

LEGISLATIVE COUNCIL.

Friday, 11th December, 1942.

The Council met at 12 noon, the Honourable the Colonial Secretary, Mr. G. D. Owen, C.M.G., presiding in the absence of His Excellency the Governor, Sir Gordon Lethem, K.C.M.G.

PRESENT.

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

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

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

The Hon. E. F. McDavid, C.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. M. B. Laing, O.B.E., Commissioner of Local Government.

The Hon. G. O. Case, Consulting Engineer.

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. Eleazar (Berbice River).

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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

The Clerk read prayers.

MINUTES.

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

ANNOUNCEMENTS.

PRESIDENT'S ABSENCE.

THE CHAIRMAN: I think His Excellency the Governor informed the Council yesterday that he will be out of town during the week-end, probably until next Tuesday. I have received a message saying that he may be coming back to-morrow instead; I am not sure whether that is correct.

ORDER OF THE DAY.

GEORGETOWN (VALUATION & RATING) BILL.

THE ATTORNEY-GENERAL (Mr. Pretheroe): I rise to move the second reading of—

"A Bill intituled an Ordinance to amend the law with respect to the valuation of property in the City of Georgetown for the purpose of levying taxes and rates and for other purposes incidental thereto or connected therewith."

This Bill is a domestic affair which applies only to the City of Georgetown. The only people affected by it are the property-owners in the City. The Bill has been considered, debated and re-considered for a long time by their own representative members of the Georgetown Town Council. This Bill is the same as that put up by the Town Council except for certain verbal alterations in the drafting and it expresses the wishes of that Council. I think it is obvious that those who are not interested in this Bill will have nothing to say about its principles, but will see that the draughtsman has in fact only given effect to the wishes of the Town Council.

The Bill is divided into three parts. Part I deals exclusively with the appointment and constitution of the Assessment Committee. I may say at this stage, I am very glad that the draughtsman of this Bill adopted the expressions "assess", "assessor" and "assessment" all the way through the Bill instead of "appraise", "appraiser" and "appraisement." The latter expressions became obsolete a century ago and the only local laws remaining with them now are those relating to the New Amsterdam Town Council. The appointment and constitution of the Assessment Committee is the most important thing in rating. Any form of rating depends entirely for its fairness on the work of that Committee. If the Committee is diligent and capable then the assessment meets with satisfaction, but on the other hand, if the Committee is not diligent and capable, probably the same thing would happen as now—alleged gross inequalities in the rating system. This Bill is intended to remove such inequalities. The Assessment Committee, it is proposed, shall consist of five persons of whom not more than three shall be

members of the Town Council. They will be appointed by the Georgetown Town Council. I have no doubt that in view of the importance of the Committee great care will be taken in the selection of its members. They are not to be paid: their services are to be gratuitous. As provided in the First Schedule, three members shall form a quorum and there is a very necessary provision that no member of that Committee shall attend any meeting when any property is under consideration which he owns, or his wife, or any member of his family owns or occupies, or any company in which he is interested as a shareholder or as a director, manager or other official of that company. It therefore follows that as far as it is possible, except in the case of a trustee, no person can attend a meeting of that Committee who has in the remotest degree any interest. All the parties on that Committee will be disinterested at the time of making assessment.

I do not think I need deal longer with the description of the Assessment Committee because it follows that of every Colonial Rating Ordinance in existence. It very closely follows the Port-of-Spain Corporation Ordinance, Trinidad, which follows the English Valuation and Rating Act and other Colonial Ordinances. As one knows they all copy the others and we merely follow suit and copy theirs. The only thing different is that the Assessment Committee shall consist of not more than five members of whom not more than three shall be members of the Georgetown Town Council. Perhaps I may refer to the number "three." It is obvious that the people appointed to manage the City's affairs must have ultimate control over the City's affairs, and amongst those affairs rating, I suppose, takes first place. It follows then, that if the Town Council do not have power to have three of their own members on the Committee they would in fact run the risk of being outvoted in one of the important duties they possess. In order to give effect at their

own meetings they must have a majority on that Committee. The number "five,"—the total members of the Committee,—is chosen, I have no doubt, because as a small committee it will have a great amount of work to do in twelve months. It has to start on January 1 and the assessment of every property in the City must be completed within nine months, so as to allow time for appeals.

Part II of the Bill deals with rating. I need not say anything whatever about that, as it merely adopts the present system. In other words, the form of assessment has been altered but the manner of rating has not been altered. Part III of the Bill—Miscellaneous—covers a number of items. The whole need for this particular Bill appears in the First and Second Schedules. One may wonder why we have put the most important part of the Bill in Schedules. The answer is that this is a sort of new system and the Town Council cannot guarantee that there may not be a snag. They may want to alter certain details, and if it is only a domestic affair of their own let them alter them. The Town Council cannot alter an Ordinance, but this Council can, and so in this Bill we have put the Schedules in the body of the Ordinance giving the Town Council power to amend the schedules either totally or in part. That is a common practice. It has happened in a number of Ordinances on the Statute Book of this Colony. I shall refer later to those two Schedules. At the present time all I need refer to is one or two important clauses. I have only mentioned the Assessment Committee.

In this Colony I have found in my time here that everybody likes appeals, and in this particular Bill the right of appeal is given. When your property has been assessed by this Committee, the procedure following is that if the person assessed or the City Engineer is not satisfied he may appeal against that assessment. In the first place the appeal is made to the Georgetown

Town Council. There are several clauses set out to show the method of appeal to the Town Council. All the parties are entitled to be heard. If that property-owner is not satisfied with the finding of the Town Council then he can appeal to the Magistrate. There are provisions setting out what the Magistrate must do when he hears the appeal. There is yet one further right of appeal if the property owner or the City Engineer or the Committee is not satisfied with the Magistrate's finding, and that is to a Judge of the Supreme Court. Therefore, after three attempts the right of appeal ends, good or bad. It cannot be urged against this Bill that full right of appeal has not been granted.

I have already said that Part II deals with rating. I need not refer to that as the provisions only apply to the existing assessment, the only alteration being the system. Part III—Miscellaneous—contains one or two new items. One appears in Clause 38. It was suggested in the original Bill as published that Government should pay a lump sum in respect of Crown and Colony properties within the Georgetown area and thereafter that sum be subjected to adjustment between Government and the Town Council. The sum *fixed* was a large one and it seems extremely doubtful on the face of it whether the figure was equitable or otherwise. When it was discussed and considered in Governor in Council it emerged that it was the consensus of opinion that there was no excuse or justification for Government property being treated any different to that of other people. Why should not Government property be treated precisely in the same manner as a private individual's? I have no objection to that, and so Clause 38 of this Bill provides that Government property shall be assessed and rated in precisely the same manner as that of a private person. There is, however, one difference. There are certain pecuniary penalties imposed on persons under this Bill for not doing certain things. That is impossible to apply where Gov-

ernment is concerned, because the Director of Public Works has been selected and named as the person appearing on behalf of the Government. There is no reason why he should be liable personally for any penalty, and, therefore, a proviso to sub-clause 2 has been put exempting the Director of Public Works from pecuniary liabilities under this Bill.

There is one other alteration to which I ought to refer, and that is in respect of clause 39. It has been a matter of discussion and debate—the question of assessment of wharves and stellings on the river front—because Section 2 of the Georgetown Town Council Ordinance defines the boundaries of the City of Georgetown giving the western boundary as the low water mark of spring tides of the Demerara River between the western extremities of the northern and southern boundaries, and most of the stellings project beyond the river-line. There is some question as to what will happen to the buildings and stellings which are beyond this river-line and are therefore outside the Georgetown Town Council Ordinance and outside the jurisdiction of the Georgetown Town Council. I think commonsense indicates that these stellings and the buildings thereon should form part of Georgetown. In fact the Town Council have to keep up the roads which lead to these wharves and stellings and also supply water to these stellings and provide water, which is charged for, for the boats alongside these stellings. To the ordinary man in the street these wharves and stellings are for all purposes a part of Georgetown. I myself do not say they are not a part of Georgetown. Therefore, to remove doubt in that matter, Clause 39 of this Bill provides that these stellings and any erection thereon are for the purposes of taxation and rating a part of the City of Georgetown and, it follows therefore, are subject to the Town Council and to their assessment.

I turn now to the First Schedule. This sets out in detail the procedure which shall govern all meetings of the Assessment Committee. These rules, I may say, are not the idea of the draughtsman of the Bill and not the idea actually of the Georgetown Town Council, but have been literally copied from about a half dozen other Ordinances. The only difference is in the wording in one or two places. They have operated successfully in a score of other cities for years and years and, therefore, I think we ought to have no fear as to their practicability.

The Second Schedule is the meat of the whole Ordinance. It states in great detail how the assessment should be made. I am not very well versed in the existing practice in Georgetown, but I have been told that at the moment one, or two, or more appraisers go and view property. They then say the property is worth \$15,000. I believe in a number of cases that is all that is done. That would lead to absurd results and, I believe, had led to curious results and some anomalies. To avoid that, the draughtsman of the Bill has set out in detail how the Committee should proceed and, I may add as a corollary, if the Committee do not proceed in that way any property-owner has the power to compel them to proceed in that manner. The only thing that really matters is how the assessment is to be made, and that appears in Regulations 2. It is the annual rent value. In a great number of cases the property is let at its full annual value simply because the landlord gets as much as he can, and it is what we call the market value. The assessed value of that property will be identical with the rental value, but not always, as there will be exceptions on both sides. On one side you have the case of a generous father who permits his son to occupy a property at a nominal rent of \$1, and naturally that \$1 cannot be accepted as the assessed value of that property. On the other side you may take the case of a dental surgeon who

requires two well allotted rooms on the ground floor of a house and in order to get that property is prepared to pay more than is the fair annual rent for that house. It follows that if the Committee do their work properly there will be found a few cases in which the assessment is greater than the rent paid and in a few cases it may be less. They will be rather the exception than the rule. I will not delay hon. Members on the Bill which has been published for a great many months. I now move that the Bill be read a second time.

Prof. DASII (Director of Agriculture) seconded.

Mr. ELEAZAR: The hon. Attorney-General says that those who have no business with the Bill should not interfere with it. I have no business with it, but I have been accustomed to doing so on this Council for such a long time that I can hardly conceive the idea of sitting down here without saying something on this Bill. I want to say that most of these Bills are framed with something to kill them or weaken them as they go along, and I find that something in the case of this one here in the very first sub-clause to Clause 3. This Committee, which is a very useful provision, makes the Bill look like what it ought to be,—a great improvement upon what we have been accustomed to all these years.—but it is one with the seed of its own destruction. You are going to have five persons on the Committee, three being members of the Town Council. Who are to be the other two? Where are they to come from? The taxpayers are given the right to elect their representatives on the Town Council. If some people think themselves too great to be worried or bothered with getting on the Council and think it is not worth their while to be on the Council, let them abide by the choice of the majority who take advantage of the election. Therefore, the Committee should be entirely of

the Council and not be composed of three Councillors and two others to come from anywhere. Do not let those men who think themselves too important to be on the Council go on the Committee to hamper the Council. Suppose they get there and one like themselves happens to be the Chairman, what would happen? Suppose he is not like them, they would only have to convert one of the other three to their views. I say the Committee should be composed of Councillors—Nominated, as we have in the Georgetown Town Council, and Elected. The Nominated Councillors, however, should be qualified to be on the Committee as in the case of the Elected Councillors. To leave room for somebody else outside the Council to go on the Committee for the purpose of assessing properties is not good enough.

There is another thing I see, and that is going to create some trouble. If a man owns a large number of properties in the City and you are assessing by a certain principle, I can see no earthly reason why that man should not be on the Committee. Why should he not be there as a Councillor? The assessment is governed by certain principles and those principles must be applied to everybody. I do not see how his presence there can affect the situation at all, and, if it does, the appeal to the Magistrate is there, and then there is a further appeal to the Supreme Court. So much for this Committee. That is most important and the foundation of the whole thing.

The appeal, I observe, goes to a Judge eventually. The hon. Attorney-General would agree that if you go to the Supreme Court—in this instance the appeal is to the Council first, then to a Magistrate next and to the Supreme Court third—there should not be a re-hearing but it should be on questions of law and that alone. Therefore, it would be fair to stipulate that the appeal to the Supreme Court

should be on any point of law which arises and not a general kind of re-hearing. A man who has had two hearings of his appeal needs not necessarily to go and have a third. Once he has gone to the Council on all the facts and then to the Magistrate on a mixture of facts and law, he needs only to go to the Supreme Court on a question of law, if not you would swamp the Supreme Court with these appeals, and they have too much already to do with appeals, so they say. If you had 250 to 300 appeals from those appraisers of the past, and I do not think these assessors will find their work any much easier or their findings more easily accepted, then you may have 200 or 300 or even 25 or 30 appeals to the Supreme Court, but I do not suppose there will be very many to be decided on a point of law and so those that go to the Supreme Court will be few.

As regards the wharves, the hon. Attorney-General has made the point clear. If they are not told they will not want to believe. The wharves along Water Street to the middle of the river are not in the City and do not pay taxes but are still insured for large sums of money and the owners get the premiums when there is no fire. It is only killing a flea to say that anything below the low water mark or the high water mark should not be considered a part of Georgetown. The hon. Attorney-General has made that point clear and I am very glad about that. I may say that the Bill is certainly an improvement on what we have known in the past. All of us know and there is no use reiterating it over and over again, that in the past you had two or three gentlemen walking around the City and looking at the houses and saying this is worth \$500 and that next door which looks like being worth \$5,000 is only worth \$400. It is the same all over the world, where people guess like that they guess rightly or wrongly. A man of long experience, who has got a property and may have bought

and sold properties, may make a fair average of the value of properties, but in the majority of instances you never can tell. That has happened over and over, even with our builders. Some of them are excellent workmen but bad at estimating. They will estimate a building to cost \$2,000 and it works out at \$10,000, especially is that the case with the Public Works Department. That is the way it has been done in the past.

This proposed form of assessment, I hope, will be adopted by other places. We are going on something like decent and businesslike lines and not leaving it to mere guessing, as it were. Except for what I have said, I do not see that anybody from outside the Council should go on the Committee. The Councillors are the people the taxpayers have elected to look after their interest and Government has thought it proper to put Nominees on the Town Council to see that things go straight. They are sufficient to form that Committee. Certainly such a Committee will get more respect than one with people outside the Council who are disinterested and are going there to represent themselves. I do not think they should be allowed to have a voice in it.

Mr. De AGUIAR: It is never my desire to delay the proceedings of this Council, but I find myself somewhat in difficulty this morning to offer any useful contribution to the debate, for the reason that I had heard, not in this Council but elsewhere, that it was not possible for this Bill to come up for consideration before some time in January. For that reason I personally have not given any particular attention to the Bill. I realize, of course, that it was published since the 17th November and possibly as a matter of such great importance should have received consideration earlier, but in view of the fact that this Council had to meet soon afterwards, coupled with other pressing engagements, it was

not possible for me to give it any attention. From a cursory glance which I made through the Bill, I would like to say that it is certainly an improvement on the present system, but on the other hand it is a Bill that needs very careful examination if we are to avoid any possible errors being made with it. As far as I have been able to read the Bill, I may be able to put forward one or two suggestions which may be useful, but the fact of the matter is that I am not ready. I have risen formally to move that this debate be adjourned until some day in next week, if it is desired to finish it before the Christmas holidays. I have heard the Mayor, who is sitting on my right, say "No", and the answer to that is the Mayor and Town Council took nearly two years to prepare this Bill.

Mr. C. V. WIGHT: I entirely and emphatically deny that. The hon. Member is talking and yet saying that he is not prepared. I would ask him to be careful with the words he is using. He is not prepared but, perhaps, will weigh any remarks he makes. To say that the Town Council took two years in preparing this Bill, it is absolutely untrue.

Mr. De AGUIAR: I ought not to have taken any official notice of the remark of the Mayor when he said "No". I ought to have ignored it. Whoever it may be that is responsible, it took at least two years to prepare the Bill that is in front of the Council today. I make the statement with the full knowledge of the facts despite what the Mayor has said about the Town Council. I know nothing of the Town Council. I am not interested in it, but I am interested in a Bill of this kind, and I think the request I have made is a reasonable one. I trust it will receive favourable consideration in this Council.

Mr. C. V. WIGHT: On the 13th April the Town Council addressed a letter to the hon. Colonial Secretary. I shall read it: "Since the draft Bill was ready"—

THE PRESIDENT: I am not quite sure what point the hon. Member is making.

Mr. C. V. WIGHT: I was pointing out that it did not take the Town Council two years to prepare this Bill. It was submitted in draft on the 17th April, 1941.

THE ATTORNEY-GENERAL: May I explain? Earlier in this Session I gave notice and had passed in this Council the Georgetown (Temporary Provision) Bill making provision for next year's assessment, and on that occasion His Excellency the Governor, who presided, stated that the main Bill would be introduced as soon as possible after that Bill, as it was imperative to get the Bill through as soon as possible. The Bill has to go to the Secretary of State before the enactment can be imposed. Looking at Part III of the Bill I see that it takes effect from the first day of January, 1944. It was referred to the Secretary of State who replied and asked that it be enacted before the last day of this year, and the Governor so announced.

Mr. De AGUIAR: I can appreciate all the hon. Attorney-General has said, but certainly I am not a fortune-teller to be able to say we were going to leave the Estimates in the half to turn to the Georgetown Town Council Bill. That is the difficulty I am labouring under. I have come with the view of getting through the Estimates. I am going to lodge a complaint about the procedure. I do not think it is fair to hon. Members to come with the intention of proceeding with one item and when half-way through that is adjourned and something else is taken up. I do protest unless this is the special time to consider it. I appreciate that His Excellency announced at the adjournment of the Council that this Bill would be taken this morning, but I have stated that it was only last evening I had an opportunity of looking through the Bill. I feel quite justified in

making this request but I had every belief and hope that we would have concluded the Estimates before proceeding with other business appearing on the Order Paper. I think my request is a reasonable one and I see no reason why there should be so much anxiety on the part of any Member to rush through the Bill to-day. If it is desired to do so without giving Members of Council an opportunity of offering any suggestion which may be useful to the Town Council later on, then I have nothing more to say. I shall simply take my seat and allow the Bill to go through.

THE PRESIDENT: I am sorry that the hon. Member did not make the suggestion yesterday afternoon when the hon. Member for Berbice River suggested that his motion which was to have been taken today be postponed until Wednesday next and the Governor approved. His Excellency arranged the Order Paper for today and gave it out that the first item to be taken would be this Bill, and I am extremely sorry the hon. Member did not raise the question then. The hon. Attorney-General has explained that it is very necessary to get it through as soon as possible. Government is not desirous of rushing it, but would rather proceed with it than adjourn it.

THE ATTORNEY-GENERAL: Time is pressing. This is the 11th December and by using the despatch cable it will only be just possible, without a single day's delay, to get the reply of the Secretary of State back in time, in view of the fact that the Cabinet Ministers will be leaving London for the Christmas vacation and for duties in their own constituencies. As for the notice of this Bill I cannot conceive anything more utterly strange than for one to say in this Council he wants time to consider the Bill. The first Bill was published in April or May in all the newspapers. It was published for months and months and this particular copy,—the final copy,—which makes no change whatever in the actual procedure under

the Bill but merely in the wording, was published on the 17th November. If in that time it was not possible to study the Bill I suggest it would be best to leave it alone and not say anything. The Governor has given an undertaking to the Secretary of State to get it through as early as possible, and it is up to us to do our best to get it through. I therefore strongly oppose the slightest adjournment of the debate even for ten minutes.

Mr. De AGUIAR: I gather from that, sir, that the suggestion I have made—

Mr. JACOB: To a point of order: The hon. Member spoke and deliberately sat down.

THE PRESIDENT: I think he was interrupted.

Mr. JACOB: I do not think he has a right to speak again.

THE PRESIDENT: I think he is in order. I am afraid it is impossible to postpone consideration of the Bill and so I would be glad if the hon. Member will continue his remarks.

Mr. De AGUIAR: I am going to move, formally, an adjournment of the debate so as to give me an opportunity to speak again.

Mr. SEAFORD: I beg to second that.

Mr. De AGUIAR: I desire to speak on the motion for the adjournment.

THE PRESIDENT: The hon. Member is in order.

Mr. De AGUIAR: Sir, it seems incredible to me that there should be so much ado about nothing, and when I make that observation I refer particularly to the motion that is before the Council for an adjournment. I cannot conceive that the request I have

made is one that can be considered or called unreasonable, despite the comments or remarks of the hon. mover of the Bill. It may be true, sir, that the first draft Bill was published some time early this year and that hon. Members have had sufficient time to study what was in the minds of the Mayor and Town Council in preparing a new Bill having for its object the change of the system of valuation as it affects the City of Georgetown, but I realize that the Government of this Colony has large interests, if not more than or equal to any individual ratepayer in this City, and it may well be that the Government itself is satisfied with the Bill as it stands. Whilst it is true that I personally have had no particular complaint from any individual ratepayer in the City, most of whom I am sorry to say take very little interest in their own affairs, yet I regard the change in the system of valuing properties as one of considerable importance and, therefore, it is one that should be carefully studied before any radical changes take place.

Mr. C. V. WIGIT: Is the hon. Member speaking on the Bill or on the motion for an adjournment?

Mr. De AGUIAR: I am speaking on the motion for an adjournment. I am giving reasons for asking the Council to adjourn the debate and I think I am in order to advance those reasons, however distasteful they may be to the hon. Member for Western Essequibo.

THE ATTORNEY-GENERAL: No hon. Member can move an adjournment for an unlimited time. He must move it for a definite period of five or ten minutes or to a given date.

Mr. De AGUIAR: When I moved the adjournment I said it was to some day next week, but if the hon. Attorney-General wishes me to name the precise date, certainly I can do so. I was prepared to move it to the convenience of Government, and I said some day in next week.

THE PRESIDENT: I suggest that the hon. Member name the day.

Mr. De AGUIAR: If it is the wish of Government that the debate be proceeded with—

THE ATTORNEY-GENERAL: It is not the wish of Government. It is a rule of debate. It is in the Standing Orders.

Mr. De AGUIAR: I move that this debate stand adjourned until next Thursday at noon. That is at the beginning of the Council meeting soon after prayers. I am very grateful to the hon. Attorney-General for having put me in what I now describe as "perfect order". In that case I will continue my remarks for the adjournment. I refuse to believe that this Bill has had the serious consideration of every Member of this Council. Of course I have already said what is my own position in the matter. I have not had the opportunity to do so, though there was sufficient time to study the Bill, and I am inclined to believe there are other Members who have not had an opportunity of doing so as well. Moreover, there are at least five or six Elected Members absent to-day and they may also have some valuable contribution to make to this debate. I would like to take hon. Members' minds back for a little while to what happened not so very long ago in regard to the rating system of the Town Council in order, if it is necessary, to bring to them the importance of a rating system for the City of Georgetown.

Mr. C. V. WIGIT: I beg to move that the question be now put.

Mr. De AGUIAR: The hon. Member is entirely out of order.

THE PRESIDENT: The hon. Member is not out of order, but I would like to say again that I do not think it is necessary for the hon. Member for Central Demerara to move his motion because I interrupted him when he was

speaking. I did not break him off in the middle of a sentence, as I did not want to prevent him giving us the benefit of his views on this Bill.

Mr. WOOLFORD: The position is that the Council is considering the second reading of a Bill, as I understand it. The hon. Member for Central Demerara had risen to speak on that Bill and stated that he was unprepared to join in the debate for reasons he did not specifically mention but indicated that if an adjournment is given he would be able to formulate his views. In the course of his remarks he suggested that the debate be adjourned. There was then an intervention by you (President) and a subsequent motion by the hon. Member. But the position now is, he has made a motion for the adjournment of the debate and I submit, sir, that the motion of the hon. Member "That the question be now put" can only mean that whilst the hon. Member is speaking on his motion for the adjournment of the debate there is a motion by the hon. Member. I am only pointing out. I do not know whether the hon. Member means that the motion "That the question be now put" relates to the amendment moved on the second reading.

Mr. C. V. WIGHT: It seems pretty clear that the motion I have moved "That the question be now put" is in relation to the motion by the hon. Member for Central Demerara for an adjournment of the debate. I would again move, if it is necessary, that the question be now put.

THE PRESIDENT: It has not been seconded.

Mr. JACOB: I beg to second it.

THE PRESIDENT: The question is that the motion by the hon. Member for Central Demerara that the debate be adjourned until Thursday next week be now put.

Mr. De AGUIAR: Do I understand that you are putting the hon. Member's motion "That the question be now put"? I ask for a division.

Mr. SEAFORD: That means no one has an opportunity of speaking on the amendment. I do not know if that is the ordinary constitutional practice, whether you call it a motion or an amendment. It means that the whole discussion is closed. I propose to do that with everything that comes up in future.

Mr. JACOB: To a point of order! That happened only yesterday here.

Mr. WOOLFORD: I would like to point out that a similar question in the House of Commons amounts to what is called a "Closure." That is never put unless the motion before the House has been going on for some time. I do not think it is ever made when there is a motion for the adjournment of a debate on grounds which the hon. Member has made—that he had not sufficient time to prepare. Of course I do not agree with him, but that is the excuse made. As you pointed out, the Bill has been before the public for some time. The hon. Member is asking for an adjournment for the consideration of the Bill for a limited time and not that the Bill be read three months hence. The application of the closure is very rarely, if ever, resorted to.

THE PRESIDENT: I take it, if hon. Members vote against the motion moved by the hon. Member for Western Essequibo and it is not carried, then the motion by the hon. Member for Central Demerara is still before the Council and can be debated. I gather that one or two hon. Members want to speak on the motion by the hon. Member for Central Demerara which is now before the Council.

Mr. WOOLFORD: May I read Rule 25 on this particular question:

"(a) After a question has been proposed, a Member rising in his place may claim to move, "that the question be now put," and unless it appears to the President that the motion is an abuse of the rules of the house, or an infringement of the rights of the minority, the question, "That the question be now put," must be put forthwith."

I respectfully submit that the Council has a right to enquire what is your personal attitude towards the motion by the hon. Member. If you think it is an abuse of the privilege of the Council or an infringement of the rights of the minority, then put the question. But you cannot do so unless you yourself express an opinion upon the quality of the hon. Member's motion. You have to indicate whether it is an abuse of the privilege of the house or an infringement of the rights of the minority. That is why I say it is very rarely done. The hon. Member on my right (Mr. Seaford), who seconded the motion, has expressed his disagreement. These Members are in the minority and are complaining that it is an infringement of their rights. In other words the question should not be put until the President indicates his attitude towards the question.

Mr. ELEAZAR: I do not agree with that procedure. The idea is that it should be now put.

THE PRESIDENT: I put the motion and, as I said, I thought the hon. Member should not have moved it and a division asked for. I now call upon the Clerk to take the division.

The voting was as follows:—

For: Messrs. C. V. Wight, Jacob, Peer Bacchus, Gonsalves, Eleazar, Percy C. Wight, Wood, Crease, Case, Laing, D'Andrade, Professor Dash, and the Attorney-General—14.

Against: Messrs. Jackson, De Aguiar, Austin, Seaford, and Woolford—5.

THE PRESIDENT: I declare the motion carried. It is now my duty to put the motion moved by the hon. Member for Central Demerara (Mr. De Aguiar) that the debate on the second reading of the Bill be adjourned until Thursday next at noon.

The Council divided and voted:—

For: Messrs. Jackson, De Aguiar, Austin, and Seaford—4.

Against: Messrs. C. V. Wight, Jacob, Peer Bacchus, Gonsalves, Eleazar, Percy C. Wight, Wood, Crease, Case, Laing, D'Andrade, McDavid, and Woolford, Prof. Dash and the Attorney-General—15.

Motion lost.

THE PRESIDENT: The position, therefore, is that we continue the debate on the second reading of the Bill before the Council. I do not want to go back on what I said some time ago when I interrupted the hon. Member for Central Demerara, therefore I am going to give him an opportunity, if he wishes to say anything more on the second reading, to say it. I really feel that we have wasted a good deal of time.

Mr. De AGUIAR: I regret that I shall be unable to offer any useful contribution to the debate in the circumstances, but I thank you, sir, for your offer.

Mr. C. V. WIGHT: I am sorry that the hon. Member has not prepared his criticisms of the Bill which I can assure hon. Members — and I include the legal Members of the Council — needs at least six months' preparatory reading. It needs specialized study. I have no hesitation in saying that the hon. Member for New Amsterdam (Mr. Woolford), who is a lawyer like myself would be unable to offer any valuable suggestions or criticisms of this Bill unless he has made a preparatory and specialized study a concentrated study of the matter. I am therefore not surprised that the hon. Member for Central Demerara is unable to offer, even with preparation, any criticism of the Bill. It seems to me that the hon. Member's whole idea is to postpone the coming into operation of this rating system on the 1st January, 1944. I say that emphatically and without any fear of contradiction which can stand any valid test.

We were told on the Town Council that the preparation of the

Bill would take at least 18 months' detailed work. With that I have disagreed, and if the Bill is passed immediately I have every confidence that it will be ready in its preliminary work by the 1st January, 1944. The hon. Member mentioned something about two years. The Attorney-General has given this Council the reasons why the Bill was delayed, and included among several other reasons the necessity to communicate with the Secretary of State. A special letter was written by the Town Council on April 13, 1942, and with your permission, sir, I will quote from the third paragraph which reads:—

"3. It seems to the Council, therefore, that the only course open at present is to request Government to extend the provisions of Ordinance No. 30 of 1941 (exclusive of Section 2 (b)) as Ordinance No. 33 of 1940 which deals with the exemption of all properties from taxation for the period ending 31st December, 1942, will no longer be in operation) to enable the Council to levy taxation on the existing basis."

4. Since the draft Bill was submitted to Government on 7th April, 1941, letters of enquiry on the subject were sent to Government bearing the following dates:—

10th July, 1941; 29th July, 1941; 16th October, 1941; 30th October, 1941; 9th December, 1941; 14th January, 1942; and 17th February, 1942."

The Town Council has not delayed and is not guilty of any charge in that respect. I am rather surprised that the hon. Member for Central Demerara should exhibit ignorance or unpreparedness with respect to the terms of the Bill. The hon. Member is Vice-President of the Chamber of Commerce, to whom a letter was addressed by the Council on February 10, 1941, asking whether they had any criticisms of the proposed rating system. The view the Chamber adopted, which no doubt is the same held by the hon. Member, was that the only amendments necessary were in relation to the appointment of appraisers in connection with appeals. It was felt that the appoint-

ment of such appraisers would give greater satisfaction to the general body of ratepayers if made by Government in conjunction with the Town Council.

On the question of appeals it was felt that the existing Ordinance does not provide for appeals from the decision of a Magistrate. As Vice-President of the Chamber of Commerce, who should be interested in the rating of the City, one would have thought that the hon. Member would have made himself conversant with the progress of any rating system which had been discussed quite often, and the discussions in respect of which had been published fully in the newspapers. But have we had any contribution or any suggestions on the principle of the Bill from that body? I say "No." Has the hon. Member either in his personal capacity; as a ratepayer, as a Member of this Council, or as Vice-President of the Chamber of Commerce been aware that this Bill was in draft and was published? He has told us "No."

The Bill which is before the Council varies very little from that which was published. The Attorney-General has told us exactly in what particulars it varies. The substance of the Bill remains the same, therefore there is no excuse whatever for the hon. Member coming to this Council and saying that he is unprepared to continue with the debate. It is a matter of urgency and I trust that the Bill will receive the speedy support of Members of this Council. I feel that any opposition to it is not in the interest but diametrically opposed to the interest of the City as a whole. I have no hesitation in saying so, and I feel sure those sentiments will be subscribed to by the majority of the Members of this Council.

Mr. SEAFORD: Some of us in this Colony are kept fairly busy most of the time, and when a Bill such as this comes before us in Council, although we may have studied it three months be-

fore, we like to look it over. I am sorry I was not here yesterday, and I did not know the Bill was coming up to-day. I felt that it would have come up later. I understood it was proposed to go through with the Estimates and deal with the Bill later. I proposed to get some information on the Bill from others who have made a very close study of it, and from some of the people I represent in this Council. For that reason I would have liked to have had the Bill postponed. When the motion was moved for the adjournment of the debate I seconded it, but I had no chance of saying anything; the closure was imposed on me without hearing anything I had to say.

Mr. JACOB: To a point of correction. I do not think it is fair for the hon. Member to say that the closure was put on him. He simply seconded the motion and sat down. While the mover has the right to postpone discussion the seconder has no right at all.

THE PRESIDENT: The hon. Member is wrong there. The seconder is at liberty to reserve his right to speak.

Mr. JACOB: But he did not indicate that.

Mr. SEAFORD: According to what was read by the hon. Member I am right. The President has to decide whether the motion is opposed to the Rules of the Council.

Mr. ELEAZAR: That has been disposed of. We cannot go back on that now.

THE PRESIDENT: I would like to hear the hon. Member.

Mr. SEAFORD: If the hon. Member is not satisfied I would move another motion.

Mr. ELEAZAR: You can move a hundred motions and keep the Council back.

Mr. SEAFORD: As the result of the closure I had no chance to speak, and I feel that that was an infringement of the rights of the minority. I am not against the Bill and I am not in any way anxious to hold it up. I agree with what the Attorney-General has said—that it has to be proceeded with, but I am wondering whether a day or two would make all that difference. I have no desire whatever to postpone it.

Mr. C. V. WIGHT: To a point of correction. May I ask the hon. Member whether he is not a Member of the Executive Council? He has indicated that he is not prepared to go on with the Bill because he is not conversant with it. As a Member of this Council and of the Executive Council he should be fully cognizant of the Bill.

Mr. SEAFORD: May I point out to the hon. Member that when one takes a seat in the Executive Council one takes an oath not to divulge anything that comes before the Council. One is therefore not in a position to go outside and ask opinions on any point. Perhaps the hon. Member is not accustomed to dealings of that kind, but I have kept that oath since I have been here and I propose to stick to it. I have no desire to hold the Bill up. I am sorry it has to go through to-day, and I think that when the closure is put on in a case like this it does a certain amount of harm in this Colony, because we are now talking about the rights of people, and I feel that on this occasion those rights have not been upheld.

Mr. GOSSALVES: I had thought that the days of acrimonious discussion on anything relating to the Town Council had gone, but it strikes me to-day that there is a revival in some form, not in the Town Council Chamber but in the more exalted Chamber, and I regret that it has started from this point. It was suggested at some period of the debate that certain Members were absent and that perhaps, if they were here, they would be able to

discuss the Bill, but my view is that I rather interpret their absence to indicate that they have no particular interest in the Bill and it does not matter to them whether it is passed or not. When I observe that those absent Members represent constituencies other than Georgetown it makes my view all the stronger in that respect. We have here to-day the three representatives of Georgetown, the district particularly affected by the Bill, and we are unanimous as regards the Bill. The hon. Member for Georgetown North (Mr. Seaford) has said that he is not opposed to the Bill, but that he would like to get some further information about it, so that as representatives of Georgetown we are agreed that there should be no opposition to the Bill.

I appreciate that Members have found it difficult at times to get through all the matters that come before the Council and to give them the attention which they should give. We all know that the hon. Member for Central Demerara (Mr. De Aguiar) has always given great attention to all matters in this Council, and personally I should have been only too glad to have allowed him further opportunity if he really wanted further opportunity to go into the Bill, but I am sure he will appreciate the urgency of it, especially after hearing the remarks of the Attorney-General. The question has been engaging the attention of the Town Council for some time, but it is equally true that the question of a rating system for Georgetown has been engaging the attention of other persons for quite a long time. It has been with Government for quite a while, and it has also had a resting place not only at the Colonial Office but at the Ministry of Health. I think the hon. Member for Central Demerara was a bit wild in his statement when he attributed to the Town Council the fact that they had the Bill for all this time. Once the Town Council got started the necessary details were prepared and submitted to Government,

I hope hon. Members will see the necessity for having the Bill passed to-day because, as the Attorney-General has told us, unless some measure is put through before the end of the week it would be impossible to have anything done before the middle of January or February next year. If that happens it would seem that the operation of the Bill would have to be deferred until 1945, and that would create some embarrassment. The Town Council would have to come back to Government and ask for an extension of the amendment to the Rating Bill which was passed a few weeks ago, and they would have to continue the old system.

With regard to the Bill itself I would like to deal with the points raised by the hon. Member for Berbice River (Mr. Eleazar) with respect to the constitution of the Assessment Committee. That question was discussed by the Town Council for some time, and the feeling was that persons other than members of the Town Council should be represented on that Committee. One body referred to was the Chamber of Commerce which represents a large body of property owners. Further it was suggested that the Town Council should have a majority of three members on the Committee with two other persons selected from outside. I have no doubt that in making its selection the Town Council will put a member of the Chamber of Commerce on the Committee. In that event the commercial interests would be fully represented.

The question of appeals was also raised by the hon. Member for Berbice River. I would suggest to him that he let the matter rest as it is because, as he knows, the Town Council has gone very carefully into the matter, and the provision made in the Bill is one which it honestly feels is the best in the circumstances. I do not know if the hon. Member has in mind the introduction of a similar system in New Amsterdam, but if so he has the advantage of having

the material in this Bill which would assist him. I presume that the New Amsterdam Town Council is getting on quite well with its present system. In Georgetown we were getting on quite well until we reached the stage when it was suggested that the system was wrong, and the majority of the Council decided on this new system. I suggest to hon. Members that they should allow the Bill to go through with such amendments as they think fit to make which would not seriously affect the principle of the Bill.

Mr. JACOB: I am very grateful to the hon. Member who has just taken his seat for explaining that the two other members of the Committee outside the Town Council should be selected from the Chamber of Commerce and some other body. We have had this system of double and treble representation for over a century, and I support entirely the view of the hon. Member for Berbice River (Mr. Eleazar) that the Council should nominate its Committee and that should be final. If the Chamber of Commerce wants representation on the Committee, it should put members up for election to the Town Council. If it is suggested that the Chamber of Commerce is not fully represented on the Town Council then it is a grave reflection on two members of the Town Council who are members of the Chamber of Commerce. The two Government nominees on the Town Council are members of the Council of the Chamber of Commerce. In addition to that it is suggested that the Chamber should have further representation on the Committee. I have never heard a more disgraceful suggestion than that. We have the Chamber of Commerce seeking treble representation everywhere.

Mr. De AGUIAR: I do not think I can permit the hon. Member to say that the Chamber of Commerce wants representation. I did not understand the hon. Member for Georgetown South (Mr. Gonsalves) to say that.

Mr. JACOB: I speak as a member of the Chamber of Commerce. It happens that I am not a member of the Council of the Chamber but I for one resent that kind of representation anywhere. The Chamber of Commerce has been getting, and continues to get, and I hope it will stop getting this kind of representation everywhere. We talk about democracy and representation by the people every day, but what do we do? We do something quite the contrary, and I trust that Government will be entirely opposed to this suggestion in the Bill and will allow the rate-payers of Georgetown to get representation on the Committee through the Town Council and nowhere else.

I have been strongly in favour of the introduction of a new rating system, and I am quite prepared to give this system a trial. I think I was a little too severe in my criticisms of the Town Council in the last few years. To-day I have been able to discover that there were other sections of the community opposed to the new rating system being introduced. I see it very clearly exhibited here today. I wish members of the Town Council will accept what I say. I was blaming them, but when I realize that on the Town Council there are two members of the Council of the Chamber of Commerce I can see how this new rating system was being postponed year after year. The whole thing is a scandal, and I trust that Government will be no party to perpetrating this scandal. I know that the properties in Water Street of responsible members of the Chamber of Commerce are not properly valued. I know that perfectly well and I have raised it here.

I trust that the new system will come into operation in 1944, and that certain things will not happen in the Council itself to delay it and prevent everyone from paying a just and equitable rate. I make that statement fully realizing what I say. I know what I am talking about. I have tried to get into the Town Council and I am not sorry to say

that I was opposed on every side. I can see now where the opposition came from—those powerful interests that want to keep this country down, beginning from the Chamber of Commerce. They want to run the country on the capitalistic system. I have nothing more to say at the moment.

Mr. PERCY C. WIGHT: A mountain has been made out of a mole-hill this morning, and I have been exceedingly surprised to hear some of the remarks which have been made. One Member said he had no interest whatever in the Municipality, but what do we find? That gentleman was put up to represent a certain Ward. Is that not interest in the Municipality? Another gentleman, for whom I have the greatest respect, stated this morning that he had not gone into the Bill. He represents the largest interest in the community.

Mr. SEAFORD: I hope the hon. Member is not referring to me.

Mr. WIGHT: I am.

Mr. SEAFORD: I did not say that I had not gone into the Bill. I said I wanted to refresh my memory and to get some information. You know that I have gone into it.

THE PRESIDENT: What the hon. Member says is quite correct. I have not the least idea of what the hon. Member is referring to.

Mr. WIGHT: I am speaking of the hon. Member and I am entitled to hold my opinion regardless of what he says. I think the hon. Member has the most retentive memory I have ever come across. He does not forget anything.

THE PRESIDENT: The hon. Member for Georgetown North (Mr. Seaford) rose to a point of correction, and what I said was that the statement he made in correcting you was, as far as I can remember, a correct statement, that is that he never said he had not considered the Bill, because it has been before him in another place.

Mr. WIGHT: What I understood him to say was that he had gone into it but he wanted to get better advice than his own. I think you will confirm that.

THE PRESIDENT: I think he said he wanted to get some information on various points.

Mr. SEAFORD: That is correct.

Mr. WIGHT: I only wanted to say that I am not one of those persons who get hold of the reporters so as to get my speeches into the newspapers. I would like them to cut them out altogether. I do hear things in this Council that beat me. I cannot understand the argument; there is no logic in it. I have no use whatever for the Chamber of Commerce. There are men with brains on the Council of the Chamber but they are not used to the advantage of the Chamber. The Chamber has the best representatives in Water Street but they take no interest in anything except the firms which pay the subscriptions to the Chamber. I belonged to the Chamber at one time but I came out because I could not get a square deal. I refer to the purchase and sale of the old Hotel Tower building which was bought for public purposes, and it was distinctly stated that anything acquired for public purposes should be exempt from stamp duty.

THE PRESIDENT: I think the hon. Member is drifting.

Mr. WIGHT: I am referring to the usefulness of the Chamber of Commerce. If you rule me out of order I will leave it alone. I desire to make it perfectly clear that I am one of the members of the Town Council who really does not agree that this is the best method of Municipal taxation. My honest opinion as a man with some amount of knowledge who owns large property, is that the present method is undoubtedly the best that could be obtained anywhere in the world and had worked

well for over 75 years until one unsound person got into the Council by cloaking his failure and made a mess of it, with the result that the lawyers got the bulk of the whole thing. It was a ramp which was got away with.

I am prepared to say that although I belong to the old school I am prepared to give the new system the whole-hearted support it deserves. It has gone from hand to hand, to men better qualified than I am in legal knowledge. It has gone to the Colonial Office and has been returned here as being sound. The Attorney-General has given it his whole-hearted support, and it is only fair that we should give the Council an opportunity to show whether it can be properly operated in this Colony. The day we find it is not in order we will come back and ask the Council to amend the legislation to suit. I have gone through the Bill very carefully, and although I am prejudiced against it I am prepared to give it a fair trial. It is going to cost the Municipality a lot of money and will involve more brains than we think. The matter is not a simple one, but in fairness to those who advocate something progressive let us have it.

It has been suggested that the commercial houses are not being properly taxed. The best premises are not contributing their fair share to the revenue of the Town Council, and they belong to one firm in which I am interested. I do not consider that fair, and I shall move heaven and earth before I die to see that that firm pays its legitimate taxation. I regret having spoken so very plainly, but it is a matter on which I feel very strongly. I ask hon. Members to give the Bill a fair chance.

THE ATTORNEY-GENERAL: The hon. Member for Berbice River (Mr. Eleazar) referred to three main points. The first was that all of the five members of the Assessment Committee should be members of the Town Council, and that

the Council should not go outside to select two other members. It does occur to me that the Town Council has, I believe, 12 members, and if five of those members have to serve on the Council, on Committees, and also on this Assessment Committee they will have to be gentlemen of independent means. This Committee is going to be a whole day's job, and if the Town Council has five members who can spare the time there is no reason why they should not be there. On that particular point I cannot give an answer.

The next point made by the hon. Member was why an appeal from a Magistrate to the Supreme Court should be on a point of law only? As a matter of fact an appeal to the Council and from the Council to a Magistrate, and from the Magistrate onwards is, to all intents and purposes, very strictly limited. The hon. Member says that the whole difficulty is that the best lawyers make mistakes. Of course that is so. Anybody is liable to make a mistake as to the value of a property, but the value is not important. The only point is how much rent the landlord gets for that property. In arriving at the value of a property you have to consider its state of preservation, accessibility, neighbourhood and other points, but by finding out the rent of surrounding properties it is not difficult to assess the rent. The question of assessing the value of a property no longer arises.

The hon. Member for Georgetown North (Mr. Seaford) would like the Bill postponed in order to get certain information, and the hon. Member for Central Demerara (Mr. De Aguiar) would like to have time to consider it further. I think that only on one occasion have I opposed in this Council an application of that sort. In this particular case I think there are eleven more working days this month, and we have to get any amendments to the Bill to the Secretary of State who has to send them to the Home Office and to

his rating experts, and the reply has to come back in time for the Bill to be enacted before midnight on the 31st December. The Bill has been drafted on the assumption that it comes into effect at midnight on New Year's Eve. If the hon. Member, after consultation with the interests he mentioned, decides that amendments are required I shall undertake to do my best to draft another Bill to give effect to those amendments and bring them before the Council. I give that undertaking because I feel certain that we must have this Bill put through as soon as possible.

The hon. Member for Western Essequibo (Mr. C. V. Wight) referred to the time occupied in bringing the Bill before the Council. In other words he was answering the charge of delay, but I cannot refrain from mentioning that he left out the last paragraph of the letter. The letters referred to in that paragraph have been replied to, and all that time the Bill was in England before the Home Office experts, and every time we replied to a letter we said that the Bill was still in England. Please do not think that during all those months the hon. Member mentioned the Bill was being delayed by Government. It was sent to the Town Council the same month it was received from England.

Mr. GONSALVES: I think I exonerated the Attorney-General from blame.

THE PRESIDENT: Before putting the motion I should like to assure the hon. Member for Georgetown North (Mr. Seaford) that the very last thing I should ever wish to do is to infringe the rights of Members of this Council. What I felt was that I had already indicated that Government would have to put the Bill through at this meeting and not postpone it. I made it perfectly clear that I was not in any way stifling debate. One Member had completed his speech but the hon. Member for Georgetown North had not spoken

at all. I hope the hon. Member does not think that I wished to infringe his rights.

Mr. SEAFORD: I wish to express my appreciation of your remarks, sir, and I realize there was no desire on your part to stifle discussion.

Motion put, and agreed to.

Bill read the second time.

Mr. De AGUIAR: I ask that my dissent be recorded.

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

Clause 1.

Mr. De AGUIAR: I move that the Committee stage of the Bill be adjourned until Wednesday next at noon. I have risen rather reluctantly to do so, but it has occurred to me that perhaps some Members at any rate desired to have the second reading of the Bill passed to-day. Where a matter of a controversial nature is before the Council, involving as it does, so many important and legal points, I hope a request of this kind will find favour.

I will also take this opportunity to say once again, if it is necessary, that nothing I have said before on the second reading, and nothing I will say from now on, could ever be understood to mean that I am against the principle of the Bill. Of course I happen to be one of those individuals who does not suffer from a one-track mind, and I have never attempted to accuse even my enemies of any ulterior motive for anything they may do.

I take this opportunity to say also that it was a matter of regret that the respectable name of the Chamber of Commerce should have been introduced into the debate, especially in view of the fact that so far as I have been able to read (I have not completed the read-

ing of the Bill) I have not seen the name of that august body referred to in the Bill. It is regrettable that certain Members should have gone out of their way to say the things they have said about that body. I also wish to say here and now that as far as I have seen there is nothing in this Bill to indicate that the Chamber of Commerce has asked for representation on the Assessment Committee. The point arose, I think, from reference to that clause by the hon. Member on my left (Mr. Eleazar), and it was immediately seized upon by other Members who said that perhaps it was intended to give representation to the Chamber of Commerce, and that that body at the moment is given too much representation in other directions.

I said at the outset that I was somewhat reluctant to move the adjournment of the Committee stage of the Bill, and one of the reasons why I said so was because of the undertaking given by the Attorney-General to the effect that if it was found later on that any amendment was desirable he would see what he could do about it. I graciously accept that undertaking, but there again, supposing it did occur—

Mr. JACOB: To a point of order. Isn't the hon. Member repeating himself?

THE CHAIRMAN: I do not think so.

Mr. De AGUILAR: The hon. Member does not seem to understand. I am referring to a remark made only a few minutes ago by the Attorney-General. I will not allow that interruption to prevent me from making this observation. Supposing it was found desirable to put forward any amendments which were found to be not only practical and reasonable but would probably go to the root of the Bill, the object we all hope to achieve is to see a new rating system in operation on the 1st January, 1944. But I am afraid that if certain amendments were found to be necessary the introduction of that

system would be delayed. In fact I am inclined to think that the delay would be much greater, because the Town Council would have to come back to this Council with further amendments, and one never knows what would happen, whereas an adjournment for a few days might possibly remove all the objections, if there are any at all. There may be one or two minor points, but there may not be serious objections to the Bill. In spite of the fact that I am Vice-President of the Chamber of Commerce I must confess that I have not been able to complete the reading of the Bill. If on the other hand hon. Members feel that we should continue in spite of what I have said, all I can tell them is that I feel I have done my duty to the City despite what any Member of the Council may think or feel.

THE ATTORNEY-GENERAL: The hon. Member says he feels that something serious may go wrong, something which might go to the root of the Bill. As to that I will express no opinion at all because I know nothing whatever about it, and Government has adopted the same attitude. The Bill was sent to England, to the Colonial Office and the Home Office, and it was seen by rating experts. The principle is in order and the Bill is in order, and in their opinion it is in order. It is not my personal opinion. I suggest that hon. Members can rely on those experts who have examined it, and should not rely on local people unless they are experts too. For that reason I oppose the hon. Member's motion.

Mr. C. V. WIGHT: This Bill has received what I consider excellent attention from certain legal gentlemen here, including the Attorney-General himself. Not only has it received that attention but it has also received the attention of the Ministry of Health and its legal advisers. It has also received consideration from certain hon. Members here who were nominated by Government, and who most certainly

will be able to express certain views in the interest of the City and those persons whom they represent. Yet we have the hon. Member suggesting, in a state of unpreparedness, and without having even considered the Bill, that overnight he is going to suggest certain amendments, but he has not the face to say that they would be beneficial. I can assure the hon. Member that when the Bill is put into operation and the Council is executing the preliminary work under it, anything that strikes the Council as not having been covered will receive due and immediate attention. If the hon. Member is unprepared but elects to take part in this debate it can be for no other reason than to delay the passing of the Bill.

Mr. De AGUIAR: Am I to understand that the hon. Member has challenged my right as a Member of this Council to say "Aye" or "No" to this Bill? Am I to understand that he expects me to come here and, without any consideration whatever, accept the Bill as presented by the Town Council, in spite of the experts who have had the opportunity of examining it? I am sure that cannot really be his intention, because if that were so I would like to remind the hon. Member of the number of times he has risen to his feet to say he wanted time to consider this or that, and would not accept this or that. Hon. Members in their desire to throw bricks at their colleagues use language which is sometimes used in this Council. I declare that hon. Members by their remarks impute motives to others. I deprecate it very much, and I hope the hon. Member will try to avoid the use of such language as would impute any motive to anyone either here or elsewhere.

THE ATTORNEY-GENERAL: I had not the chance before to say that the hon. Member adopted the wrong procedure in moving the adjournment of the Bill in the Committee stage. What he should have done was to move that the Committee report progress on the Bill and ask leave to sit again.

Mr. De AGUIAR: I move the motion in the terms suggested by the Attorney-General.

Mr. GONSALVES: I was thinking that there was too much fiery wit on the other side of the table, and that it might be advisable to separate the two Members concerned. There is a gap between them but it does not seem to be sufficient. On the question of experts, as far as my recollection goes the original suggestion on that point came from Government, and the Town Council thought it would be better that an expert should come to the Colony and consider the scheme. Government did not agree with that suggestion and the result was that the scheme was put up and sent to the experts on the other side.

Mr. JACOB: To a point of order! I would like to get these things perfectly clear sometimes. The mover of the motion spoke once, took his seat and then spoke a second time. I am wondering if he is going to speak a third time.

THE CHAIRMAN: I think the hon. Member has forgotten that we are in Committee.

Mr. JACOB: I want to remind the hon. Member for Central Demerara of his attitude during the debate yesterday. The hon. Member for Georgetown North was not present yesterday. I was astounded at what he did. I was not astounded at the attitude of the Chair then, as I thought it was a slip and I did not challenge it at the moment. I have always felt—and I say it from the bottom of my heart—there is far too much consideration for certain Members of this Council. There is partiality.

THE CHAIRMAN: I do not know to whom the hon. Member is referring. I hope not to the Chair.

Mr. JACOB: I want to be guarded in what I say. I am saying that every

day I come here I see it, sometimes it is very subtle, sometimes very pronounced.

THE CHAIRMAN: The hon. Member is wrong. I suggest we go on with the motion before the Committee.

Mr. JACOB: I know I am right. We should follow the usual procedure and not give one preference over the other.

Question put, and motion lost.

Clause 1 passed without amendment.

Clause 2—Interpretation.

THE ATTORNEY-GENERAL: I have a few minor amendments to move. In the definition of "annual rent" between the word "lot" and the word "as" I move that the words "for a year" be inserted.

Question put, and agreed to.

THE ATTORNEY-GENERAL: In paragraph (b) of the definition of "lot" I move that the words "more than one person" be deleted and the words "two or more persons" substituted therefor.

Question put, and agreed to.

Mr. De AGUIAR: "Assessed value". I was a little bit disturbed about it. The definition says "assessed value" refers to the lot. I was thinking of a house. I suppose that comes in under "annual rent." I am not clear.

THE ATTORNEY-GENERAL: A house being part of the lot if the land belongs to one person and the house to another person both will be assessed separately.

Clause 2 passed as amended.

Clause 3—Appointment of Assessment Committee.

Mr. JACOB: I beg to move the following amendment to sub-clause (2)—all the words appearing after the word "persons" be deleted and the words "to be appointed from among the members of the Council" substituted therefor. We are not going to put the hands of the clock back. So far as I am able to see the tendency throughout the Empire and throughout the world to-day is to give representative institutions greater scope. If the constitution of the Town Council is nine members elected by the ratepayers and three nominated by Government and that Council cannot find five members to serve on a Committee of this kind, then there is something definitely wrong. Let me say at the outset I am not in favour of the Nominated element on the Town Council, but for the purpose of my argument I say let them remain. Three persons are nominated to seats on the Town Council and they are drawn from certain interests in this country. I understand the Georgetown Chamber of Commerce is one of those interests.

As the result of the subtle way in which the section is worded I cannot understand how the Town Council agreed to the wording, and what surprises me is that members of the Town Council themselves seem not to be in favour of it. Maybe there is no unanimity in the Town Council. I oppose this very strongly and I urge that if even it is necessary from the Georgetown Town Council's point of view to have members of the Georgetown Chamber of Commerce—at the moment there are two members of the Chamber nominated by Government as members of the Town Council—what then is the reason for suggesting that that Chamber should be represented on this Committee. Although that is not stated in the Bill we have had it from the hon. Member for Georgetown South (Mr. Gon-salves) that this Clause is intended to give the Georgetown Chamber of Commerce more representation on the Town Council, and I accept that statement.

Mr. GONSALVES: To a point of correction! I do not think I actually said that. I said one of the members may be selected from that body.

Mr. JACOB: If it is not the Georgetown Chamber of Commerce that may be represented there, I would like to be told from where those persons are to be selected, from what body or class of persons? I accept the prior statement of the hon. Member that the Chamber of Commerce may nominate one person. May I say that the Sugar Producers' Association may nominate the other person because they have large vested interests in this town, or shall I say other commercial interests? When I see how the Town Council is composed—you have all classes of persons on that Council—I think the Georgetown Town Council is adequately representative of Georgetown at the present time. In fact the commercial interest is over-represented on the Town Council while the small property-owners are not adequately represented. If representation ought to be given to outsiders, then it ought to be given to the small property-owners and not to vested interests or the Chamber of Commerce, or any other interest. I submit with all confidence that this Government will not allow this clause to go as it is, and I also trust that the members of the Georgetown Town Council who are Members of this Council will oppose it.

Mr. GONSALVES: I would ask the hon. Member not to press that five members of the Town Council be on the Committee. As was pointed out by the hon. the Attorney-General it involves a large amount of work, and I think to have three members of the Town Council devoting attention to this business is quite sufficient. I do ask the hon. Member not to insist in asking that five of the twelve Councillors be members of this Committee. The provision for two other persons is really the result of representation or a suggestion that the Committee should not be composed of members of the Council alone.

but that certain other persons in the City who have a knowledge of the rental value of properties should form part of the Committee. That is why it has been put in the Bill. The hon. Member has taken my remark to mean a member of the Chamber of Commerce will be appointed. I have not said so, nor can I or any other member of the Georgetown Town Council say a member of the Chamber of Commerce will be appointed. That is a matter to be decided by twelve persons sitting around the Council table. I said it may be possible that a member of the Georgetown Chamber of Commerce will be selected, but that is not saying that one will be selected. I do ask hon. Members of Council not to accept the suggestion of the hon. Member that the Committee be constituted by five members of the Town Council.

Mr. C. V. WIGHT: I think the hon. Attorney-General has it in his files. This clause has been adapted from the Rating and Valuation Act of 1925. I think that is where it has come from. It allows for great elasticity. We may desire to place on the Committee some gentleman who has expert and technical knowledge and is willing to serve, or some other person who should be interested. We do feel on the Town Council that we should want control of the members of the Committee. This precludes unnecessarily binding ourselves to the members of the Town Council and affords us an opportunity of some elasticity in appointing any person whom we may consider to be a necessary adjunct, some expert in the particular line. At one time it was considered by one of the parties, the Chamber of Commerce, (although the hon. Member for North-Western District does not like the name) that we should get an expert to go into the scheme. With a clause like this we may be able to get a couple of persons with such knowledge to help. As the hon. Attorney-General said, this is free work. This allows some scope for a qualified person or two to be put on the Committee, or as the hon. Member for Georgetown South said some bodies

may be asked to nominate them. We do not appoint any individual because we are only in the minority; it is a matter for the whole Council.

Mr. ELEAZAR: I am supporting the amendment by the hon. Member for North-Western District. I have served on Town Councils long enough and on this Council for a long enough time to know that very often when a Bill is brought before this Council there is something sinister in favour of someone. The crux of it is that there are people who remain outside the Town Council because they are too great, or for ulterior motives, are not interested in Municipal affairs, but have power to pull strings and get what they want. It does not matter what excuse the hon. Member for Georgetown South has made. He tells us that because the Chamber of Commerce may send somebody, is reason why we should leave it so as to allow of two persons being got from outside the Council. If we leave the wording as it is the intention is going to be carried out. That ought not to be in legislation. One of the most important, if not the most important, duties of the Town Council is to assess people's properties so that they pay their fair share of the taxes. When you are going to call people from outside, to whom are those people responsible? The Elected member of the Town Council is responsible to his constituency and the Nominated member is in a measure responsible to Government. To whom would these two extra men be responsible? Why should they be brought in to destroy what responsibility there is on the Town Council? If the Town Council feels itself incompetent, that is no reason why it should violate the trust put in it. The Councillors should not seek re-election at all. To put this thing in the Bill and tell us it is because certain people thought otherwise is not good enough. We do not know who are the persons they have in mind.

I am supporting the hon. the Attorney-General when he said

it looked strange to him and he thought they did not want to take so many out of the Town Council, but the hon. Member for Georgetown South said they had not that in mind. I am inclined to think he had in mind that certain section of the community which I have in mind. That does not sound good for public life generally. Certain people remain outside and at their sweet will use the Council to serve their own interests. I am not a member of the Georgetown Town Council, but even if I were and the members were inclined this way I could not prevent them. From my experience on Councils, even on this one here, it has a very bitter taste. I think it is high time for us to avoid suspicion wherever we can and try to act impartially to everybody, and to avoid class legislation. This suggestion savours of class legislation. I say this clause as written here has a very bitter taste. It seems to me you are going to have this Committee but it is desirable that it should be of five members of the Town Council. Government has three Nominees there and certainly the Government Nominees are qualified persons. The ratepayers have elected nine persons to represent them and to see that their interests are properly served. It is dishonest and dishonourable, however clever it may seem.

Mr. WOOLFORD: I was a member of the Town Council for very many years and was Mayor for a good time, and I know that from time to time the valuation in respect of the properties of some of the Councillors has been unfair. It has been a direct charge made against Councillors from time to time, both in the public papers and at public appearances when speeches were privileged, that if a comparison were made of the valuation attached to a property owned by a Councillor and that of every other property in the same ward or the next, by some means the members of the Town Council enjoyed the difference. That has been a charge laid against every City Appraiser or combination of them for very many years, although the position of

the appraisers remained the same for many years. I know that when I was Mayor I induced the Town Council to make the individual appointment of a Mr. D'Andrade, an accountant and a very shrewd and independent-minded man, and I think that appointment met with general public favour. If, therefore, you allow the Assessment Committee to be comprised of members of the Town Council only, as I understand the hon. Member feels ought to be the case, you will be continuing the opportunity for scandal that made the appraisal system one which the ratepayers not knowing the facts thought was undesirable. If the Assessment Committee is confined to the personnel of those who are Councillors that charge is going to be repeated. Imputations are going to be continued.

It is with the desire to assist the personnel of that Assessment Committee in its investigations that the addition of two persons from outside the Council is being made. The hon. Member asks what is the responsibility of those two other members. One of their responsibilities is that they are likely to be interested persons against whom no charge can be made but as regards the Councillors, if you leave it to them, the charge is sure to be made that they do their duty to themselves and not to the ratepayers. I do not think the composition of that Committee should be such as to render it, difficult and sometimes impossible for a good number of the Town Council to be rejected at the general elections which occur much too frequently in the Town Council, by reason of the fact that they had been members of the Assessment Committee. I do not think, as the hon. Attorney-General seems to think, that the investigations of the Committee are going to be quite so great as is foreshadowed, because there are such things as records in the Town Council books. The valuation of these properties has been there for years and

has been altered from time to time, but in the main they have something to go upon and coupled with that is the detail in ascertaining the tax. Although it is difficult to say what the assessment should be, it is contemplated by this Bill that it should be based on the gross annual rent which would not necessarily be determined until after consideration.

I have also risen to disclaim the view which the hon. Member for North-Western District seems to entertain in regard to the Nominated members of the Town Council. I believe he is under the impression that this principle goes with the three Nominated members. Take one case mentioned, the selection will be known by the Council. I can say that is not so. In regard to Nominees appointments are made by the Governor-in-Council who are not influenced in any way. In their selection from the panel of names submitted, they exercise their judgment as best they can. There are several men who have been approached from time to time and are afraid to take office and other gentlemen have declined. I know certain members of the Chamber of Commerce who will not stand. Why suggest that the Chamber of Commerce influences the Executive Council in their appointments? I personally know that is not the way in which appointments are made. Appointments have been limited because there is a definite lack of people in this Colony willing to assume public responsibility. That is the curse of the Colony. There are men of brains and experience who refuse to be nominated to serve on public bodies. They have the greatest distaste for doing so. Our public bodies are recruited from men who have experience whether business or otherwise, and who have addressed their minds to public questions.

As far as I am concerned, I feel that the selection for public bodies like this one should be based on financial position—the ownership of property of a very high value. I think it would be

better even if it gives a shock to the ratepayers. It should be possible for men who have brains and a responsible public opinion or an appreciation of that public opinion to sit on the Town Council. I have no doubt that in course of time we will find a man sitting in the Town Council who is a junior clerk in Water Street. I see no reason why that should not be made possible. The suggestion that Government's decision or the Town Council is influenced by these bodies really has no foundation. I think it is a pity that more opportunities are not given to Government for finding suitable nominees for these Boards, whether they belong to the Sugar Producers' Association or the Chamber of Commerce or any particular body. One of these days I would like to see appointed to the Town Council some clerk in Water Street or someone in other general walks of life in order to give it a spirit of public opinion.

This is a long delayed matter. There has been dispute in its application. Let us not dispute as to whether this property here because it is situated at a corner is worth more for assessment. For instance, every retail spirit shop-owner for many years occupied premises at a corner. Several have gone out of existence. It seems to be thought by some of the appraisers that because a building was once a retail spirit shop it should have more value. It is not the proper way to approach the subject at all. In the selection of people who are not on the Council but who will assist the Council, I agree with the hon. Member that it is going to be difficult. I personally would like to see it done not by the Town Council but by some other people because you would have a selection of two disinterested persons, but the Town Council drafted a system which seems to suit them. It is always said that the Councillors are interested in the mode of taxation. People will say that every measure passed in this Council is of a selfish nature. I would like that

criticism to be removed as early as possible. I will here ask the hon. Attorney-General and hon. Members to look at the schedule which bears on this particular point. In the First Schedule Rule 8 (1) and (2) which makes provision for the filling of vacancies on this Committee, states:—

(1) On a vacancy occurring in the committee by reason of the death or resignation of a member or otherwise, the council shall appoint another person in his place, and the person so appointed shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

(2) If any member of the committee, not being a member of the council, becomes a member of the council, his term of office as a member of the committee shall thereupon expire and the vacancy shall be filled as in the case of a vacancy by reason of death or resignation.

As I read those two provisions they are entirely opposed to one another for very good reasons, but it seems to me it may happen that if by reason of some death or resignation among the original three members of the Committee you do not make it possible for any member of the Council to be on the Assessment Committee. So it is by no means static. It does not follow, as the hon. Member stated, the Committee should be confined to members of the Council. As I read it, the personnel of the Committee may include no member of the Town Council at all. I have only risen to point out that what hon. Members feel—first of all that this is an affair of the Town Council—is not really right in its application. It is not as Labour has a right to be represented, not that Councillors who represent certain constituents are only interested in their respective constituents, not that one Councillor who represents Stabroek, is to see after the valuation in Stabroek. Let us make a start. There may be mistakes. It is the responsibility of the Town Council. Even under the present system, although you had appraisers and although they made valuations, their work was subjected to the

scrutiny of the Town Council. I remember the hon. Member for Georgetown Central (Mr. Percy C. Wight) as Mayor had a bad time with the number of appeals which occurred when the appraisers' findings came before the Town Council. The Town Council has the final responsibility under the law to-day, and my own view is the Town Council will not shirk its responsibility in the present Bill.

Mr. PERCY C. WIGHT: I desire to congratulate the last speaker on what he has stated. It is exactly what was passing through my mind, only put in the lucid way in which he has disposed of it. I am appealing to these hon. Members who opposed the clause not to press it. I can assure the municipal-minded that if they look at the reports in the Press when the appraisements are before the Town Council they will see that Councillors themselves have admitted that they are not qualified enough to go into the matter. One particular Councillor stated that he could not take part because he felt he was not qualified to do so. There are only to be three Councillors on the Committee. I know that in the valuation of most of the properties for insurance and for estate duty mistakes are made and no notice is taken of them. I feel I am making no derogatory statement when I say that Councillors have not sufficient knowledge to go into the matter alone. I think this is as good a principle as one can find. I was in the Mayoral Chair when a tremendous amount of valuation came up. There was a certain member of the Council in whom I have great faith as regards valuation, and although I was in that line of business I went to that gentleman and asked his advice. I felt that with his knowledge, qualification and building interests he would be the only man to render me assistance. There is nothing to be suspicious about in this clause. It is simply that in the Corporation there is not that natural ability to do the work alone. As long as the Town Council has a majority we are all right. The ratepayers' Association has one very useful mem-

ber who can be appointed. It is the same with the Chamber of Commerce. There is a member of the Chamber of Commerce who undoubtedly can assist the Council. I ask hon. Members to dismiss from their minds any question of suspicion and leave the clause as it is. Let us see if it works satisfactorily first.

Mr. JACOB: The more I listen to the hon. Members who have spoken against this amendment, the more I feel that the amendment should go through. I see in the First Schedule, Rule 4, that three members including the chairman shall form a quorum at any meeting of the committee. If I am to agree with the hon. Members that the Town Council has not sufficient members with sufficient interest and sufficiently qualified to sit and decide the assessments, then I take it the three Councillors will be guided by the two appointees from outside. The two nominated members and two Councillors can carry everything. Three form a quorum and the Chairman has a casting vote. The whole thing looks absurd from the arguments I have heard. I wish I can agree with the hon. Member for New Amsterdam, though I do not always, when he says the Colony has no public spirit. If there is any disinclination on the part of any class of persons to go on the Town Council, surely that is not so with the Nominated members of the Town Council with respect to that Committee. When I look at the list of members of the various public Boards and Committees and see some of the names repeating all the time. I do not wonder why people are not taking enough interest in the City's affairs to go on the Town Council. I have a definite grievance in this matter myself. I believe I have no interest in anything that goes on in this Council or in the Colony, because I find myself on no Board or Committee. The whole idea is to get one so disgusted with public life as to get out of it. Government is trying up to now to get me so disgusted that I will retire from public life.

THE CHAIRMAN: I can assure the hon. Member that his statement is not correct.

Mr. JACOB: I shall repeat it since I am not on any public board.

THE ATTORNEY-GENERAL: The hon. Member is now replying to his motion and no one has spoken of getting on or not being put on any public board.

Mr. JACOB: The hon. Member for New Amsterdam said people are disinclined to take part in public affairs and I am giving reasons for it and I gave my own case as an example. At one time I was on every important temporary committee appointed in this Council, but because I had adopted no compromise with certain people to perpetuate what is going on I am not on any board or committee. That is the reason. It is very unpleasant and it is time Government realize that. I want it recorded in the debates because I am going to use it later on. I am here for a purpose and I am going to use it later on.

Mr. SEAFORD: May I ask, whether what the hon. Member is here for has anything to do with the motion before us? I cannot hear anything about the motion.

THE CHAIRMAN: The hon. Member is replying to remarks by the hon. Member for New Amsterdam. He proposes to use them later on against Government.

Mr. JACOB: My hon. friend is one who has been responsible for that to a large extent, but I am here to express my feelings and to represent my constituents. I am not here to represent myself.

Mr. SEAFORD: Is the hon. Member speaking on the motion?

Mr. JACOB: I am. It becomes rather distasteful but I say in all confidence that if it is the intention

of Government to let us have a continuation or extension of public life here and the people to take an interest in public life, then this clause should not be supported by Government. Let the Town Council nominate persons from among the Elected and Nominated Councillors and not go outside. If that happens you may have no representative of the Council sitting on the Committee to decide what valuation should be given.

Mr. De AGUIAR: I am not surprised at the suspicion that has been cast on this clause, and I would like to say that personally I do not like the way it is worded. I would delete sub-clause (2). I am at a loss to suggest a remedy except to indicate what is passing through my mind. I repeat that I had no time to study it and so I am not prepared to put forward an amendment in a proper form. Members have to bear for a little while with some of my shortcomings in that respect. It even appears to me that under sub-clause (1) the Town Council has power to appoint persons to assist the Committee, while sub-clause (2) says "The Committee shall consist of five persons of whom not more than three shall be members of the Council." That seems to suggest how the remaining two should be appointed or who they should be, because the ultimate appointment of the Committee according to this clause rests with the Council that is sitting. What has been passing through my mind is this: Having regard to Government's interest or property interest and Government's responsibility to the ratepayers as a whole, is Government satisfied with the clause as it stands. It seems to me that provision should have been made for the Town Council to appoint three of the members of the Committee and the Governor-in-Council appoint the remaining two, and possibly that may right the difficulty. It is left entirely to the Town Council to appoint all but only three are restricted to their own members. As I understand it, the complaint is not to confine

the appointments to the Town Council. I am not disputing that, but it seems to me, having regard to all that I said about Government having some responsibility to the ratepayers of the City, the suggestion may be accepted that the remaining two members of the Committee be appointed by the Governor-in-Council. I do not know whether that phase of the matter has received any consideration by Government.

Mr. C. V. WIGHT: To a point of information! I would like to inform the hon. Member that that had been considered, but the Town Council was absolutely opposed to any nomination by the Governor-in-Council.

Mr. De AGUIAR: Maybe that is responsible for the wording of the clause as it stands. I have no doubt that the Town Council would be opposed to nomination in the manner I have described. I have every reason to believe they will be. Has Government, having regard to its responsibility to the ratepayers and in its own interest as a ratepayer, considered the necessity or advisability of having representation on this Committee? There is something to be said about that representation. I think that suggestion may receive some consideration. I do feel that whatever the reason for this clause may be, the wording of it as it stands, is not very happy, and the Town Council themselves may feel later on that perhaps it is better for the appointment of the Committee to be better described.

Mr. ELEAZAR: I supported the amendment and I still think I am right. If any suspicion has arisen in Members' minds, the hon. Member for Georgetown South must be thanked for that. The hon. Member who has just spoken has made a good point. The Town Council will have the right to nominate the two other people, but the Council will have the right only if the majority of the Council would do that. Why give away the power which the ratepayers give to the Town Council

by restricting it only to some of them? They must not delegate that power to someone else. That is what the hon. Member has said. Let all the people be members of the Town Council, and if they want advice give them power under the law to obtain that particular advice in such a manner as the hon. Member for Central Demerara mentioned just now. Certainly, there are men outside the Town Council who are specialists in the particular matter and, therefore, give the Town Council power to get them. The hon. Member for Georgetown South has said what he has in his mind and what the whole Council had in their minds. Having known so much of it and that these people like to remain outside and will not put themselves out to assist the Town Council, they must take what the majority gives them. They cannot remain outside the Town Council and enjoy the privileges of those inside, being responsible to no one at all. I do not say the members of the Chamber of Commerce will not discharge their consciences, but they should not remain outside the Town Council and give their opinion. Certainly they should go to the people who they think can represent them best. The hon. Member for New Amsterdam and the hon. Member for Georgetown Central are two men for whom I have the highest respect and regard. Both of them know it. But I am against them in respect of this thing because of my experience.

THE CHAIRMAN: I think the hon. Member made it clear that it is not so worded as to invite appointment from outside the Town Council. The hon. Member for Central Demerara enquired whether Government has considered the advisability of suggesting that the Governor-in-Council should appoint the other two persons. Government is in the same position as anyone else in the matter. The Attorney-General has pointed out that in clause 38 it is provided that Government property shall be valued in the same manner as the properties of other

people. Government feels quite satisfied to leave it to the Town Council to appoint the Committee.

Mr. De AGUIAR: When I referred to Government's interest in the City, what I had in mind at the time, if I may explain, was this. So much capital has been made of the fact that the Town Council is composed of nine elected representatives of the ratepayers and only three are nominated by Government. What I wanted to point out was that in that case Government is in the minority and further, Government in no way takes a hand or has any responsibility or assists in the nomination and election of those nine Elected Councillors. The only representation Government has on the Town Council is by the three nominated members of the Council. Having regard to the fact that Government takes no part in the proceedings for the election of Councillors, and having regard to Government's interest in property and also Government's general responsibility to the entire body of ratepayers of the City as a whole, it seems to me that the nomination of two members of this Committee can well be made by the Governor-in-Council. I find myself in some difficulty in actually presenting the amendment by reason of the working of the clause. That will also have to be amended, and, therefore, I suggest that the official view be put forward before I have the amendment prepared.

THE CHAIRMAN: There is an amendment to sub-clause (2) which I propose to put first. If the amendment is not carried I will put the whole clause.

Mr. De AGUIAR: I may be permitted to say something about sub-clause (3). If we pass this sub-clause it means that we are actually approving the schedule at the back of the Bill without any consideration.

THE ATTORNEY-GENERAL: Approving this clause does not mean approving the contents of the schedule which is quite separate.

THE CHAIRMAN: I will now put the amendment moved by the hon. Member for North-Western District.

The Clerk of the Council had begun to take the division when Mr. De Aguiar drew attention to the fact that Mr. Percy C. Wight and Mr. Seaford, who had left the Chamber, were about to re-enter.

THE CHAIRMAN: There is nothing to prevent Mr. Wight voting if the Clerk has not called his name.

Mr. WOOD: It is contrary to precedent, sir. I can vouch for that because some years ago Dr. Kelly and I were the two Members who brought it to a head, and it was then ruled that we could not come in once the division had commenced.

Mr. De AGUIAR: I might add that in my time I have seen a cord pulled across the doorway when a division was being taken.

THE CHAIRMAN: Why were the cords removed?

THE ATTORNEY-GENERAL: This Council is bound by its own Standing Orders. There is nothing in the Standing Orders which gives any possible authority to the precedent named. The last Standing Order says:—

52. In all cases not provided for in the British Guiana (Constitution) Order-in-Council, 1928, or in these Rules and Orders, the practice and procedure of the Commons House of Parliament of Great Britain shall be followed so far as the same may be applicable to the Council.

A Member of the House of Commons is allowed three minutes to enter the House on the sounding of a bell. There is no bell here. Anyhow the point has arisen and it is one I would like to look into. I suggest that the hon. Members should not vote.

Mr. ELEAZAR: If there is nothing in the Rules we should be guided by precedent. If a Member is outside he should remain outside.

THE CHAIRMAN: I feel that we are bound by the Standing Orders and not by precedent. The Attorney-General has made a suggestion which I am sure the hon. Member for Georgetown North (Mr. Seaford) will accept.

Mr. De AGUIAR: I am quite willing to give the Attorney-General time to look into the question.

The division was then proceeded with and resulted as follows:—

For:—Messrs. Jacob, De Aguiar and Eleazar—3.

Against:—Messrs. C. V. Wight, Jackson, Gonsalves, Wood, Crease, Case, Laing, D'Andrade, Austin, McDavid, Woolford, Prof. Dash, and the Attorney-General—13.

Amendment lost.

Clause 3 put, and agreed to.

Clause 6—Power of Committee to require Returns.

Mr. De Aguiar: I am still going to do my duty. Sub-clause (5) says:—

(5) Every such return shall be accompanied by a ground plan of the lot to which the return relates, and the plan shall show such particulars as may be prescribed.

I am going to admit that it is a very good thing to call upon ratepayers to provide ground plans of their lots, but I am wondering how many hardships are going to be created on certain people as a result of the expenditure involved. We have heard so many times about poor people and widows, but I am wondering whether that aspect of the matter has been considered. I had intended to move the deletion of the sub-clause entirely, because I am satisfied it is going to create hard-

ship, but if the Town Council has considered that phase of the matter and feels that it is not likely to do so I am prepared to let it go through.

Mr. C. V. WIGHT: There is an officer now in the Department awaiting the passage of the Bill to commence the preparation of these ground plans, and I have no doubt that we will assist ratepayers as we deem it necessary. This is one of the items that will take a little time. We hope to get it through in three or four months.

Mr. De AGUIAR: I have not heard whether there will be a charge for the preparation of these plans.

Mr. WIGHT: Nothing has been decided on that point yet. It has been discussed and the idea is that the plans should be prepared by the Department. I personally see no objection to officers of the Department going around and making these plans which would be recorded in the office for the use of the Council, and the ratepayers can go in and sign them.

Mr. De AGUIAR: All that the hon. Member has said is not shown in the Bill. He has not taken us into his confidence on the specific question whether there will be a charge or not for these plans. All we are concerned with here is that there is an obligation on the ratepayer to submit a ground plan. If the plan is to be prepared by the Town Council the clause should say so.

Mr. WIGHT: There was some difference of opinion on the Town Council whether a ratepayer should be allowed to prepare his plan and submit it. There are obvious objections to that. The matter has received very careful consideration by the Council and is awaiting the detailed work. No doubt the ratepayers are perfectly satisfied because they have returned the Council *en bloc*.

THE CHAIRMAN: I understood you to say that if the officer attached to the Department prepared the plans and the owners of properties signed them the Council would be prepared to accept them. What we would like to know is whether there will be any charge for that work.

Mr. WIGHT: At the moment that has not been discussed, but personally I do not see why there should be any charge.

Mr. ELEAZAR: Under the Public Health Ordinance anybody who puts a building on any lot has to submit a plan to the satisfaction of the Town Council, no matter who made it. Putting it in this Bill only duplicates it.

Mr. SEAFORD: The difficulty is that there might be objection if everybody was allowed to submit plans.

Mr. WIGHT: In cases where we have these plans prepared for record and a person asks for assistance, I see no reason why the Council should not give it. The officer is in the Council's employ and is being paid for that work. The hon. Member is aware of what happens on the Central Board of Health. I know that plans are submitted.

Mr. SEAFORD: In the case of the Central Board of Health a sanitary officer very often helps in the preparation of plans.

Mr. De AGUIAR: Unfortunately I have not studied law, and I am not prepared to have too much argument about it. I do not know whether it is as compulsory in the Health Ordinance as it is here. In this Bill it is stated quite definitely that "every such return shall be accompanied by a ground plan." I also know that out of every 100 plans submitted to the Board of Health 99 are prepared by a sanitary inspector. Whether he gets a fee or perquisites I do not know, but there is no statutory fee.

Mr. WIGHT: I would not like it to go on record that 99 per cent. of the plans submitted to the Central Board of Health are prepared by sanitary inspectors. That is not my experience.

Mr. PERCY C. WIGHT: The Board of Health requires plans of buildings. All that is asked for in this Bill is a ground plan which anybody can prepare. I know that the sanitary inspector makes those plans without any consideration.

Mr. De AGUIAR: If the Town Council feels that this clause should remain as it is I have no objection.

As regards sub-clause (6) I presume it is intended to include in the rate the value of any plant or machinery on any lot or building in the City. That, of course, would be an entirely new feature, and perhaps we might hear what the hon. Members of the Town Council had in mind when they made this provision that plant and machinery should be specified in the returns. I would like to know whether it is intended to include in the assessment any plant or machinery on a lot or building.

Mr. C. V. WIGHT: I will read for the information of the Council the observations made on sub-clause (6). They are:—

"The object of requiring a list of machinery on premises to be given in the return is to enable the Committee to determine the annual rental value of the premises on which such machinery is installed. Suppose there are two separate premises, identical in every respect, in the same district and one of them has machinery while the other has none, the premises equipped with machinery will have a higher annual rental value than the other not so equipped, and the Committee is bound to have regard to the purpose for which the premises either is being actually used or is reasonably suitable. The Committee must look to the hereditament as it stands, regarding all its advantages, fitnesses, facilities, and capabilities. (Vide Second Schedule, Rule 3), The House

of Lords directed the Local Authority to value the hereditament equipped with machinery and plant as it appears to the eye, on the assumption that the hypothetical landlord provided lands, buildings and machinery and the hypothetical tenant paid him for all he provided. *Kirby v. Hunslet Union* (1906) A.C. 43. Although in point of actual fact in England the land is provided by the landlord, the buildings by the lessee, and the machinery by the occupier, yet for the purpose of fixing the value of the whole hereditament for assessing rates the premises must be looked at as a whole without reference to the persons who provided the several parts."

"The Council has retained that portion of the clause requiring a list of the machinery, but has deleted the last two lines of the original clause as the information is not absolutely necessary and may not be available in certain cases. The machinery itself is not to be valued."

Mr. De AGUIAR: May I ask what the hon. Member has been reading from?

Mr. WIGHT: From notes made by the draughtsman.

Mr. De AGUIAR: I hope the hon. Member appreciates that I have never been favoured with a copy of those notes. It is the first time I am hearing of such an obligation. It seems to me a very important sub-clause which will require very careful consideration. I am prepared to assist as far as I am able, but when it comes to moving deletions I am not prepared to do so to-day. Sub-clause (6) introduces an entirely new feature in the rating system of Georgetown.

THE ATTORNEY-GENERAL: If the hon. Member looks at Rule 1 of the Second Schedule he will see what is to be assessed.

Clause 6 put, and agreed to.

Clause 15—Entering and Hearing of the Appeal.

Mr. De AGUIAR: I observe that sub-clause (3) gives the Court power

to increase an assessment. I presume that that provision has been inserted in order to provide for a case in which the City Engineer appeals against an assessment by the Committee. If that is the intention I am entirely in agreement with it, but to leave it as wide as it is here I do not know what the legal Members of the Council think about it. Not long ago we had a prolonged discussion about giving power to the Judges to increase sentences on appeal. Perhaps hon. Members have changed their minds in that respect. I prefer to see it stated here that an increase of the assessment should only be made in the event of an appeal by the City Engineer and not by a ratepayer.

Mr. GONSALVES: I think when the Bill is passed and the hon. Member has time to read it he will find that the right of appeal is given to the property-owner.

Mr. De AGUIAR: As a matter of fact I think it is framed to make it clear that the Court will have power to increase on appeal by the City Engineer, unless the intention is to stifle the right of persons to appeal by making him liable to have his assessment increased.

Mr. C. V. WIGHT: Perhaps the hon. Member does not know that there is a difference between the law of personal property and that of real property.

Mr. SEAFORD: I do not think we need worry about the City Engineer because I do not think he would appeal against a decision by the Assessment Committee.

Mr. PERCY C. WIGHT: It simply means that I can appeal against an assessment of the property of the hon. Member for Central Demerara.

THE ATTORNEY-GENERAL: Some misapprehension has been caused by the use of the word "appeal". In actual fact what will happen is that the facts will be put before the Magis-

trate who will make a fresh assessment, following as he considers fit the Rules in the Second Schedule. It will be a fresh assessment, and his figures may be above or below.

Mr. ELEAZAR: Hon. Members do not know what they are talking about. I went to Davson's to buy a pocket knife. The clerk charged me 2/-. I appealed to the store-walker who told me that the clerk did not know what he was talking about; the cost of the knife was 6/-. I had to pay 6/- for appealing. (laughter).

Clause put, and agreed to.

Clause 27—Readjustment of payments made necessary by alteration in a valuation list.

Mr. De AGUIAR: If clauses 26 and 27 are read together it does appear as if there will be assessment for part of a year. I do not know whether the intention is that after the list has been prepared for the following year and rates are levied accordingly, and within three months it is found that an error has been made, the assessment for the particular property will be increased for the remaining portion of the year.

Mr. C. V. WIGHT: The intention is perfectly plain in clause 24 (3) which provides that every supplemental list shall remain in force as long as the valuation list remains in force. At the present moment one can by the exercise of a little ingenuity escape paying one's full rates for 18 months. This clause will cure that defect, and we hope to recover all the rates as soon as a property goes up.

Clause 27 put, and agreed to.

Clause 38—Assessment of Crown and Colony property.

THE ATTORNEY-GENERAL: I move that sub-clause (3) of clause 38 be amended by the deletion of the words "or the proceeds of" after the word

"lots" in the sixth line thereof, and by the substitution therefor of the following words "and the."

Clause 38 as amended, put, and agreed to.

Clause 39—Special provision concerning stelling near the western boundary of City.

Mr. De AGUIAR: This clause is not quite clear to me. I do not know whether it means that if there is a stelling alone on a lot, without any building at all, that stelling will be considered within the boundary of the City. I believe the intention of the clause is to include properties which have been built in from the land and extending towards the river. I would like to know whether in a case where there are no buildings in front but merely a stelling, that stelling will be considered within the western boundary of the City.

Mr. SEAFORD: I find this clause rather complicated too, because apparently it does not make any difference whether it is on Government land or Colony land: rates will have to be paid on a stelling.

Mr. C. V. WIGHT: At present there are certain areas of Colony land on which the Colony is paying rates. If it is on private land the private individual will have to pay the rates.

Mr. SEAFORD: Is the Colony going to pay on the stelling and everything on that land? I understood that the western boundary of the City was defined as the line above low water mark. Will Government have to pay whether it is its property or not?

Mr. WIGHT: If it is not Government's property it may be the lessee's property, and the lessee would have to pay the rates.

Mr. SEAFORD: It means really that the Town Council is taxing property which is not on City land. For

instance the wharves at the Public Works Department will be taxed. Although they are on Crown land they are not within the City, but they are near the western boundary of the City.

Mr. WIGHT: The western boundary of the City is defined in section 4 of the Georgetown Town Council Ordinance, Chapter 86.

Mr. SEAFORD: My point is that if it is just north of the City it is near the western boundary. Will Government have to pay on the Lighthouse? It is on Government land but it is near the western boundary of the City. I think the definition "near the western boundary" is not correct.

THE ATTORNEY-GENERAL: What the hon. Member says is quite correct. It could be outside the boundary altogether and yet be near the western boundary of the City. The only salvation is the last few words of the clause: "shall be deemed to be part of the lot on which any such stelling abuts."

Mr. SEAFORD: I do not wish to hold up the Council in any way. Perhaps the Attorney-General might consider it.

Mr. WIGHT: If when we are going through the various assessment lists we find there is any unusual snag we will point it out and it will receive the consideration of the Council.

Mr. PERCY C. WIGHT: This point has always troubled me, and I am not inclined to allow the clause to go through as it is. For instance, the Transport Department has property up to the lot. This clause includes the erection of a shed from that point up to the river. According to this method of valuation a stelling which is not on the lot of land described in the transport has to be valued with the land and the other buildings on it. I would like to see the matter made much clearer. In my opinion stelling should be exempted from taxation with the other buildings on the land.

Mr. GONSALVES: The hon. Member has lost sight of the fact that a stelling cannot be stopped short of a certain point; it has to be continued. This matter has been very seriously considered by the Council, and the experts on the other side have approved of it.

Mr. JACOB: I think the clause should stand. I cannot understand why it is suggested that if a stelling begins from the land and ends somewhere it should not be valued. If land is not there how can a stelling ever begin?

THE CHAIRMAN: I think the suggestion made by the hon. Member for Western Essequibo (Mr. C. V. Wight) should be adopted—that we pass the clause as it stands.

Clause 39 put, and agreed to.

Clause 40 — Power of Governor-in-Council to remove difficulties.

Mr. De AGUIAR: Perhaps this clause may overcome the difficulty in clause 39. This Council is delegating to the Governor-in-Council, its power to make amendments to this Ordinance, a right which every Member of this Council has so far safeguarded.

Mr. C. V. WIGHT: All we are asking is that the Governor-in-Council should be empowered to remove any difficulties. There is no question of delegation of power. It is only for the purpose of removing in a more expeditious manner any difficulties that may crop up.

Mr. De AGUIAR: I feel sure I will have an opportunity to remind the hon. Member of his remarks.

Mr. JACOB: It is not right for the Governor-in-Council to amend any Ordinance. I agree with the hon. Member for Central Demerara (Mr. De Aguiar).

THE ATTORNEY-GENERAL: The Governor-in-Council does not propose

to amend the Bill. What the clause says is that the application of the Ordinance or the preparation of the valuation list, or in bringing into operation any of its provisions, the Governor-in-Council may make an order which would have the effect of modifying any of the provisions of the Ordinance. The Ordinance itself will not be amended by the Governor-in-Council.

Clause 40 put, and agreed to.

Clause 44 — Expenses of the Committee.

Mr. C. V. WIGHT: There was an amendment which the Town Council had asked Government to insert in the Bill similar to that contained in the New Building Society Ordinance, 12 of 1940. The object of that amendment is to give the Town Council covering authority to pay the expenses incidental to the preparation of the Bill. We have receive an intimation from the Attorney-General that it will be necessary to have a special Bill passed for that purpose.

THE ATTORNEY-GENERAL: The suggested amendment sought to validate payments already made by the Council and to provide for payments to be made for something which had already been done. Such an amendment would conflict with Article 9 of the Letters Patent which says that you can only deal with one subject in one Ordinance. For that reason I advised that it would be improper to include that amendment in this Bill.

Clause 44 put, and agreed to.

FIRST SCHEDULE.

Rule 12 — Disqualification of Members of Committee in certain cases.

Mr. DE AGUIAR: I do not think this Rule is wide enough. I think it should include father, mother, brother, and sister. In fact I was thinking of using the broad term "relations."

Mr. PERCY C. WIGHT: I think it is wide enough. Why shouldn't I sit on the Committee because the property to be assessed belongs to my brother?

Mr. C. V. WIGHT: Why should I, in public life, be guided by what my father thinks? I have often differed from him in my views. I observe, for instance, that he more often sees eye-to-eye with the hon. Member for Central Demerara (Mr. De Aguiar) than I do.

Rule 12 put, and agreed to.

SECOND SCHEDULE.

Rule 2 (2)—Definition of the Annual Rent.

THE ATTORNEY-GENERAL: I move that sub-rule (2) of Rule 2 be amended by deleting the word "measure" in the first line and substituting therefor the word "ascertain."

Rule 2 as amended, put, and agreed to.

Mr. De AGUIAR: Speaking generally on the Schedule I do not know if the Council appreciates that this is the most important part of the Bill. I must confess again that I have not had time to study it, but I see one or two snags in it. We were told that the existing rating system was so much guess work. I am inclined to agree with that, but I see that a little bit of guessing is still going to take place under Rule 3 (a) and (b), and Rule 4 (1).

THE ATTORNEY-GENERAL: This Schedule is taken from the laws of other Municipalities where it has worked perfectly all right. I do not think there were more than two or three verbal alterations.

The Third Schedule was passed with-discussion.

The Council resumed.

THE ATTORNEY-GENERAL: In view of the known anxiety to get the Bill through I move that it be now read a third time and passed.

Prof. DASH seconded.

Question put, and agreed to.

Bill read a third time and passed.

LIFE ASSURANCE COMPANIES (TEMPORARY MODIFICATION) BILL, 1942.

THE ATTORNEY-GENERAL: I move that the following Bill be read the first time:—

A Bill intituled an Ordinance to empower the Governor to extend the time within which certain documents may be deposited with the Registrar by Life Assurance Companies.

Prof. DASH seconded.

Question put, and agreed to.

Bill read the first time.

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

SUGAR EXPERIMENT STATIONS BILL, 1942.

Prof. DASH: I move that the following Bill be read the first time:—

A Bill intituled an Ordinance to provide for the Control of Sugar Experiment Stations for a further period of five years from the first day of January, 1943.

THE ATTORNEY-GENERAL seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the second time. (Prof. Dash).

THE PRESIDENT: I think His Excellency said that the hon. Member for Berbice River (Mr. Eleazar) might move his motion at 2 o'clock on Wednesday next, but the Council will adjourn until noon on Wednesday next when it is proposed that the first item on the agenda will be the resumption of consideration of the Estimates. The Council is therefore adjourned until noon on Wednesday next.