

STATE COUNCIL

ANNOUNCEMENTS

TUESDAY, 6TH OCTOBER, 1953.

The Council met at 2 p.m., His Honour the President, Sir Frank McDavid, C.M.G., C.B.E., in the Chair.

PRESENT :

The President, His Honour Sir Frank McDavid, C.M.G., C.B.E.

Mr. W. J. Raatgever, C.B.E.

Mr. L. A. Luckhoo.

Mr. W. A. Macnie, C.M.G., O.B.E.

Mr. R. B. Gajraj.

Mr. P. A. Cummings.

Mr. U. A. Fingall.

His Grace the Archbishop of the West Indies, the Most Reverend Dr Alan J. Knight.

Mr. G. L. Robertson.

Clerk of the Legislature—Mr. I. Crum Ewing.

Assistant Clerk of the Legislature—Mr. I. R. King.

His Grace the Archbishop read prayers.

The minutes of the meeting of the Council held on Wednesday, the 23rd of September, 1953, as printed and circulated, were taken as read and confirmed.

REMUNERATION OF MEMBERS

The President: Hon. Members, I have received a letter from His Excellency the Governor, dated 28th September, 1953, referring to a copy of this Council's resolution, No. 4, passed on the 10th August, 1953, and informing me with regret that the Government is not prepared to introduce legislation to authorise the payment from public funds of Members of the State Council on the same scale as Members of the House of Assembly.

WORKERS' STRIKE IN SUGAR INDUSTRY

I have also received a letter from His Excellency the Governor, also dated 28th September, 1953, informing me that he has forwarded a copy of this Council's resolution No. 8, passed on Monday, 21st September, 1953, to the Secretary of State for the Colonies. That resolution, hon. Members will recall, dealt with the recent stoppage of work in the sugar industry and the action of certain Ministers and made a request of the Secretary of State that after enquiry he should take, if he so pleases, certain action.

PROCEDURE FOR SUPPLEMENTARY ESTIMATES

Hon. Members, I have a Statement to make concerning the procedure of the Council with respect to supplementary estimates of expenditure. Copies of this Statement are available and I shall ask the Clerk to circulate them before I read it. (*Copies of Statement were at this stage circulated among the Members by the Clerk*).

"Honourable Members,

At a meeting of this Council on 24th August, 1953, I made a formal Statement outlining a procedure which would be fol-

[The President]

lowed by this Council with respect to supplementary estimates of expenditure. I know that some Members are apprehensive and critical of this procedure because it permits the incurrence of expenditure prior to approval by this Council. I have since had the opportunity to discuss the matter with the Honourable the Financial Secretary, and I am glad to be able to inform the Council that the Financial Secretary has agreed to make new arrangements such as will enable supplementary estimates to be brought before this Council for consideration and approval promptly and before authorizations in respect of the related expenditure are issued.

Before explaining these new arrangements I take this opportunity to correct an error in my Statement of 24th August.

In a digression I related the history of the Finance Committee of the Legislature instituted in May, 1942, in the regime of Sir Gordon Lethem and referred to a Message to the Legislative Council in February, 1947, from the Governor, Sir Charles Woolley. That Message was, in fact, addressed to the Council and signed by Mr. W. L. Heape who was Officer Administering the Government at the time.

To return to our procedure with respect to supplementary expenditure, the Financial Secretary has agreed that supplementary estimates for submission to the House of Assembly will be prepared monthly and not quarterly as at present. When the Finance Committee of the House of Assembly has passed the monthly "schedules of additional provision" (as they are termed) these will be embodied in a monthly supplementary estimate and submitted to the House of Assembly for approval by formal resolution at a meeting of the House to be convened immediately or as soon as possible after the meeting of the Finance Committee. The Resolution of the House approving the supplementary estimate will thereafter be transmitted to me and I shall immediately convene a meeting of the Council in order to introduce a motion in similar terms. Thus, this Council will be able to consider these monthly supplementary estimates of expenditure very shortly after they have been dealt with by the House of Assembly, and the issue of the authorizations to incur the expenditure can, save in exceptional circumstances, await the passing of the formal

resolutions both by the House and by this Council.

The Financial Secretary has also been good enough to agree to assist this Council in its consideration of annual estimates and supplementary estimates. In order that he may do so appropriately, it is proposed that on the introduction of a motion with respect thereto the Council should adjourn and continue privately in committee of the whole Council. The Financial Secretary would attend the meeting of the committee and offer any necessary explanations with reference to the details of the estimates. Thereafter the Council would resume and complete formal action on the motion.

I trust, Honourable Members, that the new procedure I have now outlined will remove the apprehensions to which I have alluded and provide a satisfactory solution to this problem.

I am giving notice today of a motion inviting this Council's approval of the Supplementary Estimates approved by the House of Assembly on 24th September, 1953, and I shall ask the Council to agree to take this motion at this meeting and to adopt it after consideration in committee in the manner I have described."

PERSONAL STATEMENT ON PRESIDENT'S REMUNERATION.

Hon. Members, I have one further statement under Announcements to make. It is of a personal nature and I shall crave your indulgence to read it. It is as follows:—

"Honourable Members,

I ask your indulgence to make a personal statement which I consider to be of some public importance.

On 1st October, during the debate in the House of Assembly on the Labour Relations Bill, the Member for Mahaica-Mahaicony, Mr. S. Persaud, made certain remarks which allude to me as the President of this Council and the Minister without Portfolio by election of this Council and also to me in my capacity of Chairman of the Board of Directors of the British Guiana Rice Development Com-

pany Limited, by appointment by the Governor under the Articles of Association of the Company.

The official record of the Member's remarks and of interpolations by His Honour the Speaker is as follows:—

Mr. Persaud: . . . We want a system in Guiana where people can sit for six months and still be comfortable. I know what I am saying. I think it is alleged, for instance—and I think it is quite true—there is a single individual who gets \$1,500 a month from one section—the Rice Development Corporation—then gets \$400 per month to exercise a vote and nothing else, and \$340 because he is on the pension list; and on the other hand there are people living in poverty who cannot afford to sit home for one day.

Mr. Speaker: Will the hon. Member resume his seat and let me try to explain something? It is obvious you are referring to someone of whom we are aware. It is someone in the Legislature. You are not to make those remarks; they are personal. I know that one of them is inaccurate—he gets \$400 only to vote. He votes and presides. That is a very important thing; I preside in this Assembly, I cannot vote. I wish I could. Don't make any further reference to the individual, whether to support your argument or not. Try some other analogy.

Mr. Persaud: I think it is not personal; but if you think it is personal, I beg to withdraw it.

Mr. Speaker: You see, he is not here to defend himself. Perhaps you would like to go to the State Council." It will be noted that there is no room for doubt that these remarks refer to myself.

In this connection, I have also received a report from the Manager of the British Guiana Rice Development Company. The Manager's report is to the effect that he has been informed by an employee of the Company who attended a recent political meeting in the Mahaicony-Abary area, that Mr. Persaud told the rice farmers present at the meeting that my salary as Chairman of the Company is \$1,500 per month; and that two other members of the House of Assembly (one of whom is a Minister of the Government) were also

present and addressed the meeting. The accuracy of the Manager's information and report as to Mr. Persaud's statement on that occasion is confirmed by Mr. Persaud's remarks in the House of Assembly which I have just quoted from Hansard.

The statement that as Chairman of the Board of the British Guiana Rice Development Company I receive from the Company a salary of \$1,500 per month is utterly untrue; and I am sure that those to whom I have referred as having been responsible for circulating that statement have done so (as the Company's Manager said in his report to me) with the object of damaging my personal reputation and that of the Company among the Company's employees and the rice farmers in the Mahaicony-Abary area.

The fact is that neither the Chairman nor any Director of the Company (other than the General Manager, Mr. H. Gadd) has received any remuneration from the Company; nor has any member of the former Board of Control of the Mahaicony-Abary Rice Development Scheme ever received any remuneration for his services. Also, no member of the Rice Marketing Board (of which I was the inaugural and first Chairman from 1939 to 1946) has received any remuneration from that body.

On a rather more personal note, I should also say that when I was Financial Secretary I spent a considerable portion of my leave in 1951 in conducting arduous negotiations with the Colonial Development Corporation in London with respect to their projected participation in a comprehensive rice development undertaking in British Guiana—and this without any financial recompense. In February, 1953, as Chairman of the Company, I went to London to complete the negotiations for and enter into a contract with the Colonial Development Corporation for a capital loan of \$5 million and working capital advances of \$1.2 million to be made by the Corporation to the Company. I received no remuneration for those services, but my travelling subsistence and out-of-pocket expenses were reimbursed by the Company.

I should like to explain that the Company's Articles of Association do allow the payment of fees to the Chairman and Directors. It will, I am sure, be readily admitted that the responsibility undertaken by the Board in directing the affairs

[The President]

of so large an undertaking as the British Guiana Rice Development Company is an onerous one. My responsibility as Chairman and the administrative duties carried by me in that capacity are specially heavy. The Board will doubtless at the proper time seek authority for the payment of reasonable fees to its members. But I repeat—no remuneration has so far been paid to the Chairman or any Director other than Mr. Gadd who is being paid a salary as General Manager of the Company and not as a member of the Board of Directors.

I return now to Mr. Persaud's allusion to myself as a person who, in his own words, "gets \$400 per month to exercise a vote and nothing else" and to His Honour the Speaker's interpolation to the effect that this remuneration is in relation to my presidency of this Chamber.

The fact is that the Speaker of the House of Assembly is paid a salary of \$480 per month but the President of the State Council receives no remuneration in respect of that office. If the members of the State Council were paid the President would receive the same remuneration as any other member of the Council; but if the President is also (as I am) the Minister without Portfolio elected by the Council he would receive no remuneration as a member of the Council but only the salary of the Minister without Portfolio.

The six Members elected by the House of Assembly who have all been assigned Departmental Portfolios receive a salary of \$600 per month each. The salary which I receive as Minister without Portfolio is \$400 per month. The Waddington report recommends that the Minister without Portfolio should be assigned charge of some special subject and it had been suggested (prior to the formation of the new Government) that this Minister might well be appointed Chairman of the proposed Economic Development Council—a suggestion which is repeated in the report of the International Bank Mission. I have offered myself to His Excellency the Governor for service in any capacity in which he may see fit to employ me. I have also offered my services to the Ministers with a view to assisting in formulating policy and preparing suitable plans for its execution, but so far this offer has not been accepted.

However, I wish to emphasize one point in relation to the functions of the Minister without Portfolio which is not generally appreciated. This Minister is a member of the Executive Council and the liaison between the Executive Council and the State Council. It is accordingly my duty to introduce and present in the State Council all Government measures which are introduced and passed in the House of Assembly. Thus while the legislative work in this respect in the House of Assembly is shared by the six elected Ministers and the three *ex-officio* Ministers who are members of that Chamber I must, personally, undertake it all in this Chamber; and this duty imposes on me the necessity of making myself fully acquainted with the details of all Government Bills and motions so as to be able to present and explain them adequately to the State Council. The statement by Mr. Persaud that I am paid a salary merely to exercise a vote and nothing else is, therefore, contrary to the facts.

Honourable Members, I regret having taken up the time of this Council with this somewhat lengthy personal statement but you will, I feel sure, agree that it does, as I have already said, relate to a matter which is of some public importance, and that I am justified in using this means of bringing the facts to public notice.

I propose to send copies of this statement to His Honour the Speaker. I shall also instruct the Clerk to forward a copy to Mr. Persaud in the hope that he will have the grace to retract publicly, both in the House of Assembly and in his constituency, the erroneous and misleading statements made by him to which I have referred.

PRESENTATION OF REPORTS AND DOCUMENTS

The Clerk read the following list of documents which were laid on the table:—

The Annual Report of the Prisons Department for the year 1952.

The Annual Report of the Georgetown Fire Brigade for the year ending 31st December, 1952.

Schedules of Additional Provision to meet Expenditure in excess of the provi-

sion made in the estimates for the year 1953 for the months of May, June, July (two), August and September, 1953—\$1,013,040.91.

Schedules of Provision required during 1953 for Development Plan Services to be met from Surplus Balances for the months of June, August and September—\$258,640.74.

Schedules of Services to be met from funds raised under Loan Ordinance No. 13 of 1951 (1951 Issue of \$10,464,000) (two)—\$722,600.00.

The Annual Report of the Director of Agriculture for the year 1952.

Reports on the Co-Operative Credit Banks for the years 1949, 1950 and 1951.

Annual Statements of Accounts of the Controller of Supplies and Prices for the year 1952.

Resolution No. XII passed by the House of Assembly on the 24th of September, 1953, approving the Supplementary Estimates for the months of May, June, July, August and September, 1953.

NOTICES

SUPREME COURT OF JUDICATURE (AMDT.) BILL, 1953

The President: I beg to give notice of the introduction and first reading of the Bill intituled:—

“An Ordinance further to amend the Supreme Court of Judicature Ordinance.”

I have been requested by the hon. the Attorney-General to expedite the passage of this Bill which merely authorizes the appointment of a Fourth Puisne Judge. Consequently, I shall ask your leave to move the suspension of Standing Rules and Orders to enable me to take this Bill at this meeting. The Bill is, I believe, non-controversial. It has been published for some time, and has already been dealt with by the House of Assembly, on the 24th of September.

There is no business on the Order of the Day, consequently, hon. Members I shall propose at once to move that the relevant Standing Rule and Order be suspended to enable me to take through all its stages today the Bill of which I just gave notice; intituled:—

“An Ordinance further to amend the Supreme Court of Judicature Ordinance.”

Hon. Members, we have not yet formulated our own Standing Rules and Orders, and it seems accurate to say that at nearly every meeting we have to suspend the relevant Rules and Orders. I hope that when we have our own Rules and Orders they would permit us to proceed on matters of this kind without suspension of any rule.

Mr. Cummings seconded.

Question put, and agreed to.

Relevant Standing Rule and Order suspended.

The President: Hon. Members, I beg to move that a Bill intituled:—

“An Ordinance further to amend the Supreme Court of Judicature Ordinance.” be read a first time.

Mr. Gajraj seconded.

Question put, and agreed to.

Bill read a first time.

The President: I beg to move that the Bill be now read a second time. As I have said it seeks authority to appoint a Fourth Puisne Judge, a measure which is important at the present time owing to the considerable increase in the work of the Supreme Court. I feel the Legal members of this body will support the measure as one which is overdue, and I think we should press on with the enactment of this law in order to make provision for this judge to be appointed.

Mr. Cummings seconded.

Mr. Cummings : Sir, I was very glad to learn that you have been requested by the hon. the Attorney-General to get this bill through the House as speedily as possible. For some years now the list of civil cases has been in arrears. A few months ago when I made enquiries into the position I found there were 291 civil cases listed for hearing. Both my learned friend (Mr. Luckhoo) here and I have from time to time sought priority to have urgent matters heard; and even where priority is granted in very important cases, we cannot get a hearing until about the middle of the next year—in some cases, litigation which has an important bearing on the Colony itself.

Now, I know that the Bill is for the appointment of a Fourth Puisne Judge, but I think the time has come when it might be practical to appoint a Fifth Puisne Judge. Crime is going up. The Judges work very hard, and as a matter of fact within the past year or two they have been starting work at 9 o'clock in the mornings, instead of 9.30, as used to be the case hitherto. They do not enjoy their statutory vacation. We know that as a fact. The Criminal Courts sit during their vacation, and so does the Criminal Court of Appeal.

That, though commendable is to my mind heavy on Her Majesty's Judges, and theirs is an important function. It has been said and adopted that a delay of justice is a denial in justice, and too often we find that delays result in people taking the law into their own hands and crimes are committed. I therefore have great pleasure in whole-heartedly supporting this Bill, and in doing so, I commend to the Government early consideration of an appointment of a Fifth Puisne Judge.

Mr. Luckhoo : It is a year ago that I gave notice of a motion asking

the then Legislative Council to recommend the appointment of a Fourth Puisne Judge. Like my hon. friend, I feel that the time has now come when we should not only seek the appointment of a Fourth Puisne Judge, but a Fifth Puisne Judge. So that the position may be better understood, when necessary application is made to those in authority and steps be taken to appoint yet another judge, I would mention the state of affairs and the facts such as they are in this Colony.

We have the Chief Justice who is reserved—or has reserved himself, quite rightly I think—for sittings of the Criminal Court of Appeal. He also has to attend sittings of the West Indian Court of Appeal. His work is confined, more or less, to cases of major importance and appeal cases. With the appointment of a Fourth Puisne Judge it means that there will be four puisne judges carrying on the work in the Civil Jurisdiction and Criminal Jurisdiction of the Colony.

At most times one Puisne judge is on leave, which means that only three judges will be functioning at all times. Mr. Justice Boland as First Puisne Judge is doing Civil work presently and has 37 Civil cases at present on hand. The other two Judges, Mr. Justice Hughes and Mr. Justice Wills are presently doing Criminal work. A list was published last Saturday in which there were 38 Criminal cases, and I am reliably informed that there are another 20 to be added to the list, which means there will be 58 Criminal cases to be attended to—to be tried at the present Sessions. Two judges are presently trying these matters, but within another week Mr. Justice Hughes will have left for Barbice, where there is a list which includes several capital offences and other cases of importance which he will have to try. That will leave only one judge to do Criminal work in Georgetown, which will give him some 40 cases in addition.

There are some 300 Civil cases in Georgetown yet to be tried, and some 60 in Berbice. These cases sometimes extend as far back as 1947, a matter of some six years in some instances. To my mind this is a shocking state of affairs—not an indictment on the judges: I agree with my hon. friend that they work very hard. Cases have to be postponed from time to time, or taken off the list because of the heavy pressure of work. Some call for a remedy. The only remedy is the appointment of an adequate number of judges to cope with the situation. The time is ripe that there should be appointed a Fifth Puisne Judge, and I think that the views expressed here should be communicated to those who have the right to take the proper measures to see that this remedy is obtained.

The President: Any other Member wishes to speak? The question is that the Bill be read a second time.

Agreed to.

Bill read a second time.

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

Council resumes.

The President: For the reasons already given, I beg to move that the Bill be now read a third time and passed.

Mr. Cummings seconded.

Question put, and agreed to.

Bill read a third time and passed.

SUPPLEMENTARY ESTIMATES, 1953

The President: I again move the suspension of the relevant Standing Rule and Order to enable me to move the motion for the approval of Supplementary Estimates, of which I gave notice earlier.

Mr. Cummings seconded.

Question put, and agreed to.

Relevant Standing Rule and Order suspended.

The President: I beg to move:—

“Be it resolved that this Council approves the Supplementary Estimates for the months of May, June, July, August and September, 1953, which have been laid on the table as follows:—

(a) To be met from Revenue	\$ 1,013,040.91
(b) To be met from Surplus Balances	..	\$ 258,640.74
(c) To be met from funds raised under Loan Ordinance No. 13 of 1951 (1951 Issue of \$10,464,000)	..	\$ 722,600.00

Hon. Members, if you agree with the procedure I have outlined I hope you will agree with what I am now about to propose, and that is that the Council adjourns in order that we should meet privately in Committee and receive the hon. the Financial Secretary, who has been good enough to wait on us in order to offer us any explanations as to the details of these Supplementary Estimates. On completion of our examination of those Estimates in Committee we shall return to this Chamber when I shall then put the motion formally. I should also say that on that occasion, if any Member wishes to speak to the motion publicly in Council, of course he is entitled to do so, but I take it he would be able to address himself to the motion better after our Committee meeting than before. Consequently, if you agree, I now propose that the Council adjourn and meet in

[The President]

the Committee Room with the Financial Secretary to examine these Estimates in detail.

The Council adjourned to the Committee Room for private discussion of the Estimates and resumed the public session at 3.45 p.m.

Council resumes.

The President: Hon. Members, I have to report that we examined the Supplementary Estimates in Finance Committee with the assistance of the hon. the Financial Secretary. We passed, with the deletion of one item under Head XIA, sub-head 18A.—Schools Broadcasting, \$5,000—the Supplementary Estimates to be met from revenue. Consequently, the amount of \$1,013,040.91 has been reduced to \$1,008,040.91. The second Schedule of Supplementary Estimates to be met from Surplus Balances, involving a total of \$258,640.74, was passed as printed, and so was the third Schedule of items to be met from funds raised under Loan Ordinance No. 13 of 1951 (1951 Issue of \$10,464,000.00) involving a total of \$722,600.00. Hon. Members, I now put the motion that these Supplementary Estimates be approved.

Motion carried unanimously.

THE QUEEN'S VISIT TO JAMAICA

Mr. Raatgever: Your Honour, I would appreciate it very much if you would let this Council know what is happening with regard to the sending of delegates from this Legislature to Jamaica to join in the welcome to Her Majesty the Queen next month.

The President: The Clerk of the Council will correct me if I am wrong, but as far as I recollect a Resolution was passed by the House of Assembly

quite recently, expressing the thanks of that Chamber to the Legislature of Jamaica, but it went no further. We, for our part in this Council, passed a Resolution, a copy of which I sent to the Governor, inviting the Government to provide the necessary funds to enable two representatives to go to Jamaica in response to the invitation. I have not had any reply so far, but I am still awaiting a reply before approaching this Council formally on the subject. I think I should wait for a formal reply before I invite this Council to take any action at all.

Mr. Raatgever: Time is passing, and I think we should take some action. I would suggest, Sir, that you ask His Excellency about the matter and have it put on the agenda for our next meeting. As Her Majesty will be going to Jamaica in November, we should be prepared to send our delegates before that. I take it that we are going to send representatives irrespective of what the House of Assembly will do. We are part of the Legislature of British Guiana and we can send both representatives, if necessary. I feel that as loyal subjects of Her Majesty we must send representatives to Jamaica on the occasion of her visit to that Colony.

LABOUR RELATIONS BILL, 1953

The President: Our next important item of business is likely to be the Labour Relations Bill which, as hon. Members know, is now being considered by the House of Assembly. I had expected that it would have been possible for me to receive that Bill from His Honour the Speaker of the House of Assembly in the form in which it is finally passed by the House, in time for the Bill to be introduced in this Council on Monday next, the 12th of October. However, the consideration of the Bill in the Committee stage in

the House has only just started, and I understand that there are a number of important amendments to be disposed of. It is possible that the Bill, as passed by the House, may differ in some important respects from the form in which it was originally published. It is therefore essential that there should be some interval between the publication of the Bill, as it finally emerges from the

House, and the date on which it is debated in the State Council. Accordingly, I prefer not to fix a definite date for our next meeting, and I propose to adjourn the Council *sine die*, on the understanding that hon. Members would be willing to meet at short notice. In the circumstances I accordingly adjourn the Council *sine die*.