referring to a meeting of the Council when there was one particular subject before it—the question of changing the Constitution of the Council. So long as the Council is constituted as it is at present the existing Rules will be observed.

Mr. JACOB : I think you have anticipated me too fast. I am suggesting that the Attorney-General, on behalf of Government, has put forward a certain proposal, and if Elected Members are unanimous—

THE CHAIRMAN: I do not agree with the hon. Member there,

Mr. JACOB: I am just assuming that. I am asking you to accept the suggestion by Elected Members that the matter be deferred for further consideration. I protest against matters of this kind being voted upon by Members of the Council who have no real abiding interest in this Council or this Colony.

Mr. SEAFORD: I do not know anything about law and I do not want to know. If some hon. Member had been sitting on the Board and knew what difficulties we have to contend with they might take a different view of the matter. The whole function of the Board is to carry out drainage works in the declared areas, and unless it has the power to go on land and see that the drainage is carried out there is no use its functioning. What the Board is anxious to do is to have power to go on land and carry out works where and when it is considered necessary. I think the Commissioner of Labour and Local Government can tell the Council of numerous difficulties in getting on land unless that land happens to be the property of those who are willing to co-operate. It means litigation. It is usually only a strip of land, maybe a trench or something of that kind, that has to be handed over. That entails a considerable amount of advertisement, meetings and explanations. If that does not give the owners time to make out a case before the matter goes to the Governor in Council then I do not think they can have any case at all.

Mr. WOOLFORD: The hon. Attorney-General has referred to section 21 of the Ordinance which only refers to opposition in respect of the payment of compensation. The section reads:

21. (1) When any plan is deposited with the Registrar under section nineteen of this Ordinance any person who would have a right to oppose if transport of the land defined in subsection (2) of the aforesaid section were about to be passed by the owner thereof shall have the same right to enter opposition to the registration but that opposition shall be deemed to apply only to the payment of the compensation to the parties interested.

What we are contending for is whether some person who is interested in the land *per se* should not have the right to do so. I do say with very great respect

to the Attorney-General that his reference to that section is not applicable to the plea which has been made. The procedure is not at all apposite; it contemplates a different state of things and can only take place when the matter has reached a certain stage. At present if a person has rights he has them at the outset and not after the plan has been deposited. I have not had the benefit of a conference with the Attorney-General but I agree that some *modus vivendi* must be found to enable the Board to function. The question should not be approached merely by the difficulties pointed out as regards the acquisition of title. If in some way or other the Board could by legislation achieve its object, which is a very desirable one, I think we ought to do so. Some further research should be made before we enact legislation which we think will achieve its object but which will not prevent a land-owner from hindering the Board in carrying out its object.

Mr. DEAGUIAR: I thought I had made it clear that it was not my intention to do anything to impede the work of the Board. We know it is absolutely essential to give a Board of this kind the fullest possible scope. I am strongly supporting the suggestion which has been put forward, that instead of a vote being taken at this stage the matter might be deferred in order to give the hon. Attorney-General further opportunity of considering the several points which have been brought to his notice as a result of this prolonged debate.

Mr. C. V. WIGHT: The fact is that I am a lawyer and that is the reason I have risen to try to indicate what my view is on this Bill. I have no cavil or objection to not having been put on the Drainage Board, but if this piece of legislation goes through I do not want it to be said later on, if litigation ensues and I happen to make a few pence out of it, that I sat here and allowed it to go through for the purpose of so doing. If the hon. Attorney-General gives me the assurance that he has considered the matter in relation to the law of property I will sit down. We are talking from a certain amount of experience and knowledge of what land tenure is in this Colony. Let us look at the matter from the point of view of the average local farmer. His piece of land may be worth \$150, not a great

amount but a fortune to the individual against the abundant machinery and wealth of the Drainage Board. The costs to enable that man to bring action against the Board might be \$400. Could I advise that man to take action against the Board on the chance—for it would be only a chance—that he might succeed? I would instead advise him to accept \$150 or \$100 in lieu of his land, but that would not settle the point as to whether the Board would eventually obtain title.

Some hon. Members are apparently under the impression that we sit here to obstruct the Government. We are here to assist and co-operate with Government when Government is endeavouring to alleviate the lot of the people, but not because two or three individuals want certain things done it must be done. There is too much of that sort of thing and it has to stop. The British Empire is respected and will continue to be respected because of its administration of justice. I am asking Government to seriously consider this matter and give an undertaking that if this Bill goes through means would be provided whereby its provisions could be challenged by a poor individual. That is one of the drawbacks of the lawyers in this Colony who endeavour to serve their clients—the difficulty of going to the Courts. There are times when many appeals could be brought but one cannot advise his client to appeal when he has not the means of doing so.

MR. ELEAZAR: The hon. Member for Georgetown North (Mr. Seaford) does not want to be a lawyer and I do not want to be an engineer. Law is the essence of commonsense and engineering is commonsense put into practice. The hon. Member has told this Council that the Board cannot go on a man's land and put anything up unless the Board has title to that land.

MR. SEAFORD: I did not say that.

MR. ELEAZAR: I would like the hon. Member to say what he said. Public health officers go on people's land but they are not the owners of the land. It is a fallacy for anyone to say that we cannot give the Drainage Board sufficient authority to do all it wants to do on anybody's land without giving it title to the land. I cannot understand how anybody can pro-

pound that as a doctrine. I have lived here all these years and I have never heard such an astounding proposition.

THE ATTORNEY-GENERAL: The hon. Member for Western Essequibo (Mr. C. V. Wight) asked me to give the Council an assurance. This much I can say. The first undertaking asked for was that the subject matter had been considered by the Law Officers of the Crown. My reply is "Yes," on four or five occasions by three or four of my predecessors whose opinions I read and I agree with them. They came up in connection with the Sea Defence Bill and I have read those opinions and am satisfied with them. That much assurance I can give.

THE CHAIRMAN: The request made by the hon. Member for North Western District (Mr. Jacob) cannot, of course, be granted. As long as the Council is constituted as it is the business must proceed as usual. The hon. Member may be grateful for the support of the Official Members on some other occasion. The question to be put to the Committee under the Rules is that clause 2 as printed stand part of Bill.

The Committee divided and voted:—

*For*—Messrs. Mackey, Jackson, Peer Bacchus, Wood, Crease, Laing, D'Andrade, Austin, Seaford, McDavid, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary.—14.

*Against*—Messrs. C. V. Wight, Jacob, DeAguiar, Eleazar, Percy C. Wight, Woolford and Dr. Singh—7.

Motion carried.

Clause 2 passed as printed.

THE ATTORNEY GENERAL: I move that the following be inserted as clause 3 of the Bill:—

3. The proviso to section thirty-four of the Principal Ordinance is hereby amended by the insertion therein after the words "or education" of the following words—"is erected."

When the despatch was received from the Secretary of State stating that His Majesty did not propose to exercise his power of disallowance he pointed out that in the proviso to section 34 a predicate connoting construction appeared to have

been omitted. In other words the verb was omitted. The object of the amendment is to put the verb into the proviso. There is no danger to any private or public interest by putting the words "is created" in. (Laughter).

Clause 3 put and agreed to.

Bill passed as amended.

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed.—(*The Attorney-General*).

The Council adjourned for the luncheon recess until 2 p.m.

2 p.m.—

Messrs. F. Dias and T. Lee attended.

**Y.M.C.A. (COLONY TRUSTEES INCORPORATION (AMENDMENT) BILL, 1941.**

THE ATTORNEY-GENERAL: I rise to move the second reading of a Bill intituled "An Ordinance to amend the Young Men's Christian Association (Colony Trustees Incorporation) Ordinance by making provision to vest the property of the Association in the Trustees."

The Trustees of the Y.M.C.A. were incorporated by Chapter 222, and section 5 of that particular Ordinance gave the Trustees power to acquire property. Section 6 further gave them power to dispose of property. But in neither section did it vest property in the Trustees, nor did it mention any property vested in the Y.M.C.A. before the Trustees were formed. The laws of Trust and Trustee are very strictly construed, and no Trustee is willing to act upon an implied power. He must feel safe, and in this case the power of the Trustees to act in respect of property is merely implied. The 16th century lawyers held it was not wise or safe for a Trustee to act on implied power, the expression used in those days being that he was liable to be had by the heels. That is the position of the Trustees of the Y.M.C.A. in Georgetown.

The object of the Bill is to make quite clear that property possessed by the Y.M.C.A. prior to the appointment of the Trustees is vested in those Trustees, and secondly any property acquired by the Trustees after their appointment is vested in them. In other words, the Bill fills in two omissions in the original Ordinance, Chapter 222. I beg to move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed.—(*The Attorney-General*).

**TRANSPORT AND HARBOURS (AMENDMENT) BILL, 1941.**

THE ATTORNEY-GENERAL: I beg to move that a Bill intituled "An Ordinance to amend the Transport and Harbours Ordinance, 1931, by inserting therein provision respecting the liability of owners or masters in the case of loss or damage caused by vessels under compulsory pilotage" be read a second time.

Certain doubt has arisen in shipping circles both in the Colony and elsewhere, owners and charters of ships trading to this Colony, regarding the position if a collision should unfortunately happen between a ship under compulsory pilotage and another ship. Originally the matter was dealt with by a very old Ordinance in this Colony. It was enacted in the year 1864 and is called the Law of Merchant Shipping Ordinance. Section 3 of that Ordinance says (excluding those portions that are unnecessary for present purposes):

From and after the commencement of this Ordinance all questions arising within the Colony relating to the following matters, namely, ships, and the property therein and . . . . . collision between ships; . . . . shall be adjudged, determined,



construed and enforced according to the Law of England applicable to that or the like case.

That is quite clear, and in the case of a collision between ships under compulsory pilotage the English Law is that although the ship is under compulsory pilotage, nevertheless the Pilot is not liable for any damage caused by that ship. That has been the position for many years. In 1931 the Transport and Harbours Ordinance was enacted in this Colony, and in that particular Ordinance there were four sections dealing with pilotage. It said that pilotage should continue to be compulsory and made various provisions with regard to pilotage. Since the enactment of that Ordinance two distinct lines of argument have arisen among shipping men and lawyers. Counsel for "A" says: In a case of a collision between ships under compulsory pilotage I stand by section 3 of the Law of Merchant Shipping which says that in a case of a collision the Law of England applies, which is that the Master and not the Pilot is responsible for any damage." The lawyer on the other side says: "I stand by the Transport and Harbours Ordinance which provides for local pilotage and, therefore, as far as any question relating to pilotage is concerned, you need not look to the Merchant Shipping Ordinance as we have made our own law on the subject for this Colony and therefore to that extent the original Ordinance is impliedly revoked. We provided for matters relating to pilotage and we said the Pilot is in charge of the ship and finished there. On the face of it the person in charge of anything is responsible for any damage caused by that thing, and therefore if it was meant that any other person than the one in charge should be responsible the Legislature would have said so when that Bill was enacted." I leave it to hon. Members to say on which side they would be, but I know which brief I would rather hold.

To get over that, this Bill has been introduced and read a first time, and the wording of this particular clause it is sought to enact is the same as that of the Law of England. That is to say, although a ship is under the charge of a pilot in a compulsory pilotage area and that ship unfortunately gets into collision with another ship nevertheless the Master of the ship and not the Pilot is responsi-

ble. That is the law of the United Kingdom and as far as I am aware of the British Empire in general. No change in the law is made by this alteration it only declares what is the law now and is merely put before this Council so as to remove any possible doubt—doubt which has been expressed in shipping circles here and abroad.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. —(*The Attorney-General*).

#### NEW AMSTERDAM TOWN COUNCIL (AMENDMENT) BILL, 1941.

THE ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled "An Ordinance to amend the New Amsterdam Town Council (Amendment) Ordinance, 1940, by correcting certain references to the date which certain specified periods shall be calculated."

This Bill is rendered necessary by an amazing error in the principal Ordinance itself. As hon. Members are aware, an amending Bill when it passes this Council and when it is enacted immediately becomes part of the principal Ordinance. In the amending Ordinance in question the expression was used "of the commencement of this Ordinance." What was intended was the date the amending Ordinance was passed. The moment the amending Ordinance was enacted it became part of the principal Ordinance and dated back to the original date. That was not intended. It was overlooked by everyone concerned and to correct that it is sought to substitute "from the first day of January, nineteen hundred and forty-one," the date of the commencement of the amending Ordinance. That was always intended.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. —(*The Attorney-General*).

DAVSON CENTENARY FUND (AMENDMENT)  
BILL, 1941.

THE ATTORNEY-GENERAL: I beg to move the second reading of a Bill intitled "An Ordinance to amend the Davson Centenary Fund Ordinance by conferring discretionary power on the Committee to make payments, not exceeding a specified proportion of the interest available for distribution, to the Committee of the Medical Library at the Public Hospital, Georgetown."

The amendment proposed is of a very minor character, but as the original Ordinance, chapter 221, contains an error the whole section has in effect been redrafted and is now submitted to the Council. I shall point out in due course the change in the law it is proposed to make, but actually it is very small. I wish hon. Members to understand that it has been re-enacted merely to correct an error.

The proviso to subsection (2) of section 6 is really a substantive enactment. A proviso is an exception to a section or subsection and should not contain substantive law. This particular one does, and as an amendment is necessary that is done at the same time by re-enacting the whole section.

This Bill deals with the Davson Centenary Fund. This Fund was established by Messrs. S. Davson & Co. Ltd., New Amsterdam, to provide awards for medical practitioners for medical research work and for certain other purposes. The Fund is vested in Trustees and is invested, and the interest earned thereon is accumulated for a period of three years has to be used at the end of each three years; it has to be used in certain manner. That is the law

as it now exists and also as provided in this Bill. In the first place it goes to provide a gold medal for the medical practitioner who has done the most useful research work on behalf of the Colony throughout the previous three years: secondly, if any medical practitioner submits a very valuable thesis other than the one for which the award of a gold medal is given, the Committee may award him a silver medal; and thirdly, any thesis submitted to the Committee which it cares to publish may be done at the expense of the Fund. Having gone thus far the balance of the Fund has to be divided into two equal parts—one half goes to an organization or fund having for its object the improvement of health or amelioration of disease in the County of Berbice. Down to that point the law as it stands now and the law set out in the Bill are the same, but here comes the change.

In the existing law the remaining half of the residuary portion goes to a similar organization in either of the Counties of Demerara or Essequibo. It has been pointed out that medical practitioners in this Colony have got no good medical library to refer to and they can do better work provided a good library is available. It is the same with legal practitioners, and I suppose these are the two professions which require most the use of a library. The Trustees and Committee desire to help to establish a library. I may say there is a small library now at the Georgetown Public Hospital and the hon. Dr. MacLennan, Director of Medical Services, from his departmental vote, endeavours to add to that library. The donors of the Fund and the Committee are both willing to make a donation from the Davson Trust Fund to this library if they may do so, but unfortunately the library is not an organization or fund having as its object the improvement of health or the amelioration of disease, and so they cannot do it. The sole object of the Bill is to enable them to do so.

Paragraphs (b) and (c) of subsection (6), of the new Section 6 now provides that the second half of the residuary fund instead of going only to an organization in Demerara or Essequibo may be given at the discretion of the Committee to such an organization or to the library at the Public Hospital Georgetown,

or divided in proportion between the library and such organisation. That is the sole change which is sought to be made in the law by this Bill. I move its second reading.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed —(*The Attorney-General*).

SUPPLEMENTARY APPROPRIATION (1940)  
BILL 1941.

Mr. McDAVID (Colonial Treasurer):

I beg to ask the Council to defer consideration of the second reading of this Bill until items 15 and 16 dealing with supplementary expenditure for 1940 have been approved by the Council.

Question put, and agreed to.

Consideration deferred.

CUSTOMS (WAR POWERS) (AMENDMENT)  
BILL, 1941.

Mr. D'ANRADE (Comptroller of Customs): I beg to move that a Bill intituled "An Ordinance to amend the Customs (War Powers) Ordinance, 1939, by making provisions with respect to the date on which it shall cease to have effect" be read a second time.

Section 2 of the Customs (War Powers) Ordinance, 1939, provides that section 29 of the Customs Ordinance shall have effect whilst a state of war in which His Majesty is engaged exists as if, in addition to the articles therein mentioned, there were included all other goods of every description whatsoever. Subsection (2) of that section reads:

A prohibition by proclamation of the Governor issued under section twenty-nine of

the Customs Ordinance, as amended by this section, may, whilst a state of war in which His Majesty is engaged exists, extend either to goods consigned from or grown or manufactured or produced in any country or place or to goods consigned from or grown or manufactured or produced in the country or place specified in the proclamation.

The words "whilst a state of war in which His Majesty is engaged exists" which appear in both of the two subsections are considered to be too indefinite, and it is desired that a definite date be fixed in the Ordinance. The object of the Bill, therefore, is to delete those words where they appear in the two subsections and also to repeal section 13 of the Ordinance which provides that it shall have effect only during the continuance of the war and substitute therefor a new section reading as follows

(1) This Ordinance shall expire on such date as may be fixed by the Governor by Order in Council.

(2) The expiry of this Ordinance shall not affect the operation thereof as respects things previously done or omitted to be done.

The object is to have a definite date on which this Ordinance shall cease to exist. I move that this Bill be read a second time.

Mr. LAING (Commissioner of Labour and Local Government) seconded.

Question put, and agreed to.

Bill read a second time.

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

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed.

CUSTOMS DUTIES (AMENDMENT) BILL, 1941.

Mr. D'ANDRADE (Comptroller of Customs): I beg to move that a Bill intituled "An Ordinance further to amend the Customs Duties Ordinance, 1935" be read a second time.

The object of this Bill is to amend the Customs Duties Ordinance, 1935, in respect of several of the items in the four Schedules thereto. The amendment of the

First Schedule to the Principal Ordinance is the repeal of the proviso to item 52 and the substitution of the following proviso therefor :

Provided that no duty shall be payable on sweet potatoes which are imported into the Colony from any part of the British Empire during the months of January, February, November and December in any year.

The amendment reads exactly the same as the original proviso except for the substitution of the words "British Empire" for the words "British West Indies." The effect will obviously be the same as at present. We import sweet potatoes from no other part of the Empire than the British West Indies, but the change has been made to conform strictly to the Canada-West Indies Trade Agreement.

Clause 3 provides for the repeal of items 4 and 5 of the Second Schedule. Those two items are—

Item 4—Cotton piece goods of a yardage value not exceeding 1/- but excluding any woven fabric, which, although in piece lengths, have a marked point for cutting, so that a distinctive article may be produced 15% British Preferential Tariff 30% General Tariff.

Item 5—Cotton piece goods, other—16  $\frac{2}{3}$ % British Preferential Tariff and 33  $\frac{1}{3}$ % General Tariff.

The result of the removal of these two items would be that all cotton piece goods would come under item 14 which reads :

All other goods not in this nor in the First and Third Schedules particularly mentioned, nor in the Fourth Schedule particularly exempted... 16  $\frac{2}{3}$ % British Preferential Tariff and 33  $\frac{1}{3}$ % General Tariff.

In other words the duties payable on cotton piece goods will remain the same as at present but the duties on cotton piece of a yard value below 1/- will be 16  $\frac{2}{3}$ % British Preferential Tariff and 33  $\frac{1}{3}$ % General Tariff. The small difference between the old and the new rates of duty—1  $\frac{2}{3}$ %—cannot possibly be passed on to the users of cotton piece goods. 1  $\frac{2}{3}$  per cent. on cloth under 1/- per yard only works out at a very small fraction not exceeding  $\frac{1}{3}$  of a cent. In addition it gives a considerable deal of trouble to the Customs Department and those making out entries for the Customs in differentiating between the various brands of cotton. In respect of cotton which is valued at ten pence and

a fraction or at eleven pence and a fraction F.O.B. the prices are usually fixed at F.O.B. in the invoice, whereas our Customs duties are based on C.I.F. values. You therefore have to convert the F.O.B. price to C.I.F. price, and the matter of a fraction of a cent will put it either above or below the price of a yard. Considerable confusion is caused and it is felt that the difference should be removed and all cotton piece goods placed on the same level.

Clause 4 provides an amendment of the Third Schedule to the Principal Ordinance and reads :

(a) by the insertion in item 2, between the words "for bottling preserves" and the semicolon which next follows those words, the following—"honey or milk ;"

The object of that is to permit of the admission of bottles intended for bottling honey and milk at the lower rate of duty—2 per cent. British Preferential Tariff and 5 per cent. General Tariff—at which bottles for bottling preserves are now being admitted.

(b) by the repeal of item 8 and the substitution of the following item therefor—  
Printing paper ordinarily used for the printing of newspapers, posters, printed books, and the like; printers' cards; paper used for book-binding or book covers and paper used for printing forms supplied under contract to the Government; printing ink and printing ink reducers and driers, used exclusively for letter press or lithographic printing; roller composition; book-binding sundries, including leather, canvasses and cloths, straw boards, gold leaf, glue and thread; lithographic cameras and lithographic films for use exclusively in lithographic printing; all when imported by or on behalf of the conductor of any newspaper or printing establishment for the exclusive purpose of being used by him in the course of his trade as that conductor . . . 2 per cent. British Preferential Tariff and 5 per cent. General Tariff.

This item, as it now reads, is exactly the same as it was originally with the exception that "printing ink" and "printing ink reducers and driers," previously confined to press printing, are now extended to lithographic printing, and the words "lithographic cameras and lithographic films for use exclusively in lithographic printing" are also added so as to enable articles for printing done by the lithographic process to be admitted at the same rates of duty as that for letter press printing.

Clause 5 provides for the addition to the Fourth Schedule of a new sub-item to item 1 to read as follows :

(41) Cones of not less than 2,000 yards of sewing cotton, interlining for collars, collar bands and cuffs of shirts, buttons, hooks and eyes, collar supporters, metal studs, pyjama frogs and girdles, starch and stiffening compounds, triacitin, pins, glue, printed or woven labels and tags, marking paper, marking ink, tin plates for patterns, cellophane paper, card boxes, cards for packing and retaining shirts when folded for delivery from the factory and such other articles intended for use in a shirt or pyjama factory as may be approved by the Governor in Council:

Provided that the provisions of this sub-item shall apply only to goods of British Empire origin which are imported to the satisfaction of the Comptroller of Customs for use in a *bona fide* shirt or pyjama factory.

This provision is similar to that which exists in the Trinidad Customs Ordinance and is intended to assist the local shirt and pyjama factories. The clause also repeals sub-item (7) of item 5 and substitutes therefor the following new sub-item.

(7) Materials for use in the manufacture or packing of candles, soap, edible oils and margarine, viz: tallow, stearine, palm oil, caustic soda, silicate of soda, rosin, soda ash, fuller's earth, alum, dyes, vitamin oil and paper boxes.

There are only three new articles in that sub-item—margarine, vitamin, oil and paper boxes. The words "or packing" have also been added. The object of this amendment is to add those articles to the list of exemptions in order to improve the standard of margarine manufactured in this Colony. I move the second reading of the Bill.

Mr. LAING (Commissioner of Labour and Local Government) seconded.

Mr. DE AGUIAR: I cannot allow this opportunity to pass without saying something on this Bill, lest hon. Members think I am in complete agreement with it. This Bill does not look as innocent as the hon. Comptroller of Customs has led us to believe. I shall deal particularly with clause 3. I noticed that he even dropped his voice and tried to make it appear that there is nothing about it, as it only means the repeal of items 4 and 5. He then went on to say that those items fall in another category—item 14. He brushed aside the effect of that so glibly that for a moment I thought I would be

wrong if I got up and made any remarks on it. There is no doubt that as soon as this Bill becomes law, immediately the duty on cotton piece goods, a very cheap article of clothing, will be increased from 15% to 16 $\frac{2}{3}$ % ad valorem. That looks like a small increase in itself, but when you take into consideration the General Tariff that is where I am a little bit disappointed. I thought the hon. Comptroller of Customs would have made reference to the General Tariff under which the duty would be increased from 30% to 33 1/3%. If you were to import those articles from Empire sources the increase is only 1 $\frac{1}{3}$ %, and it is true it may be negligible from the hon. Comptroller's point of view. He looks only at the revenue end of it. Anything that brings in an extra \$5,000 is not only welcome to him but is greatly appreciated.

But what I appreciate is that a lot of these articles is imported from foreign sources especially to-day. We have to go to the United States of America for most of these articles now-a-days, and in that case it is not only an increase of 1 $\frac{2}{3}$  per cent., working it out as he did at less than a cent, but 3 $\frac{1}{3}$  per cent. which, working it out on the same basis, will carry it up to a cent. It will mean an increase of a cent a yard. I hope to be convinced that it is not so. It is not my line and I know nothing about it except to wear it, but I do know that cotton piece goods imported from the United States of America are admitted under the General Tariff at a duty of 33 $\frac{1}{3}$  per cent. while under the British Preferential Tariff the duty is 16 $\frac{2}{3}$  per cent.

In so far as clause 6 is concerned, I am glad that something is being done in that direction. I think that is something which was being asked for a very long time. I am sure that it will be of benefit to the Colony. I merely rose to draw attention to clause 3 of the Bill.

Mr. ELEAZAR: The hon. Comptroller of Customs is a kindhearted individual trying to get a couple of dollars for this Colony. What I am thinking is that though this increase is so small, it means 120 per cent. increase to the consumer. I have been told by a man, who happens to know as he is an importer, that these cotton piece goods, a cheap line of goods, were sold at 14 cents a yard before the

war in 1939 and are being sold to-day at 32 cents a yard, an increase of over 100 per cent. This little bit of increase in the duty will bring the Colony a few dollars, but it is going to cost the taxpayers I don't know what. Government, I think, ought to begin to examine those stores that tell people they have no goods. They got the goods in 1939 and would not sell to the ordinary man; they are keeping them to sell when the prices have gone up so as to make 100 per cent. and in some cases 200 per cent. profit. I think something should be done in the way of enquiring into that matter.

This small increase, which looks very innocent and which the hon. Comptroller says is not going to be passed on to the consumer, is going to be passed on with a vengeance. I doubt very much that it will not be passed on, as when they got the goods cheap there was no war on yet and the Customs duties were very low but they raised the price 100 per cent. What do you think will happen now that you increase the duties? You are putting on one cent a yard and they will put on 20 cents, and that article is for the poorest of the poor. I do not know much about the particular line of goods but my informant is a man who happens to know all about the cost of these goods, and I know that the selling price now is over 100 per cent. in some cases and nearly 200 per cent. in other cases.

Mr. D'ANDRADE: I should have mentioned the difference between the British Preferential and the General Tariffs. The imports of cloth from January to August of this year under the British Preferential Tariff amounted to \$527,000 and those from foreign countries amounted to \$91,000, so that by far the greater quantity was imported from Empire sources. With regard to the increase of 3  $\frac{1}{2}$  per cent. in the General Tariff, as the hon. Member said, it would mean an addition of a cent a yard on the foreign cloth. The question of fixing of the prices of cloth has not escaped the attention of the Control Board, but it is an exceedingly difficult matter and the Board has not given it up altogether. We are still seeing if we can adopt some means of controlling the prices of textiles of all kinds. Cloth dealers will tell you that cloth is sold at 16 or 18 cents and the price

is never fixed at uneven figures. I am certain that the increase under the British Preferential Tariff will not be added to the selling price of the goods, and I will go so far as to say that the price of the foreign cloth will not be increased by one cent. In fixing the prices the Board will be able to overcome any difficulty in that respect.

Mr. ELEAZAR: I wonder when is that to be—the millenium? Government must take the initiative and see what they are doing in Water Street.

THE PRESIDENT: The hon. Member has already spoken.

Mr. ELEAZAR: Oh, we are not in Committee! I shall wait until then. (laughter).

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. —(Mr. D'Andrade, Comptroller of Customs).

#### HOUSTON-CRAIG RIVER DEFENCES.

THE COLONIAL SECRETARY: I beg to move—

That with reference to Governor's Message No. 10 dated 14th June, 1941, this Council approves of protective river defence works being carried out between Houston and Craig on the east bank of the Demerara River at an estimated cost of \$38,000 as a special case on the conditions laid down in the Message and of the necessary provision being included in a schedule of additional provision for 1941.

As had been explained in the Message, the hon. Director of Public Works and Sea Defences (Mr. Case) reported a little while ago that there was serious erosion taking place on the East Bank of the Demerara River and pointed out that this erosion was likely to lead to serious damage to house property, cultivation and the public road unless steps were taken to check it. The principle followed by Government

in the past with regard to river defences is one that is very clearly stated and has been repeated in the Message laid before hon. Members. At present Government maintains that defence against erosion by the rivers is the responsibility of individual proprietors and local authorities where they exist, but when damage to Government property is involved or where the matter is one in which the interests of the whole community are affected special grants have been made. Hon. Members will recall that not very long ago, in 1931, this Council considered the special case of the river defences of Bartica, and in that instance special provision was made in respect of the financing of those works.

In this case, Mr. Case has pointed out that in his opinion the serious erosion which is taking place is due largely, if not entirely, to the increasing traffic of ocean-going steamers on the Demerara River. That is a matter which, hon. Members will agree, is governed by national emergency. One does not like to say very much more on that point, but hon. Members will appreciate that, in view of the opinion expressed by Mr. Case that this increased traffic of ocean-going steamers on the river is responsible for the increase of the erosion, Government feels that the protection of the river bank in this particular area is a matter of public concern and for that reason invites this Council to approve of the works being carried out at public expense at a cost of \$38,000, although in this particular instance it is recognized that a great proportion of the defences will be constructed on property owned by private proprietors.

One point I would like to make clear, and that is if the Council approves of the works being carried out it would in no case violate the principle adopted by Government because provision has been made that in a matter of public interest special concessions are granted. If the Council agrees to the works being carried out from public funds, it would be made clear that liability for future maintenance rests entirely on the private proprietors concerned.

Mr. DIAS seconded.

Mr. C. V. WIGHT: There is a saying that there are certain species of animals

that know which limb to jump upon. I do not know if I can characterize Government as being in that class. It seems that the whole of this is a rather interesting expenditure which Government would welcome and the Public Works Department would welcome more still. I would like to discover the reason for the statement that liability for future maintenance works rests on the proprietors. There is no doubt that ocean going steamers are still travelling up and down the river and that the erosion is still being caused by that. We presume that the poor proprietors will have to continue the maintenance in respect of a matter which is now being put before this Council as one of urgent public interest. I do not know if the proprietors are unable to bear any portion of the cost of the construction now, but if that is so then, are they likely in the future to be able to do so? I do hope Government would levy rates or taxes for the maintenance of these works. If that is intended, why not let us have it done right away. As a matter of general importance to the community, we all know that it is caused by increased traffic of ocean-going vessels travelling on the river. We presume and trust that those vessels will further increase in quantity. Then the whole case or the penultimate line of paragraph 5 of the Message seems, perhaps, to need a little reconstruction or attention to that effect.

Mr. LEE: May I enquire the exact position where this erosion is taking place?

THE COLONIAL SECRETARY: To a point of explanation! The area affected is between Houston and Craig. The number of feet it is proposed to erect is 18,850 feet of earth dam and 400 feet of concrete wall. At the village district of Craig and Good Success, 3,200 feet of earth dam and 400 feet of concrete wall will be erected; at Diamond Estates, 11,700 feet of earth dam; at Golden Grove, 400 feet of earth dam; at Bagots-town Country District, 1,150 feet of earth dam; at Agricola Village District, 1,000 feet; and at Rome or Macdoom Village, 1,400 feet of earth dam.

Mr. ELEAZAR: I do not know how to compliment Government in this matter, because Government seems to have oily-tongued officials and whenever it needs them

it brings them out to soothe the Council down and get what it wants. Government all these years has maintained that wherever erosion is taking place in the river areas it is the people's own business. I think Your Excellency is quite aware that a village was wiped out completely by erosion of the river; all the houses have tumbled down and the fruit trees killed out; all for the want of the expenditure of the miserably paltry sum of \$500. Here, however, \$38,000 is being sought to be used for a similar purpose. It is claimed to be a special case, but a special case means that when you require a big amount to expend you can bring it but not a sum of \$500 or \$600.

THE PRESIDENT: It is not the amount only that counts!

Mr. ELEAZAR: Take the case of the village up the river in the district which I happen to represent. The tide was washing out the people and tumbling down their houses, and the matter was even more urgent than this one. Wherever the public road becomes the sea dam, wherever there is no dam between the public road and the river and wherever the public road forms the sea dam erosion continues, it is manifestly not correct to say that it is not a matter of public interest. It is the same old policy of obscurantism. Where you have the public road as the sea dam and there is erosion, when you go to Government and it is Mr. "A" involved Government says "Oh, no, it is your business," but when it is Mr. "B" involved Government says: "Oh poor fellow he has his estate there; he makes 100,000 tons of sugar and there is a war on; it is of public interest." Lord Moyne says sugar is bringing a good price now, but the estate proprietors are saying: "We are poor, let us go to Government to help us." Government then gets an oily-tongued official it has in the different departments to get it through. I am not surprised that the hon. Colonial Secretary has been given this job; it is because Government knows that he can do what is to be done.

I am not opposing this motion because I think it is desirable and the works should be done, but what I am objecting to is the policy by Government. Ithaca has been similarly threatened for a long time and I

told Government about it, but nothing has been done. We have always been told that river defences are not sea defences but the sea defence expert has given up sea defences and we find that river defences are now sea defences. That kind of somersault is not good enough. The policy of Government is bad and it is worse when you come to consider it in the light that the people in this instance are well able to pay while those, who were abandoned to their fate in the other instance, were people who could not pay and their village went to the dogs. Let this be done, but do not forget it when a similar matter comes up again in respect of the poor people.

THE PRESIDENT: I do not think the hon. Member has had time to read the Message or he would have seen that the circumstances are exceptional. In the case of Berbice River to which the hon. Member referred, it cannot be said that increased traffic of ocean-going vessels on the river is doing the damage which is being done in the Demerara River. I am glad to hear the hon. Member is supporting the motion.

Mr. ELEAZAR: If the vessels damage the banks of the river, then let the owners of the vessels pay, if not let the owners of the estates pay. If the vessels are not paying sufficient taxes, then tax them more; if the men who are growing sugar there are not sufficiently taxed, then tax them more. The other people have not one cent except their houses which are tumbling and their fruit trees which are dying out.

THE PRESIDENT: I must remind the hon. Member that the Council is not in Committee.

Mr. ELEAZAR: Your Excellency must excuse me. I am going to restrict myself after this. (laughter).

Mr. JACOB: I have no serious objection to this Message, but what I object to is the very bald and general way in which this money is to be spent. \$38,000 is to be spent with absolutely no details given. When one hon. Member questioned where the work is to be done, then a slip of paper was taken out—

THE PRESIDENT: It is clearly stated in the first paragraph of the Message.



Mr. JACOB: That may be so from Government's point of view. I am not disappointed at that reply. What I am asking is this. I would like to know how much material and labour will be used because, as Government knows, the hon. Member for Essequibo River (Mr. Lee) and myself have been trying to investigate certain details about public works expenditure and we are still in the air, although we had a definite promise and assurance from the President of this Council that those details would be supplied. Government has deliberately declined to supply them. This Council is asked to vote \$38,000 to be spent on public works but no details are given, and then we are told that paragraph 1 of the Message gives the details.

THE PRESIDENT: The hon. Member asked where the work was to be done and I was referring him to the two places named in the first paragraph of the Message. I did not realize the hon. Member was asking for details of the quantity of materials and labour.

Mr. JACOB: I am very familiar with Pln. Houston and Craig Village. They are a distance of over eight miles apart. As I was saying, after the details were asked for a slip of paper was taken out by the hon. Colonial Secretary and certain figures were given to the effect that 18,850 feet of earth dam and 400 feet of concrete wall were to be constructed. I want more details than that, and I am saying definitely that I am sure that \$38,000 will not be spent on the works which are to be carried out there. A good lot of it may be washed overboard or passed on to some people who have done no work. (Loud murmur of disapproval). I am making a definite statement, and I am going to carry it a little further. We are definitely not given the information because we had asked for particulars concerning public works which had been carried out at Craig, the very place mentioned in the Message, and had not been given them. We asked for particulars in respect of payments made at Golden Grove-Nabaclis and were not given them. We actually held up payments to workmen who never worked and, although we approached His Excellency the Governor and asked that those men be not paid, they were paid. I am sure that those people did not work. A motion is now brought to this Council for \$38,000 to be spent

immediately, and no details are given. Is it any wonder the finances of this country are in such a chaotic state? If it can be profitably spent by all means have it, but half of it will definitely be stolen by public works employees.

Mr. SEAFORD: To a point of order! The hon. Member has just made a statement that he cannot substantiate. The hon. Member cannot make such a statement. I would not sit here and hear Government Officers accused in that way. He distinctly stated they will steal it, and he should be asked to withdraw the statement. It's a disgrace.

Mr. JACOB: I am not surprised at the hon. Member taking objection. I do not know if he is connected with the Public Works Department.

Mr. SEAFORD: To a point of order! I will not accept any such remarks from the hon. Member. I beg to ask that he be made to withdraw that statement. He knows that I am not connected with the Public Works Department. I know what further steps to take. I refuse to sit here and be insulted by anyone who calls himself an honourable Member of this Council.

Mr. JACOB: I do not know why my hon. friend interrupts me. It does not affect him; he is not an employee of the Public Works Department.

THE PRESIDENT: The hon. Member made a definite statement here that someone in the Government Service is guilty of theft. I require him to give proof of that.

Mr. JACOB: I am prepared to give proof.

THE PRESIDENT: It's a statement which he makes very often in other places, and I have not yet found him able to prove it. When it comes to making the statement in this Council I must call upon him to prove it or withdraw it.

Mr. JACOB: I am prepared to prove it.

THE PRESIDENT: You will prove it elsewhere. Proceed with the motion before the Council.

Mr. JACOB: I make the statement that a good deal of money was stolen.

Mr. ELEAZAR : I rise to a point of order ! The hon. Member is persistent in making the remarks because he knows he is protected as a Member of Council. He will not do that outside because someone may bring an action against him for libel or slander and hurt him. Rule him out of order, sir !

Mr. JACOB : I am not out of order.

THE PRESIDENT : The hon. Member says he can prove it, but he will not be allowed to continue repeating that allegation.

Mr. SEAFORD : The hon. Member said 50 per cent of the amount was stolen.

Mr. JACOB : Maybe five per cent. then.

Mr. SEAFORD : Oh, no ; the hon. Member said 50 per cent.

Mr. JACOB : If my hon. friend, the Member for Berbice River (Mr. Eleazar) had seen the correspondence that had passed between the Government and myself I am sure he would not have got up and said what he did. If the hon. Member for Georgetown North (Mr. Seaford) had seen all the correspondence—he may have seen some—if he had seen all the charges we have laid, speaking also on behalf of the hon. Member for Essequibo River—

THE PRESIDENT : I hope the hon. Member will add “ not yet proved.”

Mr. JACOB : Because Government definitely declined to give us the particulars to prove them. I welcome the statement made by Your Excellency as President of this Council that you will give us the opportunity to prove this statement. I am not prepared to stand here and make statements which cannot be proved, but I am prepared, provided you do the other part, to prove them. I had challenged certain statements and asked for names and the authorization on which the payments were made. I had asked to see the parties but the Deputy Director of Public Works definitely declined to do anything. I presume it is going to be said that all this is untrue, but they are definitely true. I have them in writing.

THE PRESIDENT : I am afraid you cannot deal with those items now. The

hon. Member has addressed Government very often on this subject and the last thing was that he wanted to examine certain pay sheets. I am not prepared to allow the debate to continue along these lines.

Mr. JACOB : Your Excellency can rule me out of order. I welcome that, but if Your Excellency thinks the matter is resting there, I can assure you it is not. I have made a definite charge and, if anything I have said is held to be wrong, it cannot be proved in this Council but will be proved in another place. Application will be made to have it investigated and Government can decline it. I would certainly like to see a detailed statement of this proposed expenditure. I am not against voting this \$38,000, because by the time it has been spent this Council will be invited to vote probably another \$38,000. That has been the experience of the Public Works Department, and I do not think that is going to be denied. I deprecate the idea. I have done certain work in the interest of the Colony, and I am prepared to pursue that work and expose all these irregularities that are occurring. I am prepared to expose the people concerned with the irregularities particularly in respect of the Public Works Department.

The statement is made that we are asked for \$38,000 for works and no details are given. I will not be a Member of this Council if its business is to be conducted in such an indefinite manner. I hope to have a better opportunity to attack the affairs of the Public Works Department I have something more to say when the supplementary estimates for that department are before the Council. I do demand definite details about how this money is to be spent.

Mr. LEE : I am opposing this expenditure for the reason that some years ago I applied to the Government for assistance on behalf of certain proprietors in the island of Leguan, who were unable to meet the expenditure on the construction of a river dam in order that their rice cultivation can be extended, and though it was a matter of public interest Government declined saying that it had no money, and although it was only a matter of \$5,000 or \$7,000 involved. In this instance because certain people require \$38,000 to be spent on a river dam they are to have it.

THE PRESIDENT: I cannot understand what the hon. Member is referring to. No one asked for it. This work is being undertaken because the damage done is caused by the increasing traffic of ocean-going steamers on the river. This work is of a very important nature owing to national development, and Government requires it to be done.

Mr. LEE: It is because of the "cause" it is being done, and I am saying that the construction of the dam in the island of Leguan for the greater cultivation of rice is also for the "cause". I do not see why Government is going to spend \$38,000 without giving this Council details of the expenditure, and I endorse everything the hon. Member for North West District (Mr. Jacob) has said. We are trying to pry into and prove irregularities which are going on in the Public Works Department, but Government is putting stumbling-blocks in our way. When we could have done it with the pay-sheets and we told Government the method used and how the perpetrators could have been caught, as Your Excellency knows, it leaked out and the people did not turn up for the payments.

THE COLONIAL SECRETARY: I rise to a point of order! The business of this Council will not be concluded unless we adhere to the business before it, which is River Defences Works. We are not considering public works irregularities or misdemeanours.

Mr. LEE: It is the same way a portion of this money will be frittered away, as was done on the East Coast. We are trying to assist Government to see that this money is properly spent. If, however, it is to be spent as at present then it is a waste. That is why we are asking for details. Further I am trying to prove to the Council that there was an occasion when certain inhabitants asked for a small assistance in order that they could cultivate more rice, which is essential food for the "cause", and were not given it. I certainly will oppose this motion.

Mr. JACKSON: When I read the motion in the Order of the Day I thought Government would certainly have come in for a bouquet, but I am a little bit disappointed at finding that brick-bats have

been supplied instead. I think Government ought to be complimented on the attitude it has adopted in connection with this matter. So far as I am concerned, I would like to see as far as possible a portion of the river defences being made a charge on the Colonial Funds. I think the people on the river banks are certainly entitled to the assistance that Government can afford in order that they may be safe from what has been termed "destruction", and I do not see that any question should be raised on the point of spending \$38,000 for the benefit of the people on the East Bank, Demerara. It is true that the rivers occupy a very large proportion of the country, far larger than the coastlands, and while Government has been asked with propriety to make the sea defences on the coastlands a colonial question it would be a difficult thing to make the river defences so on the whole, but I do not think that any question should be raised with respect to assisting the people to the extent that Government has decided to assist them.

I was a little bit amused when my friend, the hon. Member for Berbice River, referred to houses being lost for want of the expenditure of a paltry sum of \$500, and also when the hon. Member for Essequibo River talked about the Leguan matter. Do they mean to argue that because it was not done in certain instances and Government finds the necessity of doing it in another instance, that should be a reason why it should not be done? Experience teaches wisdom. If by not assisting people destruction came, well the other plan should be adopted to assist other places so that destruction may be averted there. At the present time the coastlands have been saved by the policy of Government in assisting in the matter of sea defences, and if that had been the policy for many years past many large sugar estates now extant would have been spared. I have in mind Bel Air estate, also Windsor Forest. But for the fact that the proprietors were unable to maintain the sea defences those estates would have been still established and still giving benefit to the people of the Colony.

I am sure that an expenditure of this kind undertaken for the benefit of the people will certainly be accepted by this Council because of the benefit the majority will receive. I am not concerned over the

allegations made in regard to the expenditure of that money. What I am mostly concerned over is that the erosion should be stopped and that the people of that district should share some measure of benefit thereby. I therefore will give the motion my hearty support, and I trust that whenever occasions of the kind arise for Government to step in and save disaster Government will take courage in its hand, notwithstanding the missiles that may be discharged by detractors, and perform what it considers right.

Mr. WALCOTT : I am opposed to this motion. Government might disclose in the figures quoted by the hon. Colonial Secretary exactly how much is likely to be spent at Craig and elsewhere. He gave us the amount of work that had to be done in concrete and the amount on earth dams. All the foreshore from La Penitence to Craig is privately owned. I would like to know what other place between Houston and Craig is not privately owned. I am of the opinion, and I believe I am correct when I say, that the whole foreshore on the East Bank, Demerara, is owned by sugar estates. Therefore I feel that practically the whole of this money is going to be spent in the protection of Craig where it is proposed to construct a concrete wall. I feel that in the circumstances Government should give actual details as to the works without any attempt at camouflage. That is what the hon. Member for North-West District has been getting at. Of course I altogether disagree with his making allegations of the nature he did. Unless he can prove them——

Mr. JACOB (sotto voce) : I can prove them.

Mr. WALCOTT : It is up to Government to see that those allegations are proved or withdrawn, or that the men who make those allegations are named. It is a sad confession of weakness on the part of Government if it allows such allegations, as have been made in this Council to-day, to pass by without taking proper notice of them.

Coming back to the vote of \$38,000 asked for, with all due deference to the hon. Director of Public Works, who I presume is Mr. Case who is an expert on such works, I think it is an exaggeration to say

that steamers going up and down the river twice a day have caused such considerable erosion at that particular point where the river is over a mile wide. I doubt it very much. I think most of this money is going to be spent at Craig, and I would like Government to enlighten me further as to that. If that is the case, then I feel Government should have stated definitely where the money is going to be spent. I do not wish to compliment Government for doing anything that is not correct. If practically all that money is going to be spent at Craig, then we should have been told so.

Mr. DE AGUIAR : I think it is regrettable that certain hon. Members have introduced in their remarks matters which do not fall within the four walls of this motion. Speaking for myself, I am more concerned with the principle that is involved, and I would prefer to listen to other criticism of Government policy or to a suggestion or request as to why some decision is not made by Government regarding its future policy on river defences. I am not so much convinced about the desire to adhere to the principle as outlined in the motion because I am certain of danger there, but I can hardly understand how one can keep on airing principles and at the same time creating precedents. My hon. friend is quite right in taking Government to task as to a request made to Government in respect of another river district which was refused on the ground of Government policy that river defences are not sea defences and therefore Government cannot act.

I think the time has come for a decision to be taken as to whether or not the future policy of Government should be to make river defences a colonial question. If a decision is made that that should be done, then a great deal of time will be saved when matters of this kind come up for consideration before this Council. I certainly do not feel it is a decision that should be postponed, when we know that such problems are bound to arise year after year. They have arisen year after year in the past and will continue to arise in the future. I am very disappointed even at this stage that no final decision has been reached as to whether or not river defences should not form a colonial

question or, as one hon. Member puts it, a charge on public funds. In the absence of such a decision one is tempted to ask many questions. We know that erosion is taking place within the area referred to in the Message. As a matter of fact we know that erosion is taking place along the entire river, but what we do not know and we have not yet heard Government make any pronouncement is, on whom the liability is to be placed for the damage that is being done. If, as it is stated, the damage is being done as the result of the traffic that is passing up and down the river, then that question may be considered if Government wants to postpone decision on the principle. As to whether it is not a matter for consideration by the Harbour Board, it must be remembered that the Harbour Board obtains receipts as the result of the increased traffic, and very handsome receipts at that. If, therefore, the Harbour Board is receiving increased receipts we may consider if the Harbour Department is not responsible for making good the damage.

I am going to confess that I am not too convinced by the fifth paragraph of the Message which says "liability for the future maintenance of these works will, however, rest with the proprietors concerned." I am going to confess right away that I do not know what that means. Am I to understand that Government has obtained an undertaking from the proprietors within the area that future maintenance charges on these works will be carried out by them? If so, who would be responsible to see that the maintenance is being carried out to the satisfaction of this Government? Those are questions that are bound to arise when Government is attempting to shift its responsibility.

Another question I would like to ask is, in the preparation of this estimate was a survey made of the area. I have never heard anything said about a survey. I would like to know if it was made, who made the survey, and what was the result of the survey because it seems that only a certain section along the river front between Houston and Craig would be done and what is the position of the other proprietors in the same area. I have heard something said about earth dams being put in certain places and concrete walls in others. That may be due to the expert's

advice. I do not know whether it is intended to put concrete walls in the spots where the erosion at the present moment seems to be more severe, and earth dams where perhaps the steamers do not pass very close to the bank and such protection is not needed. Those are questions which are bound to arise, if Government has not formulated a definite policy.

I think that before any attempt is made to make this decision to spend \$38,000 on this area Government should be bold enough to come to this Council and say "whilst it is true the view was held that river defences should not be a charge on colonial funds the time has come that the decision should be reversed and something done in order to protect properties in that area." That would be the wise step to take. It is not enough to point out the urgency of the work as an excuse for introducing this motion before the question of policy was settled, because it seems that every time something like this comes up Government will be charged with meeting one class of proprietors possibly to the detriment of another class.

I am not prepared to offer any criticism as to whether the amount of \$38,000 is sufficient or not. To my mind criticism of that nature at this stage would be premature. In fact I would venture to say I am not competent enough to criticize. Hon. Members have pointed out that this Council has not been informed as to the nature of the work to be done—certain details of the work—and, therefore, any attempt to criticize the amount of \$38,000 would be certainly premature. The only complaint I can find is this. If an opportunity is not afforded the Council at a later date to refer to this matter again so as to be able to criticize the amount that is spent on these works, I would consider it a breach of faith. I make that observation because I realize if this Council passes this vote for \$38,000 to-day, as it very often happens a round figure is spent, this item would not come before the Council again and, therefore, no opportunity would be afforded hon. Members to criticize the expenditure. The only way hon. Members would have an opportunity to criticize the works is if the vote is likely to be increased and this Council is approached for an increased sum. I have

mentioned that because I would like Government to know the line of thought certain hon. Members have, when matters of this kind are introduced in this Council. I do ask that when important questions of principle are involved, some decision should be taken before approaching this Council for the appropriation of a sum of money to meet a cost of this kind.

Mr. PERCY C. WIGHT: What I would like to know particularly, is if any portion of this work has been started.

THE PRESIDENT: No.

THE COLONIAL SECRETARY: None of the works has been started.

Mr. PERCY C. WIGHT: This erosion has been taking place for some time. Some of the people on the Bank have been making up their land. Is there any idea of Government refunding them the money they spent?

THE PRESIDENT: As far as I know that question has never been raised before.

Mr. PERCY C. WIGHT: We are asked to vote this money. We do not know how it will be expended. Particularly I would like to know if any of the expenditure incurred would be used to refund the money spent by those people who had been making up their river defences.

Mr. SEAFORD: I am very much surprised there has been this lengthy debate on this motion, because it seems to me the whole question has been put forward very clearly in the Message from Government. One hon. Member did not know the district it is proposed to protect, while others did not seem to know the reason it was put forward. Hon. Members would realize that this is an exceptional circumstance. The condition under which it is done is quite different. It is due to development undertaken in the national cause. In the Message we have been told further that the Director of Public Works and Sea Defences, a gentleman who is now Consulting Engineer to Government and has vast experience of sea defences, river defences and river works not only in this country but other parts of the world, reported to Government on the harbours, and he has given it out to Government that in his opinion this erosion is greatly inten-

sified by the steamers going up and down the river more numerous than before. The hon. Mr. Walcott has said that he does not agree with that. But, I think, the majority of hon. Members of this Council would rather accept Mr. Case's opinion on it than Mr. Walcott's.

The hon. Mr. Walcott said the river is a mile wide at that point, but he must realize that ships do not traverse all over that width. In all rivers there is a channel and it is in that channel ships travel. They have not a mile but only probably 30 or 40 feet in which to travel. Where the bottom of the river is mud, steamers going up and down the river with a mixture of goods have to compete with the tide to get away from here, and it is only natural they are going to stir up the mud and erosion is going to take place. It is only natural when dealing with the very soft mud which we have in this Colony that we must have erosion. The river banks must go in to fill the hole caused in the channel by the passage of steamers. If one looks at the survey—surveys have been carried out regularly—it will be noticed that in the channel the river is deepened. The hon. Mr. Walcott also said all the lands between La Penitence and Craig are owned by sugar estates. I would like Mr. Walcott to get a map and study it. All the lands between those places do not belong to the sugar estates. What about Bagotstown?

Mr. WALCOTT: I said if Government gives the correct estimates as to where the money is going to be spent we would find most of it is going to be spent at Craig. I do not appreciate the facetious remarks of the hon. Member for Georgetown North.

Mr. SEAFORD: I am sorry. I have not the slightest intention of being facetious. I am just trying to point out it is entirely wrong to say that all the lands between La Penitence and Craig belong to sugar estates.

Mr. WALCOTT: I would be glad if the hon. Member would give me the information. I would like to be educated on things like these.

Mr. SEAFORD: I would like to give him the information. Bagotstown, is not

that a village? May I point out to hon. Members here as sugar estates have been brought in, that the river defence of that village has been maintained by the sugar estates for a good many years. I do not say it has been done as an act of charity, because if they do not protect the village foreshore or river defence they cannot maintain their own. The hon. Colonial Secretary can give the other places if the hon. Member wishes to have them.

Mr. WALCOTT: I think the hon. Member for Georgetown North only said what I said before. The proprietors of the sugar estates on the East Bank look after the river defences from La Penitence to Craig. Take Bagotville, do the villagers look after the river defences themselves?

Mr. SEAFORD: I have to protect the hon. Member. Bagotville happens to be on the West Bank and not on the East Bank.

Mr. WALCOTT: Thank you.

Mr. SEAFORD: If Government does not take steps to make improved protection there, in a very short time there would be no public road there, as Mr. Case reported. It is because of the protection of the public road that Mr. Case made the recommendation as strong as he did. The hon. Member for North-West District asked for details of expenditure. I am not quite sure what he meant. Does he mean the estimate of the work to be done?—

Mr. JACOB: What I mean is details of the work on which this money is to be spent. Take the concrete wall—the quantity of materials and labour—so that an opportunity would be given to my hon. friend and myself to go and actually measure these things. We do not believe anything that is given us.

Mr. SEAFORD: All the works done by the Public Works Department, whether sea defences or other reconstruction works, the estimates come before this Council and hon. Members can check them up. I have no time to check up estimates. I would, however, like to ask how many Members of this Council are competent to check an estimate. I am sure

the hon. Member for North-West District is not.

Mr. JACOB: To a point of correction! I can certainly measure the number of feet of concrete and compare it with the estimate to see whether the work was actually performed or not.

Mr. SEAFORD: But the hon. Member is not fit to say what should be used in the making of the concrete or what may double the cost of that concrete. The hon. Member for Central Demerara (Mr. De Aguiar) asked if surveys have been made. I think I can say that surveys had been made of the district a few years now, and on the last survey Mr. Case decided that some action be taken immediately in order to protect the public road. The recommendation is based on those surveys. Another question asked was why a concrete wall. The reason for that is, it was felt by the Consulting Engineer that erosion had taken place to such a large extent that there was not sufficient land between the public road and the river to put an earth dam to protect the road. The river came quite close to the road and the construction of a concrete wall became essential. Had it been possible they would have put an earth dam right through, which is economical. The hon. Member also raised the question that if the erosion is due to the passage of the ships, perhaps we may increase the Harbour Dues they should pay—

Mr. DE AGUIAR: I must interrupt the hon. Member. I never suggested that the Harbour Dues be increased. What I said was that the work should be charged to the Harbours Department instead of to public funds in this way.

Mr. McDAVID (Colonial Treasurer): It may lessen further discussion if I make an explanation. The control of the Transport and Harbours Department ends at Pouderoyen. The district in which it is proposed to carry out these works is outside the scope of the Transport and Harbours Department.

Mr. SEAFORD: It does not make any difference whether the money comes out of the funds of the Harbour Board or of Government. It seems to be one and the same thing. One hon. Member asked who had asked Government to undertake this

work. Two or three years ago Mr. Case spoke to me about the erosion and he was very perturbed about it. He intended then taking the matter up with Government, as he felt that unless the works were carried out in the district the results might be very serious. As we all know, a good deal of traffic is going up and down the river at the moment. I think that if anyone is to be blamed for putting this matter forward, we have to blame our Consulting Engineer, as the suggestion came entirely from him.

**THE PRESIDENT:** As I have previously said no one made a request. The recommendation was put forward by the Consulting Engineer.

**Mr. SEAFORD:** In regard to the remark of the hon. Member for Central Demerara that Government should consider taking in the river defences, I have had that view, but when I went into the matter and saw what it would mean—the cost to maintain and to know where to begin and where to end—I tried to forget the matter altogether. It would be a terrific problem and where the people are careful now with the river defences, when Government is maintaining them they would not be. I do hope there will be no opposition to this motion. It is a matter that has been undertaken in national interest, and it behoves us as hon. Members of this Council to do what we can to support it.

**Mr. ELEAZAR:** To a point of explanation! I never at any time and shall never, if I can help, agree to Government taking over the river defences of the Colony. The Berbice river is navigable by steamers for 120 miles up to Paradise, and beyond Mara you have estates one man squatting here and another 50 miles away. If Government undertakes to do the river defences, Government will have to do it up to 120 miles on both banks of the Berbice River. What I do urge, is that where we have an established village and the people have been trying all the time to do their river defences and the public road there is threatened Government in an emergency like that should help. It does appear that if the cost is high, Government can undertake the river defences.

**Mr. DE AGUIAR:** To a point of explanation! I never suggested that Governme t

should undertake responsibility for river defences. I would like the hon. Member for Georgetown North (Mr. Seaford) to continue his reply as to the liability for future maintenance.

**Mr. C. V. WIGHT:** The only point I am concerned about is the statement in the Message: "Liability for the future maintenance of these works will, however, still rest with the proprietors concerned." That has some relation to the point raised by the hon. Member for Georgetown Central.

**THE COLONIAL SECRETARY:** Now that this matter has been fully ventilated it is apparent that with the exception of the hon. Member for Essequibo River (Mr. Lee) and the hon. Mr. Walcott there will be no opposition to this vote. I think hon. Members in some instances were concerned as to the principle involved in this matter, and the hon. Member for Central Demerara was at pains to point out that Government had no principle at all but was setting up precedents. I beg to differ from him. Government is not setting up a precedent but is merely acting in accordance with an accepted principle which has been so clearly stated in the Message before the Council to-day. As the hon. Member for Georgetown North and the hon. Member for Berbice River said, it will be quite beyond the bounds of practicability for river defences to be adopted as a colonial measure, and it is because of these difficulties that Government has adopted that principle—which I submit is a clear, precise statement of policy—and has acted in accordance with that principle from time to time.

In so far as details of work are concerned hon. Members seem to have forgotten, particularly the hon. Member for Central Demerara, that there will be another opportunity to make remarks on this particular matter. All the Council is asked to-day is to approve of the motion in principle. It will find its way again before this Council when it is put on the Supplementary and hon. Members will then have an opportunity of speaking again on the matter if they so desire. I see no objection to details being given, but I have never known it to be done in my experience, although in the presentation of reports to the Council it is usual for the



Director of Public Works or some other Executive Officer to state in a general way the manner in which he arrives at his estimate. The fact that the report has not been laid before the Council is due to the nature of it. Government has no desire to hide anything from the Council. This is a matter arising out of circumstances connected with national importance. There are certain facts in the report which made it advisable that the report be not laid. There is no objection to any Member of the Council seeing that report. As regards details I am in a position to tell the Council that the 58,200 cubic yards of earth dam between Rome and Craig will cost \$23,280, whilst at Craig, where a concrete wall will be constructed to cost a matter of \$10,600 to which must be added the cost of the portion of the earth dam to be constructed there, there will be an expenditure of \$13,500. That was what the hon. Mr. Walcott required to know.

Those are the principal points which arose out of the debate, except that raised by the hon. Member for Western Essequibo (Mr. C. V. Wight) as to future

liability. I quite appreciate the point, but Government see no reason for relieving the proprietors of any future liability. That liability exists at present, and it is only because the erosion has assumed proportions arising out of causes beyond their control and necessitating what amounts to new construction works that this proposal has been put before Council. There is no reason why liability for future maintenance should not continue to rest with the proprietors.

Motion put, and the Council divided, the voting being as follows :—

*For*—Messrs. C. V. Wight, Mackey, Jackson, Jacob, Walcott, Peer Bacchus, De Aguiar, Eleazar, Percy C. Wight, Wood, Crease, Laing, D'Andrade, Austin, Seaford, McDavid, Dias, Dr. Maclellan, Professor Dash, the Attorney-General and the Colonial Secretary—21.

*Against*—Mr. Lee—1.

Motion carried.

The Council adjourned to the following day at 10.30 a.m.