

LEGISLATIVE COUNCIL.

Friday, 30th October, 1942.

The Council met at noon, His Excellency the Governor, Sir GORDON LETHEM, K.C.M.G., President, in the Chair.

PRESENT:

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

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

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

The Hon. E. A. Luckhoo, O.B.E.,
(Eastern Berbice).

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

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

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

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

The Hon. M. B. Laing, O.B.E., Com-
missioner of Local Government.

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

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. I. deAguiar (Central
Demerara).

The Hon. Peer Bacchus (Western
Berbice).

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

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

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

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

The Clerk read prayers.

MINUTES.

The minutes of the meeting of the
Council held on Thursday, 29th
October, 1942, were confirmed.

ANNOUNCEMENTS

PROROGATION OF COUNCIL

THE PRESIDENT: Hon. Members
of Council, I have no announcements
of importance to make this morning
except that I propose to prorogue the
session for good after to-day's meeting,
and I trust we will complete the
business before us to-day which is not
very long. We have left the Education
Bill in the Committee stage, the
Georgetown Rating Bill and the
Colonial Secretary's motion. There is
also the motion by the hon. Member
for Berbice River (Mr. Eleazar) who
may, however, wish to bring it up at
a later meeting.

I would like Members of the Execu-
tive Council to meet me for a few
minutes for a small bit of business.
Some papers have been submitted to
me which I would like to deal with in
Finance Committee.

REPORT OF RICE FARMERS (TERMS OF TENANCY, ETC.) COMMITTEE

On yesterday's agenda there was the
report of the Rice Farmers (Terms of
Tenancy, etc.) Committee, and no
Member having moved any motion in
regard to it, I propose to release it for
publication. A document of that kind,
which is a report to this Council,
would not of course be released until
it had been laid formally in Council,
and opportunity taken, if any Member

wished to take any action in regard to it, to prevent publication. That not being the case I propose to release it for publication.

SUMMARY JURISDICTION (APPEALS)
(AMENDMENT) BILL

I would like to make one comment on the procedure yesterday in regard to the Summary Jurisdiction (Appeals) (Amendment) Bill. I took action to complete the Bill because we are on the point of prorogation, and there had been very considerable opportunity for discussion of its details since it was first brought before the Council some weeks before. I was given to understand that the lawyers had had considerable discussion with the Law Officers of the Crown on the form in which the Bill should properly go through, and that was met by the adoption of a clause which is the exact model of the Trinidad legislation on the subject, and which I have no reason to believe is unsatisfactory. My position is, as I said yesterday, that the Bill has been pressed for by two Chief Justices over a period of years, and I felt I had to bring it to finality.

The amendment put before us yesterday forced us to take a quick decision on a rather technical point without any notice at all. Had we not been on the point of prorogation, and had I not felt that we should bring it to finality and that ample opportunity for discussion had been given I would, of course, have deferred the Bill in some way or other. As it was I felt it was necessary to proceed to finality,—there must be finality of discussion somewhere. What I can do is to defer giving my assent to the Bill until I am entirely satisfied that no further useful purpose would be served by further local discussion, and I can also ask for the scrutiny of the Law Officers and the Advisers to the Secretary of State before completing the action.

A point arose during yesterday's proceedings upon which the Colonial

Secretary would like to have an opportunity to make a personal observation now. I therefore call upon him to do so.

DEEDS REGISTRY STAFF.

THE COLONIAL SECRETARY: In view of a remark made by the hon. Member for Georgetown South (Mr. Gonsalves) I undertook either to confirm a statement I made yesterday or to correct it. I stated yesterday that, speaking from memory, no representation had been received by Government during the last two years from the Registrar in connection with his staff and the paucity of the number of senior officers. I have had a thorough search made in the office, and I am in a position to say that my statement was correct. In fact, the period was longer than two years. The last two representations were made in April, 1940, and June, 1940, by the then acting Registrar. At that time he pointed out that by the transfer of a certain officer (the officer to whom I referred yesterday) to another Department his senior staff would be weakened.

As I mentioned yesterday, the whole matter was threshed out at length with Your Excellency's predecessor, and it was decided that the officer should be transferred. Since June, 1940, I cannot trace any further representations from that Department and, incidentally, I should like to mention that the Head of that Department had a very excellent opportunity to press his case whenever a transfer from his office came up for consideration because, until quite recently (I think it was some time last year), he had a seat on the Appointments and Promotions Board.

ORDER OF THE DAY.

EDUCATION (AMENDMENT) BILL, 1942.

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

A Bill intituled an Ordinance to amend the Education Ordinance.

Mr. JACOB: I crave Your Excellency's indulgence to refer to your speech of yesterday.

THE CHAIRMAN: You will have an opportunity later. The hon. Member for Berbice River (Mr. Eleazar) wished to have further time to consider this Bill. In what form would he like to make his observations?

Mr. ELEAZAR: I wish to refer to clause 8, and to say that the remedy is worse than the disease. The new section 55A. (1) says:—

55A. (1) When a complaint against a teacher in an aided school has been preferred to the Director, he may forward a copy of the complaint to the governing body and request such body to interdict that teacher from duty, and the governing body shall comply with that request.

That section has always given trouble because the moment a complaint is forwarded to the Director against a teacher he transmits it to the Governing Body, and from that moment the teacher is presumed to be guilty because he is interdicted at once. Reference has been made to the Civil Service Regulations, but if that is the procedure under those Regulations it is observed in the breach, because I do not know that because a complaint is made against an officer of the Civil Service he is interdicted from duty. I have known of several cases in which, on the receipt of a complaint against an officer, he is called upon to make an explanation, and if it is not satisfactory he is interdicted. I think if a teacher is to be interdicted from duty on the mere receipt of a complaint there would not be 20 teachers on duty in some months throughout the whole Colony. I think a copy of the complaint should be sent to the teacher, who should be given an opportunity to exculpate himself. If his explanation is unsatisfactory he should then be interdicted.

THE CHAIRMAN: What is the present practice?

Mr. ELEAZAR: The present section says:—

55. (1) When a complaint against a teacher in an aided school has been preferred to the Director, he may request the governing body to interdict that teacher from duty and investigate the matter of the complaint, and thereupon it shall be the duty of the governing body to carry out that request.

That has always been the bone of contention.

THE CHAIRMAN: This is exactly the same, isn't it?

Mr. ELEAZAR: Yes, sir, I am saying that it was the bone of contention all the time, but now that it is sought to remedy it the remedy is worse than the disease. It was found that that section was unfair to the teacher. The complaint should be forwarded to the Governing Body and the teacher given so many days to exculpate himself. If he fails to do so then he should be interdicted pending further investigation. Subsection (2) seems to be quite in order. In the case of a serious criminal offence I can quite understand a teacher wanting to hide himself.

THE CHAIRMAN: Have you any other points to raise on other parts of the section?

Mr. ELEAZAR: Yes, sir. Later on I see the Bill says:—

(3) If after considering the teacher's reply the governing body is of opinion that the teacher has exculpated himself it shall send a copy of the said reply to the Director.

(4) If the teacher fails to reply within the period aforesaid or if the governing body or the Director is of opinion that he has failed to exculpate himself a board of inquiry (herein after referred to as "the board") shall be appointed, as hereinafter provided, to enquire into the matter of the complaint.

(5) The board shall consist of not more than two members of the governing body, who shall be nominated by such body, and an officer of the Education Department who shall be the Chairman of the board to be appointed by the Director:

Provided that the manager of the School where the teacher was employed at the date of the allegations contained in any complaint shall not be a member of the board.

It is too complicated. If the Governing Body is of the opinion that the

teacher has failed to exculpate himself the same body appoints a Board consisting of two of its members and an officer of the Education Department. In other words, the Governing Body will sit as a Court of Appeal against its own decision. I do not know how the Director of Education arrived at this procedure, because we discussed the matter some time ago. I know he had some difficulty in arriving at a method of procedure, but this seems to me to be rather cumbersome.

THE CHAIRMAN: Are you saying that it is too elaborate? It does give every opportunity for appeal by the teacher. He has no less than two appeals.

Mr. ELEAZAR: The Board of Inquiry should consist of members of the Governing Body in the first instance.

THE CHAIRMAN: Are you suggesting that the Board of Inquiry should be one Committee.

Mr. ELEAZAR: Yes, it is absolutely necessary.

THE CHAIRMAN: And the next step should be to the Education Committee?

Mr. ELEAZAR: Yes.

THE CHAIRMAN: I think if it went to a Committee, that Committee would want to appoint a Committee of Inquiry from itself. I do not think you would find that the procedure would be quickened up.

Mr. ELEAZAR: An appeal is made to the Committee, and if the Committee chooses to appoint two or three of its members to enquire into it that would be a matter for the Committee. It would still be the Committee acting all the time.

THE CHAIRMAN: I gather that subsections (3) and (4) are new, but as regards the interdiction that is the existing rule.

Mr. LUCKHOO: I have listened with considerable interest to the remarks of the hon. Member, and if it is the existing rule I see no difficulty in having it removed. As a member of the Education Committee I know that every opportunity is given a teacher to exculpate himself, and when necessary evidence is taken. I do not think the Director arbitrarily exercises his power, and on the slightest pretext a teacher is interdicted from duty. I think this section gives the Director power in the case of a complaint of a serious nature to ask that a teacher be interdicted, but I do not think he always exercises that power.

THE CHAIRMAN: As Governor I can interdict, but only in very serious cases. I have that power in respect of civil servants.

Mr. PEER BACCHUS: I suggest that the section should read "may request such body to interdict."

THE CHAIRMAN: It is "may request" now, but it is governed by the word "may" in the previous line.

Mr. PEER BACCHUS: If it is so, it is a little ambiguous.

THE ATTORNEY-GENERAL: If we insert a second "may" it would mean that the Director may request that a teacher be interdicted without requesting a copy of the complaint.

Mr. ELEAZAR: If it is a serious complaint one can understand the Director requesting that a teacher be interdicted from duty.

THE CHAIRMAN: But that is what the Director does at present. Surely he does not ask a governing body to interdict a teacher on receipt of a trivial complaint. Have you any knowledge of his having done so? You must leave something to the discretion of senior officers. They may be very stupid, I am told, but they may be expected to use some discretion. Have

you any specific knowledge of interdiction having been made on something very trivial?

Mr. ELEAZAR: A serious complaint at the start, but it turned out to be quite trivial. The Director had no discretion.

THE CHAIRMAN: Does it in fact happen that teachers are interdicted on trivial complaints?

Mr. ELEAZAR: Yes, it has often happened. That is why it is thought necessary to try to change it.

THE CHAIRMAN: If we accept your suggestion it cancels any opportunity for interdicting a teacher who, in the public interest, should not remain in his school.

Mr. ELEAZAR: There is something in what you say, sir, but you can see what it means to the teacher.

THE CHAIRMAN: People seem always anxious to go into public service. They do not seem to be frightened by these Regulations.

Mr. ELEAZAR: Very recently a complaint was made against an officer in the Civil Service that he spoke very loudly to his superior officer. He was interdicted for six weeks but was reinstated after an investigation. After six weeks it was decided to transfer him.

THE CHAIRMAN: It sounds like a verbal assault. (laughter).

Mr. ELEAZAR: I think there is sufficient science in the law by which the Attorney-General could frame something which would obviate the necessity to interdict a teacher on the mere receipt of a complaint by the Director. People would think twice before making a charge of a serious nature against a schoolmaster, knowing that if they did not support it something would befall them.

Mr. C. V. WIGHT: Perhaps the

hon. Member's fears may be allayed if provision were made in the Rules which are to be prescribed by the Governor in Council, for representation of any individual. It seems to me that the procedure set out here is *quasi* judicial, but notwithstanding that it would have to be carried out in a judicial manner. If representation were provided for in the Rules then perhaps all those fears which the hon. Member has might be allayed, because the charges would be fully investigated.

Mr. JACOB: I think a teacher should be placed on the same footing as a civil servant. I do not think that when a complaint is made against a civil servant he is immediately interdicted from duty. I do not think that merely because a complaint is made to the Director he should order the Governing Body to interdict the teacher. Most of the Governing Bodies are afraid to incur the ill will of the Director, and they automatically do just what they are told. I know of one or two cases of that kind. I think there is the case of a teacher who was interdicted from duty and subsequently reinstated, and he is claiming a large sum of money which he was not paid during the period of his interdiction. I am not quite sure of my facts but I think that is so. I think the hon. Member for Berbice River (Mr. Eleazar) is aware of that case. A teacher is a civil servant in every respect and should be treated in the same way as an ordinary civil servant. No special power should be granted the Head of the Department to order a Governing Body to interdict or dismiss a teacher.

THE CHAIRMAN: That is of course perfectly logical, but teachers are in a rather special position. If Government were to treat all persons working for Government in Departments like the Education Department and the Transport and Harbours Department in the same way as the ordinary civil servants we would pile up machinery which would simply break the back of our

central Administration. If every teacher were given the right to full compliance with the Civil Service Regulations it would mean that I personally would have to give some hours to each case before it could be decided that the inquiry should go on and the teacher interdicted. I think it is asking too much. One has to delegate some power to Heads of Departments

Mr. JACOB: I wanted to raise the question of the change of the Constitution and the prorogation of the Council very shortly. It is extremely disappointing to me—

THE CHAIRMAN: We are talking about teachers now.

Mr. JACOB: You have referred to the Administration.

THE CHAIRMAN: But we are still dealing with teachers. If you wish to speak on anything of that kind I will give you an opportunity later.

Mr. JACOB: I just want to make a point about the Director. It is extremely disappointing to me that we should allow the Director of Education all these extreme powers. I am hoping that all these laws will be quashed very rapidly. If there is to be progress in this Colony and in Colonial Administration the sooner all these laws are scrapped or amended the better for all concerned. The whole thing is in a state of chaos. I am definitely against giving the Director of Education any further powers.

THE CHAIRMAN: We are not giving him any further powers. It is exactly the Rule as it stands at present, and I am not personally aware of its abuse.

Mr. JACOB: If these are the exact powers he has they are arbitrary. I have had occasion to speak to the Director recently about some arbitrary action he has taken. I am not in favour of granting any Head of Department arbitrary powers now or in the future.

THE CHAIRMAN: Well, we understand that.

Mr. LUCKHOO: I am sorry the Director of Education is not here to defend his position, but as a member of the Education Committee I am not aware of any occasion on which the Director has taken extreme measures on receipt of a complaint without giving the teacher concerned an opportunity to be heard. I have known of cases in which teachers have been interdicted on charges of immoral conduct or falsification of accounts, and those matters have been gone into by the Education Committee. We need not be alarmed over this matter. No instances have been cited where the Director has arbitrarily exercised his power to the detriment of a teacher, therefore I am suggesting that the law remain as it stands.

Mr. C. V. WIGHT: The hon. Member unfortunately mentioned cases of immorality. That in itself has been stretched. One can understand immorality in relation to pupils in the school, but any private act has now been forced into the Education Code. That seems to me a gradual encroachment on the criminal law.

THE CHAIRMAN: I think we might proceed to put the amendment for the deletion of the words "and request such body to interdict that teacher from duty" in clause 55A.

Amendment put and lost.

Clause 55A put, and agreed to.

Clause 55 (4). —

Mr. ELEAZAR: I cannot see any necessity for this clause.

THE CHAIRMAN: It is all in the interest of the teacher. He is given another chance to go before a Board of Inquiry. This is exactly parallel to what happens in the Civil Service. If the Governor does not think that an officer has exculpated himself he orders a Board of Inquiry. It seems to me

rather fair. You may object to the personnel of the Board.

THE ATTORNEY-GENERAL: Up to the stage of the Board of Inquiry the only thing that has happened is that the teacher has given a statement. All that has happened is that the Governing Body has asked the teacher to submit a written reply. There has been no inquiry of any sort; merely a statement by the teacher.

Mr. C. V. WIGHT: There is one exception; the teacher has already given a statement. We know that statements given in the ordinary course in criminal courts have to be given under certain conditions. It is very inadvisable for persons to give statements when charged. If a teacher gives a statement in which the Governing Body finds he has not exculpated himself, what further can he add when he gets before the Board?

THE ATTORNEY-GENERAL: The clause specifically states that if the teacher fails to reply within fourteen days a Board of Inquiry shall be appointed, which indicates that he need not make a statement.

Mr. C. V. WIGHT: The teacher having given his defence the Governing Body has already decided on what action should be taken. What then is the Board of Inquiry to enquire into?

THE CHAIRMAN: Has the hon. Member for Berbice River (Mr. Eleazar) any specific amendment to move?

Mr. ELEAZAR: I think it is the verbiage that is spoiling the whole thing.

THE CHAIRMAN: What precisely do you move?

Mr. ELEAZAR: I move the deletion of all the words after the word "himself" in the fourth line of sub-clause (5) and the insertion of the following words: "the Governing Body shall

forthwith inform the Director accordingly."

Mr. ELEAZAR: If the Director himself objects to a thing and he has to nominate an officer of his Department to be on it, he will not naturally want his own man to be Chairman of the Board to make the enquiry. In nine cases out of ten that officer will be of the same opinion as the Director himself. It will be a case of appealing from Caesar to Caesar. I think someone else should be made Chairman. All those words "who shall be the Chairman of the Board to be appointed by the Director" should be deleted and let the Board find its own Chairman. The Chairman should not be an officer of the Education Department. The Director appoints the Board and then an officer of his Department shall be the Chairman?

THE CHAIRMAN: The Board must consist of not more than two members of the Governing Body, who shall be nominated by that body. That is all right. Then there must be a Chairman. Who will appoint the Chairman?

Mr. C. V. WIGHT: I support that amendment. I do not think an officer of the Department should be concerned with the enquiry. I suggest that the Chairman be appointed by the Governor in Council, independent of the Board of Education.

THE CHAIRMAN: There again you are bringing up a very minor executive matter in the Executive Council, where it averages 21 days to get a paper around. It is making too much—

Mr. C. V. WIGHT: The Chairman may be appointed by the Attorney-General then.

THE CHAIRMAN: You think he should not be an officer of the Department?

Mr. C. V. WIGHT: If an officer of

the Department has to be a member of the Board, then the Chairman should be appointed by an independent body.

THE ATTORNEY-GENERAL : Everybody assumes that the Director of Education and his Department are concerned. The reason for putting an officer of the Department on the Board is the reverse. It is to see that the Government's point is not prejudiced. In fact, he is the only one capable of going through the procedure known to Civil Servants as an enquiry, which is truly a judicial enquiry held by the Service to-day, and the Criminal Law of Evidence applies. That will not be complied with by ordinary members of the Governing Body of schools. It is, therefore, essential that one member should be able to apply the law of Criminal Evidence. Then there is the fact that the man who is most likely to know the Education Ordinance is an officer of the Education Department. That officer is no more prejudiced than any other Government Servant. It is no concern of ours. We treat everybody as units. We have no interest ourselves. It is wrong to think that as soon as the Director starts proceedings, an officer of his Department who sits as Chairman at the enquiry is forthwith prejudiced. The first thing he hears about the matter is when he gets a letter appointing him to sit as Chairman of the Board which will sit somewhere or other—in the North-West or in Berbice for example. Then the papers are sent to him in the ordinary way as is done in the Executive Council or the Town Council, and he goes down and holds the enquiry. His duty is to see that the enquiry is kept within legal range. In other words, that it is not made a complete farce. It has this advantage : The officer has spent some years of his life working with the Education Ordinance and Education Code and knows that Code and Ordinance. That being the case there is no reason to think he is going to be prejudiced. Therefore, I suggest that an Education Officer be appointed Chairman, not the one who

is in charge of the County concerned. The Director can appoint anyone he likes and naturally he will appoint one who he knows is not biased but one who knows procedure and can assist the local Governing Body on the Rules of Evidence. That is the intention of appointing a member of the Department.

Mr. JACOB : I think a way out of the difficulty may be to allow the Board to appoint its own Chairman. Leave it to the Board to appoint the Chairman. If the Governing Body has no one capable among its members, then an officer of the Department may be appointed.

THE ATTORNEY-GENERAL : Does the hon. Member realize it will be making the enquiry a complete farce? If the Chairman has a casting vote then you are giving the Governing Body three votes against the other man's one. That is the reason why it is not done.

Mr. JACOB : The other reason is, it is always known that no officer of this Government is going to say or do anything against another officer of Government and more particularly a senior officer of Government. If there is a definite opinion, no junior officer is going against the opinion of a senior officer of Government.

Mr. ELEAZAR : That is the result of multiplying the number of Boards. If it is the case, as the hon. Attorney-General has said, then refer the matter to the Education Committee of which the Director is Chairman. Whatever views he may hold before, he can continue to do so but the whole Committee is there to join with or go against him. Two men are put on the Board, and must he nominate them and then turn back and say one should be Chairman?

THE CHAIRMAN : What precisely is your amendment? I did not get the actual wording. We want it in a speci-

fic form. That is why I complained yesterday that Members do not take the trouble to study the drafts as published and to come with their amendments ready, and preferably that notice be given of such amendments so that they can be debated and answered. It is a hopeless waste of time in conducting Government business to come into the Legislative Council talking desultory points.

Mr. ELEAZAR : I have always wondered why we could not get the agenda before coming here. If we get it we will know what to do. One does not know what he is coming to meet.

THE CHAIRMAN : This Bill has been published since the 2nd September and there has been a very big opportunity to study it and have amendments ready. You, therefore, cannot quarrel about that now. Can you give us your proposed amendment to the wording of the sub-clause as it stands? I will put it to the Committee.

Mr. ELEAZAR : I say that the words "who shall be the Chairman of the Board" should be omitted.

THE CHAIRMAN : Then you will put in the words "the Chairman shall be elected among themselves?" Will that suit you?

Mr. ELEAZAR : I suggest that those words should be deleted and the words inserted "the Chairman shall be appointed by the Governor in Council."

THE CHAIRMAN : I cannot accept that.

Mr. ELEAZAR : That is why I am trying to get away from that.

THE CHAIRMAN : Why not let them elect the Chairman from among themselves?

Mr. ELEAZAR : The wording should be "the Chairman to be appointed by agreement by the members".

THE CHAIRMAN : I do not accept that, but you may move it.

Mr. ELEAZAR : The Committee or Board shall elect the Chairman from among themselves.

THE CHAIRMAN : I do not agree with that. I do not think it is good, but I shall take it as an amendment.

Mr. ELEAZAR : What, I would like to urge and I have urged it since I have been here, is that when the Attorney-General makes a Bill and it is brought here and the principle is questioned, after debate and it is seen what Members want to convey it is the Attorney-General's business to find the language to put it in. When I indicate to him what I want and the point is a good one, he is to find the verbiage.

THE CHAIRMAN : Then you should have written it and handed it in, giving notice of such amendment. You do not say anything at all until you come into the Council and then say "I have not read it but will read it overnight".

Mr. ELEAZAR : Government has a cast-iron majority and, though it will say "I think it is right but I do not like it," it will knock it out with its cast-iron majority.

THE CHAIRMAN : I put the amendment that the words "who shall be the Chairman of the Board to be appointed by the Director" be deleted, and the words "the Chairman of the Board to be appointed by agreement among themselves" inserted therefor.

Question put for the deletion, and lost.

THE CHAIRMAN : The consequential amendment therefore falls.

Sub-clause passed as printed.

Sub-clause 55D—Power to impose penalties.

THE CHAIRMAN : The Committee referred to, I take it, is the Education Committee.

The Council resumed.

THE PRESIDENT : I propose, if no objection is taken, to take the third reading of the Bill.

THE ATTORNEY-GENERAL : I move that the Education (Amendment No. 2) Bill be read a third time and passed.

Professor DASH (Director of Agriculture) seconded.

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

Bill read the third time.

GEORGETOWN RATING BILL, 1942.

THE ATTORNEY-GENERAL : Sir, this Bill is well known to hon. Members as it has been coming up to this Council year after year for the last three or four years. The necessity for it is that the general Rating Valuation Bill is not yet enacted, but I may inform hon. Members that it has been in the hands of the printers for some time now and may appear in the *Official Gazette* to-morrow. I do not, however, guarantee it will. Anyhow, it is practically finished so far as the printing is concerned. I think, therefore, this is the last time this annual Bill will come before the Council.

All hon. Members are aware of the fact that it is necessary on account of the Supreme Court having declared an appraisalment to be null and void, and or the next year, 1943, there must be a valid appraisalment list for the purpose of taxation and rating. The wording of this Bill is identically the same as that of the Bills of previous years except in respect of one proviso of minor importance. I move that the Bill be read a second time.

Professor DASH seconded.

Mr. JACOB : Year after year I have opposed this Bill, and on the last occasion I expressed the hope that it would have been the last time and, I think, the statement was made that it would be the last time the Bill was coming before the Council for passing. I do not know if it is again a mere statement, just mere use of words—"it may be the last time"—but I have no doubt that if the present method of doing things continues it will go on indefinitely. There is no doubt that if the new rating system is brought into force the Town Council is going to collect larger sums of money from the property-holders, and there is no doubt that larger numbers of people are benefiting by the delay in passing the necessary legislation to bring in the new rating system. I think the Central Government ought to take action and press upon the Town Council to do its work properly and promptly. I do not know if Government is satisfied with the present rating system or that the general community, the poor people in the City of Georgetown, are not suffering as a result of the system. From my knowledge they are definitely suffering. Rates of wages are far too low and the Town Council is not collecting the taxes as it should. I think this Government by allowing this Bill to be brought up year by year is in effect conniving with the Town Council to have the old system perpetuated. I strongly object. This Council should in no way support the Town Council in its laxity. The Town Council should do its work properly and promptly, and I do not think the Legislature should aid it in the future.

Mr. C. V. WIGHT : The ignorance of the hon. Member, who has just taken his seat, about civic matters needs no reply and comment from me. The position is well known to everybody, poor or otherwise, who has taken an interest in the civic affairs of the City. The Town Council is doing everything it can to expedite this matter, but it is a matter which needs careful investiga-

tion. The Council has sat repeatedly for at least three or four times a week investigating civic welfare matters. I do not know if the hon. Member has any aspirations to be a member of the Town Council, but if he does then I desire that he had better make a fuller investigation of civic welfare before entering the portals of the Council Chamber.

Question put, and agreed to.

Bill read the second time.

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

The Bill passed without amendment.

The Council resumed.

THE PRESIDENT: I propose if there is no objection, to proceed with the third reading of the Bill.

THE ATTORNEY-GENERAL: I move that the Georgetown Rating Bill, 1942, be read a third time and passed.

Professor DASH seconded.

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

Bill read the third time.

WEST INDIES SCHOONER POOL.

The following motion engaged attention:—

THAT with reference to the Governor's Message No. 15 of the 25th of October, 1942, this Council approves of the Government of British Guiana joining with the Governments of Trinidad and Tobago, Barbados, the Leeward Islands and the Windward Islands in the establishment of a "West Indies Schooner Pool" with the object of controlling schooner traffic in the Eastern Group of the Caribbean area for the duration of the war, and of the necessary financial provision being made to give effect to the proposal on the basis outlined in that Message.

THE COLONIAL SECRETARY: In July last hon. Members were asked by

circular by Your Excellency's instruction to approve of a temporary arrangement whereby Government would give cover to the owners of schooners over here or registered in the Colony so that the maximum use can be made of the shipping space available in schooners. At that time the schooner-owners were very reluctant to send their vessels to sea. War Risk Insurance rates were extremely high, if obtainable at all. Even with the assistance of Government it was impossible to get the owners to release their craft. Hon. Members readily agreed to the temporary scheme put to them and they were informed that a scheme was under consideration for the establishment of a West Indies Schooner Pool. Progress has been made in regard to the scheme which was referred to at that time. The plan of operation was prepared by Mr. Du Bois of the Anglo-American Caribbean Commission and his draft has been considered very carefully by the Secretary of State for the Colonies, the Comptroller of Development and Welfare in the West Indies, the Supplies Liaison Officer and the War Transport Department in Washington in conjunction with Mr. Du Bois and His Excellency. Government has recently received the final draft of the operation plan from Sir Frank Stockdale.

Hon. Members around this table have had an opportunity of seeing and studying that plan. It has not been possible to lay it on the table yet, but the most important point has been brought out in Your Excellency's Message which was laid on the table yesterday. If hon. Members turn to that Message they will see that from paragraph 4 onwards most of the points in regard to finance and operation have been touched upon. It is proposed that the headquarters of the Pool Authority should be in Barbados and that the Authority or person appointed to be in charge of it should have an Advisory Committee consisting of five persons, one from each of the Colonies

participating; and it is provided that the Colonies' representatives should either be schooner operators or owners. The corporation proposes to take over all schooners that are offered to them for use in the Caribbean area and, if those are not sufficient and others are available, the Authority will have power to requisition schooners for the trade in this area of the Caribbean. The public must realize by now that all the Governments in this part of the world must do their best to obtain shipping space and, perhaps, it is advisable to mention here the definition of schooner. It is the first reference that is made in the draft Order on page 1. It is stated there quite clearly what is meant by schooners joining in the Pool — "any sea-going craft commonly and habitually used in Inter-Island traffic, no matter the traffic." There may be one or two other vessels which may be taken over by the Pool Authority. The schooners will be under the sole control of the Pool Authority and they will receive instruction as to what cargo they should take and what ports they should go to.

With regard to financing the scheme, hon. Members will see in paragraph 6 of the Message that the working capital and overhead expenses of the Pool is to be borne as far as possible by the Government participating. If hon. Members turn over the page they will see that for the first year it is proposed that each Colony pay a fixed percentage. The percentages are there set out. British Guiana's is 25 per cent. of the freight charges actually paid on the goods imported to the Colony and brought by the schooners. The difficulty in the first year is to say what the charges will amount to, and in that year it is proposed to take the owners' charges. Trinidad and Barbados are each to pay 25 per cent. and the Leeward and Windward Islands 25 per cent., making the total of the operating cost.

As regards the liability for indemnification and compensation in respect of

captains and crews who may be killed or injured through enemy action, it is proposed to establish an internal insurance fund. That will be formed as stated in paragraph 7 of the Message by premium payments on the basis as in the case of payments to insurance companies. Hon. Members will find reference to that in paragraph 7. Such charges will be borne by the respective Colonies in the same proportion as in the operating cost. The maximum is set out for each Colony. In the case of British Guiana and Trinidad the maximum is £15,000 each, Barbados £10,000 and in respect of the other Colonies it is not yet decided what the maximum is to be. Any amount in excess of the maximum provided by the Colonies concerned will be met, it is hoped and expected, by His Majesty's Government.

These proposals have been considered by the Governor in Executive Council and His Excellency has, as a matter of fact, intimated that this Colony will be prepared to agree to the scheme as set out subject to the approval of the Legislative Council; and the Council is to-day being asked to confirm the views already expressed by His Excellency and the Comptroller of Development and Welfare in the West Indies on the subject. I move that the motion standing in my name be approved.

Mr. McDAVID seconded.

Mr. DEAGUIAR: I believe in giving credit where it is due and I have risen with a certain amount of pleasure to compliment Government on its prompt despatch of such an important measure. It is true that hon. Members of Council rise on very few occasions, to pay tribute for promptness in matters of State but, I think, I am voicing the opinion of the Council to-day when I say that in this case whatever delay took place in the prompt execution of this matter it was not due to the local Government but, perhaps, to the other

Colonies or presumably the Secretary of State. Nevertheless, taking it on the whole this measure was really put through with a great deal of despatch and, moreso, when it was seen that there would be some delay a temporary measure was introduced in order to avoid the least possible inconvenience to the people of this Colony. There can be no doubt about it that the need for the use of schooners in Intercolonial traffic has increased considerably quite recently, and I have reason to believe will continue to rise still more as the War goes on.

As one of the Members who had an opportunity of perusing the scheme, I would like to say at the very beginning that so far as the principle is concerned I am in entire agreement with the plan as proposed. It cannot be expected that the Government will be in a position to-day, for instance, to say what the ultimate cost will be because it is impossible to arrive at any estimate of the traffic in the first instance and, on the other hand, the loss that might be suffered as the result of enemy action. But I had hoped to find some proposal in the plan that would have given at least some indication of what the primary cost of the scheme would be. I know it will be extremely difficult to say, for instance, what profit or what premium should be paid to a master or owner of a vessel and that is something that, perhaps, ought to be left over to be decided upon by the Committee to be formed by the various Colonies to deal with this matter. I think, however, that something in the nature of a guide ought to be handed over to that Committee so that they will at least have something to go by and not as it were have to grope in the dark. I realize that the persons who will be appointed on this Committee will be men of experience and, therefore, they ought to be able to do the best they can in the circumstances but, sir, I also realize that the plan is one that has also been worked out very carefully by men of

experience. I had hoped that in the plan they would have been able to produce a scale of payments not only to masters and owners but also as regards the fixing of freight rates, payment to crews, the terms of employment and dismissal and last but not least the very important matter of compensation to be paid to those men if through some unfortunate circumstance they lose their lives.

I do not mention these points by way of criticism. I just mention what I think may have been done. As I said at the very beginning, I am quite willing to leave matters in the hands of the people who will be charged with the proper working of the scheme. I have reason to believe that the men who will be appointed are efficient in this particular branch of the work, and I have no doubt they will be able to produce something that will be entirely satisfactory to all of us.

I would like to turn for a moment to one part of the agreement where the liability of the various Colonies has been fixed. The liability, as I see here—if I may use the expression—is divided into two parts. In one paragraph, I think it is “six”, of Your Excellency’s Message there is a percentage of liability for advances until the Pool, as it were, can stand on its feet if it ever can do so. In paragraph 7 the liability for indemnification of owners of schooners against possible loss of their craft and compensation to the crew is stated. I am not aware, and I do not think I have heard the hon. mover of the motion make reference to the method that was employed in arriving at those percentages. I do not know whether the percentage is based on the ability of each Colony to pay in the proportion set out against each Colony or whether it is the amount of traffic or the use that those vessels will be put to by each of the Colonies concerned. I wonder whether these points were considered. To my mind it seems that as the result of the

changed conditions in which we are living, cargo will be landed at the ports of the neighbouring Islands—I rather not refer to them by name at the moment—not by accident, not by design, but by sheer necessity for transshipment here and, I have no doubt, that will bring to that particular Colony or the two Colonies I have in mind some benefit. I refer particularly to cargo of imported foodstuffs to this Colony. On the other hand if those vessels are going to be used also to bring their produce to this Colony, I think, it can be said right away that they also stand to benefit all the more, because at least one of the Islands I have in mind will receive more outward cargo from here than we will receive from that particular Island. It, therefore, seems in the consideration of the liability of each Colony these points should not have been lost sight of. One of the neighbouring Islands at least is exceedingly prosperous and could have been asked to bear a greater share of the burden in apportioning the liability on those grounds. If they want to hand out a friendly gesture—we are always handing out friendly gestures and in fact are always very friendly to them only they do not believe us I though some of them do, whereas results show they get the better of us most of the time if not always—this is the time to do so. Realizing the position as they must do even more than I do, this is an opportunity offered to them to say that they will accept a bigger share than as set out here against each Colony.

I may be saying something that, perhaps, will mean nothing in the long run, because I imagine that in the operation of this Pool a great deal of the expenditure, if not all, will probably be recovered from the cargo lifted either to this port or *vice versa*, in which case the points I have mentioned will not arise. But I have in mind occasions where that may not be the case, and I know of one instance which occurred not very long ago,

when a fairly large sum of money was spent for a vessel to leave one of those Islands to go to another for the purpose of bringing back something that was most vital and urgently required, but it could not be said that from a traffic point of view the freight was compensatory to the voyage. I am beginning to think that several such instances will arise, and if they do, I am wondering what will be the final outcome, what will be the final financial position of this Pool. If the financial position would be on the bad side we in this Colony will have to pay our proportion as set out. Looking at it from that angle alone, I do not think we have made such a good bargain. We are living in strenuous times and, perhaps, what may be regarded as a good enough bargain in normal conditions has an entirely different outlook to-day, but nevertheless it seems that our friends over there are not so willing to work with us as, I happen to know, we are willing to work with them. I look upon this arrangement as a friendly partnership to meet the serious times, and I had hoped that, perhaps, they would have been willing to accept what I consider to be their fair share of the burden. They can afford it and should have been asked to do so. Maybe they were asked and I have no doubt they were, but, like the big brother we are always willing to give way and they were always willing to accept. It may be too late to deal with this phase of the matter, but if it is not, I do ask that some notice be taken of my remarks in this respect.

There is another point that bothers me a little. I notice that this Colony is to be represented and, I have no doubt, the appointment has already been made or Government has somebody in view. What I would like to see this Colony take an interest in, now that it is hoped to have this scheme in operation very shortly, is the question of having someone on the spot to look after our internal cargo to this port. I am dealing with imported articles

which for one reason or another have to be landed there, in the case when the vessel is not proceeding here. I see that the arrangement is that this Committee or Pool will be charged with the duty of arranging for the lifting of cargo *pro rata*. That is to say each Colony will be given a quota, but I notice someone is to be charged with the duty of having to go there and make this booking. It seems that if we are going to have an organization they should not sit and wait until someone goes to them and say that we have 200 tons of cargo to go to Demerara before we can get any priority on any vessel coming down here. We would probably be opening ourselves to considerable delay. I think we should have someone over there to look after our interest in that respect. I say that not only advisedly but feelingly. I happen to know there is already some difficulty, considerable difficulty, in lifting transshipment cargo from the Islands to this port. Unless this Pool is charged with the duty of not only entering cargo for transshipment or giving priority but also of looking after the cargo, seeing if it is there and seeing where space is needed and then making bookings, I am afraid we will find that some of these vessels will come down here empty while cargo is over there to be lifted. If it is possible to include that service in the working of this Pool, I think Government would be doing justice to this Colony.

THE PRESIDENT: Which service?

Mr. DEAGUIAR: The service of someone charged with the duty of going to the Pool and pointing out that we have so much cargo for British Guiana lying there. If they do that they would be doing a service to the Colony. I notice in the proposed plan it is stated that this Pool will furnish from time to time returns or accounts of its dealings. I would like to tell you that I will be very interested in seeing those returns, and any com-

ments or suggestions that I might have to make in that respect must necessarily wait until the first return on the working of the Pool is available.

One last point I would like to mention for information or reply, and that is the question of the internal insurance fund. I am not quite sure what is meant by that. Am I to understand it is proposed to levy a rate or charge a rate of premium on the value of the cargo that is being lifted by these vessels and the sums thus received credited to this fund for the purpose of establishing an insurance fund to meet claims? I do not know whether that is the plan, but if it is, I think the latter part of paragraph 7 of Your Excellency's Message would probably be a wiser course to take. That is, if possible to underwrite it elsewhere instead of carrying our own insurance. I am not a pessimist, but we are starting this plan, as it were, with an empty hand and it seems, to me having regard to the risks involved, that if we are going to carry our own insurance we are still groping in the dark as we do not know what the cost will be. It seems that the wiser course is to let others handle the insurance against the risks instead of doing so ourselves. I am rather afraid we may be called upon to pay very large sums from time to time as the result of these risks. I do think that before any decision is taken to carry these risks ourselves, we see whether it cannot be taken by others. Apart from these observations this motion receives my whole-hearted support and, I repeat, Government should be congratulated for the very prompt action taken in this particular matter.

Mr. JACOB: I too would like to support this motion. I think it is a step in the right direction, but I would like to make just a brief reference to paragraphs 6 and 7 of Your Excellency's Message. In paragraph 6 it is stated:—

As regards the financing of the costs of operating the Pool, it is proposed that the working capital and overhead expenses of the Pool should be borne as far as possible by

Governments of the participating Colonies . . . and for the first year it is intended that each Colony should accept liability on fixed percentages, *i.e.*—British Guiana—25%, Trinidad and Tobago—25%, Barbados—25%, The Leeward Islands—15% and the Windward Islands 10%.

That seems fairly all right. It also states that if there is any over-payment or under-payment it would be made up later on. I have no objection to that. But as regards paragraph 7 it states:—

As regards the liability for indemnification of owners of schooners against possible loss of their craft and compensation in respect of the captains and crews injured or killed it, is proposed that the situation should be met by the establishment by the Pool of an internal insurance fund to be built up by means of premium payments on the same basis as if made to an insurance company; such charges to be borne by the respective Colonies in the same proportion as to the operating costs of the Pool, but with a definite limit fixed prescribing the maximum liability of each Colony. It is proposed that the total limits shall be as follows:—British Guiana—£15,000, Trinidad and Tobago—£15,000, Barbados—£10,000, The Leeward Islands and the Windward Islands—still under consideration.

I have no objection to this Colony putting up £15,000, but when the importance of this Colony is compared with that of Trinidad and Tobago, I think they should put up a larger sum. When Barbados is putting up £10,000 it does appear that British Guiana is in an unfavourable position. I only draw attention to that to show that if there is equal percentage in regard to financing of the operating costs in putting up the money for indemnification, it should be practically on the same basis. British Guiana is paying the same as Trinidad and Tobago which, it is well known, is far more prosperous than this Colony. I am not concerned so much with the cost. I do not think it has escaped Government's notice, but so far as certain articles of food are concerned there is a definite shortage and I trust this arrangement will prove effective. In so far as one article is concerned—salt—I think proper arrangement can be made for importing salt from the Indies by schooners so that

something may be done to relieve the unfortunate situation here. I know schooners have been bringing that article here, but for some reason or another it cannot be done at the moment. The situation is very bad indeed. I do not think Government has forgotten it or that it has escaped Government's notice. I only mention it so that attention can be paid to that aspect of it and the schooners return to that trade and very urgently too.

Mr. ELEAZAR: I am not very fond of paying tribute to or showering bouquets on Government whenever Government does anything, because the method employed is always very faulty and falls very far short of the mark; but I realize that in an emergency a quick decision, even if it does not go the whole length and even though it looks imperfect, is far better than delayed action, and in this instance having regard to the perilous times in which we are living we must compliment Government on the prompt action it has taken. To add example to precept I am going to make the shortest speech on such an imminent question in this Council. I shall promptly take my seat by saying I compliment Government on its action whatever may be the result.

THE COLONIAL SECRETARY: With regard to the first point raised by the hon. Member for Central Demerara (Mr. deAguiar) I am sorry I cannot give him any information as to what the primary cost of the scheme will be. I am sure that the persons who prepared the scheme were not prepared to indicate what the cost will be, and I would be the last to attempt to do so. I gathered that the hon. Member did not expect me to do so.

With regard to the financing of the scheme and the ability of the Colonies to pay, I think the hon. Member has read the operating plan very carefully. If he had not done so I do not think he would have brought up the point!

The first percentages proposed were not quite the same as those shown in Your Excellency's Message. Government did its best to strike a good bargain, but it came to a point where it was considered that we must do everything possible to get this Pool going. I think hon. Members realize that we are not in such a favourable position as the Colony which was not named by the hon. Member, but I know the one he had in mind. We must get all the shipping space we can, and Government did not consider it worth while to argue over the small difference between the original proposal and the revised one which was put up. I hope hon. Members will wait for a year, because it is made quite clear in Your Excellency's Message that after a year the percentage may be changed. I think if we wait until then Government might have some ammunition with which to put up a better fight if it is found that Government should do so.

With regard to the person appointed to represent this Colony on the Advisory Committee, I have Your Excellency's authority to inform the Council that the appointment has been offered to Mr. John Fernandes, and I am glad to say he has accepted the offer.

This might also be a suitable occasion on which to inform hon. Members that an appointment has now been made to the post to be known as the Authority, under the plan put up. That post is to be filled for the first six months by Capt. S. H. True who has had experience with the Blue Funnel Line, and has also had considerable experience as skipper and Port Captain with the Standard Fruit Co. The proposal is that he should be employed by the Government of Barbados for six months on behalf of the Schooner Pool.

With regard to the Colony having an agent to represent it in Trinidad, Your Excellency for the last three or four

weeks has been trying to find out whether an appointment can be made. I think there is every likelihood of our meeting with success, but a definite pronouncement cannot be made at this stage.

As regards the matter of carrying our own insurance, I think that is what is indicated in paragraph 7 of Your Excellency's Message if I have not misread it. There again I take it that the persons who drew up this plan have considered very carefully whether it was worth while trying to get insurance taken up outside.

I think I have covered the remark made by the hon. Member for North-Western District (Mr. Jacob) who was a little worried about the amount we would pay in comparison with the other Colonies. I suggest that we wait for a year, and as the hon. Member for Berbice River (Mr. Eleazar) has said, we can endeavour to make improvements at the expiration of that time if we find that any other Colony has put it across us. We must always bear in mind that others are more favourably situated than we are from the point of view of getting shipping space, and we will have to pay a little more for what we want.

There was another point made by the hon. Member for North-Western District about salt. I should like to inform him that we have now sufficient salt in the Colony for nine months, and if the hon. Member is short of any I believe there is a Member who is prepared to sell him 1,000 bags.

THE PRESIDENT: Before putting the question I would like to say that I have listened with a great deal of amusement to the bouquets thrown at Government during the debate, and I may say that they are not undeserved. Any delay in the formation of this Pool has not been due to this Colony but failure to take certain expected action in the United Kingdom, and also to certain

qualities existing in those mysterious other places of which we have heard quite a lot. They will not be dependent on schooner traffic to the extent that we and Barbados will be, and we have to allow something for that. On the other hand, they may derive certain advantages from the Pool. Throughout the negotiations this Colony has done its utmost to be accommodating in order to get these things through, and we have had several headaches in answering telegrams. We are glad to see it appears now in concrete form.

Motion put, and agreed to.

THE PRESIDENT: We have one other motion on the agenda which I think the hon. Member for Berbice River (Mr. Eleazar) would like to take at a later opportunity. We can therefore proceed to a motion, not on the agenda, with the consent of Members, dealing with certain items of finance for which I should like to be able to sign special warrants. With the consent of Members I think it would be quite convenient to go into Committee to deal with that motion now.

SUPPLEMENTARY ESTIMATE, 1942.

The Council resolved itself into Committee and proceeded to consider a Schedule of Additional Provision required to meet expenditure in excess of the provision made in the Estimates for the year 1942.

Mr. McDAVID (Colonial Treasurer): A paper has been circulated among Members of the Council showing certain items of excess expenditure making a total of \$13,140. I regret the short notice. One of the items at least is a very important one. The question has come up of the great amount of distress suffered by the very poor in Georgetown. It has been represented to Government that the doles are not entirely adequate, in certain instances, to meet all that is required, and after careful consideration the Governor in

Council recommends to this Council that \$10,000 be provided the Poor Law Commissioners to be used at their discretion for distribution in money or meals to provide for distressed persons during the next two months.

It may be necessary to consider the matter further during next year, but this is the immediate proposal which Government has to offer. The money will be entirely at the discretion of the Commissioners, and will be expended on the understanding that all costs of distribution are covered by the sum of \$10,000.

That is the most important item. The other three items are minor matters, the last one being the largest —\$2,300—an increase in the dietary vote for the Prisons.

Mr. LUCKHOO: I take it that \$10,000 will be distributed among the poor throughout the Colony and not confined to the City.

THE CHAIRMAN: Yes, it will be distributed throughout the Colony.

Mr. LUCKHOO: Will there be any additional cost in the distribution of the money? There should be no additional payment to officers who may be entrusted with the distribution. The entire amount should be distributed among the people who are really in need of help.

Mr. McDAVID: The Poor Law Commissioners in submitting their recommendation only asked for a temporary Enquirer to be added to the staff. That should not cost more than \$60.

Mr. ELEAZAR: Whenever it rains it pours, because I have just complimented Government and now I must compliment them again, twice during the same session. It is a record, and I compliment Government on remembering the poor.

Mr. JACOB: I should like to take this opportunity to say that complaints have reached Government, several associations and responsible people, that a good many of the poor in the districts, particularly in the outlying districts, do not get any relief at all even when they make application. Two cases were brought to my notice in Western Berbice in which a man and a woman, two East Indians, over 60 years and practically helpless, went for aid and were practically driven away by the officers of the District Administration. One of them is entirely helpless and very sick indeed. I sent them two recommendations for poor relief.

I mention those two cases particularly because they appear to me to be extremely hard, and there seems to be something definitely wrong with those responsible for the distribution of poor relief. Complaints have been made to Government from time to time about discrimination. Some people have to walk several miles and cannot be attended to for several days. I trust that Government will take steps to see that these people are aided rather than hindered in getting poor relief. I urge that deserving cases should not be turned away. A Committee sat and recommended the adoption of old age pensions which obtain in Trinidad and Barbados. If such a scheme cannot be put into operation here I think more money should be put on the Poor Vote for deserving cases.

Mr. ELEAZAR: I rise again only to say that the Poor Law Commissioners have a very hard task in deciding who is deserving and who is not. A fortnight ago a man, apparently very deserving, begged alms of a female. He was refused and he became very insolent. I think he assaulted the person and a constable arrested him. When he was taken to the police station and searched \$8 was found on his person. The Magistrate fined him only \$2.50. I mention that to show how impossible it is for the Poor Law Commissioners

to be able always to spot a deserving individual. In those circumstances, one or two deserving cases might be overlooked. I do not think it is sufficient to charge the Commissioners with discrimination.

Mr. JACOB: I have listened for several years to the hon. Member's speeches, and the one he has just made was in similar strain to that I heard when I entered this Legislature.

Mr. ELEAZAR: Consistency, see.

Schedule approved.

The Council resumed.

THE PRESIDENT: There is an item under "Mention" at the bottom of the Schedule which no doubt Members have taken notice of. Have hon. Members any question to raise on the adjournment of the Council?

CHANGE OF THE CONSTITUTION.

Mr. JACOB: I am a little disappointed in the announcement Your Excellency made yesterday that the change of the Constitution will not be brought into effect this year, or at least before the Annual Session begins. From what I gathered it would appear that you yourself have not got definite information, and proceeding on that you have decided that the Annual Session should be called on the 18th of November. I was wondering whether it would not be advisable to ask the Secretary of State for the Colonies when the changes would be sent to the Colony. They have been made in Trinidad and Jamaica, and I think we should have had them already, but making allowances for the circumstances that are prevailing in the United Kingdom I think it may be very advisable to put off the re-assembly of the Council until December when it might be possible to get definite information as to the change of the Constitution.

Your Excellency has stated that you are wholly in favour of constitutional development. That being so, I think you are definitely against the present system. I think the present system has outlived its usefulness, and for quite a long time. Unfortunately, the Council is depleted at the moment and I do not know whether I will get any support from the Elected Members present, but I urge that the Annual Session should not be called until there is a definite statement. If the Session is called in December there would be sufficient time for the new Council to go into the Estimates and start the new year. I think we are going to get a New Order in Europe and I do not see why we should not have it in British Guiana.

THE PRESIDENT: I can answer that. I have asked the Secretary of State again as to the approximate date for the making of this Order, but I have no information as yet. All I can do is guess from my own knowledge, and as advised by the Attorney-General, as to the procedure in the matter, that it

must be lying on the table of the House of Lords and the House of Commons where it has to lie for 21 sitting days in each case, so that it will be impossible for me to take action in December. I should also be very reluctant to postpone the Budget Session of the Council more than we can help, in order to get public business prosecuted, and I feel at liberty to think that our present Council is very well fitted to deal with the Budget, especially in view of the experience it has had during the last year.

Therefore, I am not particularly worried if we do not have the new Council for the Budget Session, except for the ten Government Heads who sit around this table, several of them without opening their mouths for days. If there is no other business to come before the Council before then I will proceed to prorogue the Council by proclamation, and take the opening of the Budget Session on November 18, unless that date is changed.

The Council was adjourned *sine die*.

