

LEGISLATIVE COUNCIL.

Friday, 11th January, 1929.

The Council met pursuant to adjournment, HIS EXCELLENCY THE GOVERNOR, BRIGADIER-GENERAL SIR GORDON GUGGISBERG, K.C.M.G., D.S.O., President, in the Chair.

PRESENT.

The Honourable the Colonial Secretary, Mr. C. Douglas-Jones, C.M.G.

The Honourable the Attorney-General, Mr. Hector Josephs, K.C., B.A., B.L.M. (Cantab.), LL.B. (Lond.).

The Honourable A. P. G. Austin (Nominated Unofficial Member).

The Honourable T. T. Smellie (Nominated Unofficial Member).

The Honourable F. Dias (Nominated Unofficial Member).

The Honourable T. Millard, Colonial Treasurer.

Major the Honourable W. Bain Gray, M.A., Ph.D. (Edin.), B. Litt (Oxon.), Director of Education.

The Honourable J. S. Dash, B.S.A., Director of Agriculture.

The Honourable R. E. Brassington (Senior Member for North-West Essequibo).

The Honourable R. V. Evan Wong, B.Sc., (Senior Member for South-East Essequibo).

Colonel the Honourable W. E. H. Bradburn, Inspector-General of Police.

Major the Honourable J. C. Craig, D.S.O., Director of Public Works.

The Honourable B. R. Wood, M.A., Dip. For. (Cantab), Conservator of Forests.

The Honourable S. H. Bayley, Managing Director, Colonial Transport Department.

The Honourable J. Mullin, A.I.M.M., F.S.I., Commissioner of Lands and Mines.

The Honourable N. Cannon (Senior Member for Georgetown).

The Honourable H. C. Humphrys (Member for East Demerara).

The Honourable A. V. Crane, LL.B. (Lond.), (Member for West Demerara).

The Honourable Percy C. Wight (Junior Member for Georgetown).

The Honourable J. Gonsalves (Member for Georgetown).

The Honourable E. F. Fredericks, LL.B., (Junior Member for South-East Essequibo).

The Honourable A. E. Seeram (Member for Demerara).

MINUTES

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

GOVERNMENT NOTICES.

Notice was given that at the appropriate moment the suspension of the standing Rules and Orders would be moved to enable the following Bills to be taken through all their stages and passed to-day:—

A Bill to make provision for raising a loan of three millions one hundred and three thousand five hundred pounds sterling for certain public purposes.

A Bill to provide that no further loan shall be raised under the Public Loan Ordinance, 1916.—(Colonial Secretary.)

ORDER OF THE DAY.

CUSTOMS TARIFF.

The COLONIAL SECRETARY (Mr. C. Douglas-Jones): Sir, before moving the third reading of "A Bill to fix a tariff of duties on goods imported into and exported from the Colony," I should like with your permission to make a few observations. The Hon. Mr. Austin, hon. members will remem-

ber, asked that the third reading of this Bill should be postponed in order to allow the mercantile community to confer with the Comptroller of Customs with regard to the collection of duty on the c.i.f. value mainly upon mixed goods bearing different rates of import duty. I understand that the Comptroller of Customs met representatives of firms, and he informs me that satisfactory arrangements have been arrived at. Hon. members will be glad to know that the principle of collecting on the new basis is generally considered sound. I have, however, just received a letter from the Chamber of Commerce in which they ask that the third reading of the Bill should be further postponed as it is pointed out that there are certain items, such as sea grass, hollow ware, glass ware and others, upon which, if the duties were levied on c.i.f. basis, the results would be to increase the cost to an abnormal extent, in some cases more than 100 per cent. They request that the third reading be postponed to enable the Chamber to compile a complete list of the items which would be so affected, which list will be forwarded in due course for consideration.

It is impossible in dealing with matters of this sort, when an endeavour is made to fix our Customs tariff, that certain anomalies should not arise. I am not sure, sir, that the anomalies which will be created by the change we have adopted will be any greater than those which existed in the old form, and I suggest that it should be left to this Council to decide whether the third reading should be postponed. It will be necessary to postpone it until the Council meets in February. That will be no great detriment because the Custom duties, under the new rates, are being collected, but it will be delaying the matter rather longer than is desirable and at the same time creating uncertainty. Those items in regard to which representation has been made are articles which are very bulky and require a good deal of shipping space to carry them, and therefore freight is higher than on any other articles and it would be very difficult to

deal with special cases. I suggest that the Bill be allowed to pass its third reading, and perhaps it will be possible next year to reduce the duty on those bulky articles to a normal rate. If, sir, it is agreed by the Council that the third reading should be proceeded with, I would ask leave for the Council revert into Committee to make a verbal alteration in the schedule of the Bill.

The PRESIDENT: The question is whether the third reading should be taken now or postponed.

Mr. AUSTIN: This question is a little bit far-reaching as far as I can understand. One item mentioned by the hon. Colonial Secretary is sea grass. That is used for stuffing mattresses and it is used to a large extent by the poorer classes. The actual cost of the shipping charges is more than the cost of the grass itself because it is so bulky. Figures that have been given me show that under the old rate the duty on a bale of about 112 lbs. came to 61 cents. The cost of 25 bales amounted to \$38.50 and together with the actual freight and insurance on the shipment it came to \$51.50, so that it was a matter of \$13 in excess of the value of the grass. The difference in duty means that sea grass will now pay a duty of \$1.44 per bale, which is more than double what the duty was before. To my mind it would be fairly simple to put sea grass on the specific rate, instead of on the ad valorem rate, at something like 12 cents per lb. With regard to glass ware the new duty, I am told, would seriously hamper a small business known as the "5, 10, 15 and 25 Cents Store." The increase on glass ware amounts to about 70 per cent. Glass being bulky freight charges are correspondingly high. I am afraid, sir, that that store, which is very largely used by the poorer classes, will be hampered to a very great extent, and it will become a question whether it will be able to carry on during the year with the hope of getting relief next year. I do not say that it will not be able to carry on, but it is a fact that it is likely to hamper that business

considerably, and, as I said, it is a business that is used largely by the poorer classes. To my mind it becomes a question, when the duty collected on any article does not amount to anything very considerable, whether it is not good policy to consider the hardship that is created by maintaining that duty rather than the actual amount of duty collected. If it is possible I would ask the Council to agree to having the third reading postponed in order to give a little more time for consideration of the various items which are bound to come up.

Mr. SEERAM: I should like to join with the Hon. Mr. Austin in his appeal that this Bill be deferred, and also to support him in the view that the amount of duty fixed on the value of goods on the c.i.f. basis will create an extremely great hardship on those people who import glass ware and pottery, which are greatly used by the poorer classes. My attention has been drawn to the fact that in many cases the charges for freight and insurance are double the actual value of the goods, and I am afraid that will affect trade considerably and instead of our getting increased revenue there will be a reduction. I have no doubt that when the Chamber of Commerce shall have gone into the matter that body will make such recommendations which I hope Government will accept.

Mr. WONG: I would also like to support the motion that the third reading of the Bill be deferred. As the hon. Colonial Secretary has pointed out, there is no great difficulty in doing so since the collection of duty on the proposals which have been already before the House will be proceeded with. The only point he has made is that there will be a period of uncertainty until February, which he deprecates, but I would point out that it would be much better to be under some uncertainty for a few months than to be under a burden for twelve months. One point I should like to emphasise is that the incidence of duty on the c.i.f. basis on the particular

lines of articles mentioned will affect chiefly the poorer classes. It is only in regard to those goods on which the c.i.f. charges are disproportionately high—that is on the cheaper goods sold in the Colony—that this particular difficulty will arise. I am convinced it is not Government's intention to inflict any great hardship on the poorer classes but rather to relieve them of their burden. That being so I ask the House to accept the motion.

Mr. WIGHT: I also join in asking the Council to defer the third reading of this Bill. As the hon. Colonial Secretary has rightly pointed out, it does not involve any difficulty with Government. I know personally that in "the street" many orders are being cancelled or delayed until the matter is gone through, and it must affect the Customs revenue if Government push it immediately.

The COLONIAL SECRETARY: There are one or two points which I should like to deal with. As regards the main objection—the importation of sea grass, the cost of which will be doubled—in that connection I will point out that coconut fibre is an equally good substitute and can be produced locally. In other parts of the world coconut fibre is used for stuffing mattresses of the highest class, and, therefore, I am not at all sure whether sea grass should receive consideration when we are dealing with the whole matter. Then we have representations made on behalf of the "5 Cents Store" which caters mainly for people in glassware, hollow ware, and so on. I would not do anything, or wish Government to do anything, that is going to increase the cost of living in any way or the cost of any article to the poor man. That is an object Government wants to avoid. We are very anxious to reduce cost to the poor man. But we have the testimony of the bulk of the merchants that this arrangement is entirely satisfactory, and the question is whether we should consider the interest of one firm against the policy of Government as a whole and the views

expressed by the bulk of the mercantile community. As I said before, anomalies are bound to arise, and we have an alternative. If we pass the Bill now, between now and February we can amend the schedule to the Ordinance in certain particulars which will overcome the objections which have been raised. That is the course I suggest. If we collect the duty on those articles now and later alter the tariff we shall have to refund the money, which is a very unsatisfactory thing to do, or collect more money from the merchant, which he will object to. On further representation by the Chamber of Commerce and consultation with the Comptroller of Customs we can deal with any question that has been raised. I press, sir, that the Bill be read a third time now, and Government can undertake to consider the advisability of amending the schedule at a later date.

Mr. WONG: May I be permitted to point out, sir, that the hon. Colonial Secretary has not been quite fair to the representations made here this morning. He has elected to go into certain details of certain items that were suggested on the spur of the moment. I am certain that a fuller investigation would show that there are many other items coming to the Colony in regard to which a very much stronger case can be made out than in the case of the articles mentioned in the letter of the Chamber of Commerce. Those representations are not made, as the hon. Colonial Secretary seems to make out, on behalf of any particular firm. It is a matter that will affect all the poorer classes of this Colony. In regard to uncertainty and the undesirability of having to refund duties that may be collected between now and February, when it is suggested that the matter might be reconsidered, I think there is a simple solution. If the merchants were assured that Government will reconsider the matter and arrive at a definite conclusion, then the practice will be resorted to of having

goods sent to the bond and not cleared until the decision is arrived at.

The ATTORNEY GENERAL (Mr. Hector Josephs): There will be a definite undertaking that the matter will be fully considered and if possible rectified in February. It is therefore better to have the Ordinance in operation than in a state of suspended animation.

Mr. WONG: That will satisfy us.

Mr. WIGHT: Coconut fibre is not obtainable in any large quantity in this Colony. It is no doubt an industry that can be fostered and made to pay.

Mr. AUSTIN: I have no objection to the third reading of the Bill if Government will undertake to consider amendments.

The CHAIRMAN: Government will certainly give an undertaking that we shall make the fullest enquiry not only into the articles mentioned but into all the others within a reasonable period. The quicker we can do it the better it would be for trade, so that the Council can rely upon our doing it as rapidly as possible after the conclusion of the West Indian Conference. I think a good deal of the inquiries could be made even during the Conference, and as soon as the Conference is over, which will be about the middle of February, we shall be able to arrive at a final decision.

The COLONIAL SECRETARY: With your permission, sir, I ask that the Bill be recommitted in Committee for the purpose of making a verbal amendment.

Question put, and agreed to.

The Council resolved itself into Committee.

The COLONIAL SECRETARY: Item 36 should have been (a) Pitch, per 200 lbs., British Preferential Tariff 50 cents, General Tariff \$1; (b) Rosin,

per 200 lbs., British Preferential Tariff, 50 cents, General Tariff \$1. Pitch was omitted by mistake and if it remains in the omnibus clause the duty will be prohibitive. I beg to move the amendment.

Question put, and agreed to.

The Council resumed.

The COLONIAL SECRETARY: I move that the Bill be now read the third time.

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

Bill read the third time and passed.

LEGAL PRACTITIONERS BILL.

The ATTORNEY GENERAL: I ask, sir, that the motion in my name (i.e.) "That the Council go into Committee on a Bill to make provision with respect to the discipline of Legal Practitioners" stand over until later in the day.

Question put, and agreed to.

COMPASSIONATE ALLOWANCE.

Major GRAY (Director of Education): I beg to move:—

That, with reference to the Governor's Message No. 22 of 1928, this Council authorises the payment of a compassionate allowance at the rate of \$60 per annum to Mrs. Bridget Gibson, an uncertified assistant teacher, as from 1st October, 1928.

The circumstances of this case are set out fully in the Governor's Message.

Mr. WONG: I second the motion.

Question put, and agreed to.

INTRODUCTION OF BILLS.

Motion made, and question put and agreed to, that the following Bills be read the first time:—

A Bill to make provision for raising a loan of three millions one hundred and three thousand five hundred pounds sterling for certain public purposes.

A Bill to provide that no further loan shall be raised under the Public Loan Ordinance, 1916—(*Colonial Secretary*.)

The COLONIAL SECRETARY: I move the suspension of the Standing Rules and Orders in order to enable these Bills to be taken through all their stages to-day.

Mr. MILLARD seconded.

Question put, and agreed to.

PUBLIC PURPOSES LOAN BILL.

The COLONIAL SECRETARY: Hon. members have a copy of the Loan Bill which authorises the Governor to issue debentures or stock, or both, under the Inscribed Stock Ordinance, 1913, sufficient to produce £3,103,500. The purposes for which the loan is being raised are set out in the schedule. Part I, hon. members will notice, provides for £2,057,000 to refund the Crown Agents advances which they have made to the Colony in respect to improvement schemes which are detailed in Part II, which it is not proposed to raise at the present moment, are set out certain objects for which money is required. It is proposed, if and when the time comes to spend this money as detailed in the schedule, that advances will be obtained from the Crown Agents to meet the cost of the works and at a later date a further loan will be raised to cover those advances. I move that the Bill be read a second time.

Mr. CRANE: I second the motion. I desire to ask whether item 2, Part I of the schedule (i.e., Municipal Water Supply, £170,000) includes an amount which has been estimated to be the cost of sinking five wells for Municipal purposes.

The PRESIDENT: I think we had better take these items in Committee.

Mr. CRANE: As Your Excellency pleases. What I would like to say about Part II generally is that as these items are to be raised as required the passing of the Bill should not be regarded as final. I conceive that this

House may be able to make suggestions on any of the items indicated there. When the actual expenditure is to be met, I take it, an opportunity will be given to the House to consider the particular measure.

The PRESIDENT: I will deal with the hon. member's request when in Committee. It will come in more properly there.

Question "That the Bill be read the second time" put, and agreed to.

Bill read the second time.

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

Schedule—Part I. Item I—City of Georgetown—Sewerage, Main Drainage and External House Connections, £980,000.

Mr. CRANE: May I ask whether this is the sum finally estimated as the cost of these schemes?

The COLONIAL SECRETARY: The reply to that question is that £980,000 is the sum which is required to complete the schemes and repay such advances as have been made by the Crown Agents with respect to them. Hon. members will appreciate that it is difficult to estimate exactly. We know what each section of the schemes is going to cost. For instance, as hon. members are aware, we have told them that the Main Drainage is not likely to cost more than £400,000 and the External House Connections something in the same neighbourhood, therefore it will be observed that there is a difference of £180,000. Attempts are now being made to endeavour to ascertain how that difference is made up. We have found that £50,000 can be accounted for. As hon. members are aware, when the contract was cancelled the Contractors took away all their books in which the allocation of their funds appeared, and until we can get possession of those books it is impossible to estimate closely where this balance has gone to. It is possible that this sum

of £980,000 may be a trifle reduced, but that point I say is now being investigated.

Mr. CRANE: Do I understand that the difference between £180,000 and £50,000 is expected to be recovered from the Contractors?

The CHAIRMAN: Government has a pious hope to that effect (Laughter.) Before we go on to these other items I will remind hon. members that practically the whole of Part I of the schedule is for getting rid of past commitments and for establishing our balance sheet; and the whole of Part II is for work to which we are at all cost absolutely committed—works which are urgently necessary in view of the necessity for the development of the country. With those few remarks we will go on now to the other items.

Item 2.—Municipal Water Supply, £170,000.

Mr. CRANE: I hope I am not assuming, sir, that you know too little about what we propose to do in this matter. Put shortly, the water supply of Georgetown is not certain and we cannot rely on the present source of supply. I am not now speaking of drinking water, which is stored in vats and other sources, but to Lamaha water for fighting fire and for domestic use. The Council find that this supply cannot be relied on, and now that we are installing the Sewerage Scheme it might be difficult to operate that scheme efficiently if an additional source of supply is not provided. A late Engineer estimated that it would take about 60 wells to provide Georgetown with a pure water supply scheme—that is the entire abandonment of the Lamaha Scheme—but it was considered that that undertaking would be too large for the City with the existing commitment for the Sewerage Scheme. It was therefore decided, with the approval of Government, that five wells should be sunk as a sort of experiment to notice how they would behave under conditions existing on the site given by Government for that purpose. On the termi-

nation of the contract, the contractors having had certain monies advanced, it transpired that the money we should have spent on these wells is not existant. It is very important if we are to protect the City, as I know everyone desires us to do, that we should embark on this scheme for the sinking of these wells. We have the advice of Mr. Pudsey, late Director of Public Works, and of Mr. May, one of the Consultants of Messrs. Beebey Thompson, on the type of wells, and all that remains now is to find the money to embark on the undertaking, so it is very important that this sum should include provision for those five wells. I happen to know that the hon. Colonial Secretary has different views about increasing the Lamaha water supply. I think his view is to preserve the water in the present canal, which is a tremendous engineering task, and that source of supply is not under the control of the Town Council but the Lamaha Committee. We really cannot rely on that source of supply and these five wells are in the nature of an experiment. We will put them on the Shelter Belt and throw the water into the canal. We should not raise the loan and leave that matter unattended. Had it not been for the wells sunk by Government at the Steamer Stelling and at D'Urban Park I do not know where we would have been during the drought.

The COLONIAL SECRETARY: I do not think it will be necessary to enter into any discussion or details of the proposed scheme for the supply of pure water for Georgetown. There are just one or two little matters which I should like to refer to in order that there may be no misapprehension from what has been said by the hon. member. He referred to my having views as to increasing the water supply from the Lamaha Conservancy. I have no views on that question. I simply asked Mr. May for an estimate of the cost of piping water from the Lamaha and treating it. Mr. May very kindly went into the matter and it was found that

the cost of pipes alone would probably be more than the sinking of wells, so that the matter has disappeared altogether. There is another idea which I would like to see disappear, and that is the question that the Sewerage Scheme is using a great deal of water. That has given rise to the idea that we should have a large supply of water to operate the scheme. The idea that the Sewerage Scheme itself is using a great deal more water than was used before is not correct. It is estimated that the per head consumption of water in Georgetown is somewhere between 60 and 100 gallons per day, which is a very large quantity, and it has been represented by the Consulting Engineers that if we could reduce that amount by 30 gallons per day the supply would be adequate. Based on the per head consumption the Sewerage Scheme is using a small quantity of water; but that does not do away with the necessity that we should have a sufficient supply to operate the scheme.

Dealing with the general question, the £170,000 does not include provision for the sinking of wells, but at a later stage I hope to show this Council and also the Town Council how money can be provided for the three schemes, which I am sure the hon. member has very much at heart. In other words I hope to indicate how money can be provided for that purpose, provided the Town Council can see their way through their rates to meet interest and sinking fund. I will not go further into the matter because it can be dealt with more adequately at a later date. To refer to the adequacy of the water supply in Georgetown, the Consulting Engineers in their report laid great emphasis upon the disgraceful waste of water in Georgetown, and I am not at all sure that adequate steps are taken even now to prevent that waste. At the request of the Town Council not long ago I asked the Inspector-General of Police to see whether we could not stop the running of taps. We had recently a longer drought than usual, and I think people have been very nervous in George-

town about the supply of water. I believe the water was turned off during certain hours of the day in order to conserve it, but there still remains a tremendous waste of water in Georgetown. I know that the Town Council are doing what they can in this matter, but the Town Council should appeal to the people in Georgetown to endeavour to avoid unnecessary waste of water. How it can be done I am not sure. The taps which are now being put in the communal sinks in connexion with the Sewerage Scheme are taps only to provide a certain amount of water, but I understand that the taps are tied back to allow the water to run. I do not know how we are going to meet cases of that sort, but it is a matter which I am quite sure the Town Council are considering, and I hope they will not cease to consider it and see whether something cannot be done to obviate the appalling waste of water.

Mr. CRANE: In addition to the assistance of the Police our own Sanitary Inspectors and Road Overseers, Town Constables and even the officers themselves, are giving attention to this matter, and we have also printed circulars warning people and threatening householders who allow their servants to waste water. We are doing our utmost.

Mr. WIGHT: I may add to that that we are endeavouring to get taps to meet the difficulty. I must admit that the Colonial Transport Department is responsible for a great deal of waste too.

Mr. DIAS: I want to mention in connexion with the waste of water that it is a matter that engaged the attention of the Town Council many years back when I happened to be Mayor, and I think it was on my suggestion that the Council went to the expense of employing special tap inspectors. They were employed for three or four years and then the Council decided to terminate their services, which was a great mistake.

The CHAIRMAN: Perhaps that might be considered again. Will the Inspector General tell us what he thinks of the matter?

Colonel BRADBURN (Inspector General of Police): Constables will not be admitted to private houses. We have, however, warned a number of persons to be more careful in the use of water, and the Police Force itself has also been warned to conserve its supply.

The CHAIRMAN: I am sure that the publicity which will be given to this debate will be of use on the subject. I quite agree with the hon. Colonial Secretary that the matter is a serious one.

Item 4.—Coastal Pure Water Supply (Wells), £157,000.

Mr. CRANE: Is this to complete the scheme?

Major CRAIG (Director of Public Works): This is the amount that was estimated to complete the scheme according to the programme approved of by the Council.

Mr. CRANE: Sixty wells?

Major CRAIG: Sixty wells.

The COLONIAL SECRETARY: So as to avoid any further questions later on I should like to say that the £157,000 is the amount estimated actually to drill the wells in the programme, but, as hon members are aware, there has been a good deal of discussion in the old Combined Court about the programme and cost of the wells. Hon. members must realise that the whole process is one of experiment. In different parts of the Colony wells have to be sunk to certain depths and as we go north-west they decrease in depth. We know now approximately the cost of drilling a well in any part of the Colony, but, sir, we are not out of the wood yet. It has been discovered, as hon. members know, that a good many of

these wells have shown signs of ceasing to flow, and the Engineer on the scheme is investigating that matter and endeavouring to find out definitely what is the cause. It is probable that owing to the acidity of the water the strainers are becoming corroded and the wells are becoming silted up and ceasing to flow. The strainers are made of two kinds of metal and it may be necessary to replace those strainers, so that further expense may be involved over and above the cost of boring the wells. There is also one other point which is being investigated now by the Resident Engineer. The Engineer in sinking wells is examining the gravels from which potable water is obtained. The making of these tests cost a certain amount of money. The Engineer thinks it may be best in future to sink all the wells as far down as possible, and he estimates that the cost of drilling to a lower depth than was originally proposed would be no more expensive than testing gravels. I mention that to show that we are even now only experimenting with these wells and that the cost may be greater than was estimated. But I again emphasise the necessity for going on with this well-boring programme. Hon. members I think are perfectly convinced that the health of the community in the districts is entirely dependent on this pure water supply, and whatever is the cost to experiment and find out the best type of well and actual depth and so on will be money well spent. I mention these points because later on when we ask for more money it should not be said that we said the final cost would be £157,000.

The CHAIRMAN: The Colonial Secretary has quite rightly taken a most pessimistic view of this question. I am afraid I have got to agree with him to a great extent, because I am certainly convinced that water is a very dangerous thing to play with. If we require more money to complete this programme of 60 wells we will have to show that we are able to pay the charges on the necessary loan. That is the first thing. The second thing is that we have not got more than half

way through our programme. Finally, experiments are going on now and I do not propose that we should commit ourselves to the present programme by undertaking too many new wells, even if that were possible, until these experiments have shown us what changes in the method or construction may or may not be necessary.

Item 5.—Purchase of part of Demerara Railway Perpetual Stock and Permanent Annuities, £217,000.

Mr. CRANE: I would like to know what proportion of this sum represents £217,000 of the entire liability so as to get some indication of when we are likely to get rid of this burden.

Mr. MILLARD (Colonial Treasurer): The Crown Agents originally estimated that the cost would be £580,000. They subsequently indicated the figure £217,000 as the offer was not accepted to a greater extent. They gave the figure £217,000 as their offers were still outstanding, and it provided for a small margin to existing acceptances.

The CHAIRMAN: Does that mean that £360,000 is still outstanding?

Mr. MILLARD: Yes, sir.

The COLONIAL SECRETARY: I think hon. members are perfectly aware that it is the desire of Government to get rid of these perpetual annuities and put them on a terminable loan of fifty years. It is proposed to leave the offer open. The holders of the annuities may not want money now but may later desire to accept the offer. If that is so we will be able to obtain money from Government on an advance which will be included in any loan to be raised at a later date. I think it would be an advisable course to instruct the Crown Agents to keep the offer open so that if the holders of any of these annuities wish to sell we shall purchase them on the same terms as we have already done.

Mr. WONG: The £363,000 will be left as there is no provision for it in Part II of the schedule.

Mr. MILLARD: The Crown Agents state that they do not expect acceptances to exceed £217,000.

Mr. CANNON: What is the rate at which these annuities are being purchased?

The COLONIAL SECRETARY: We have the information but it is not available at the moment. Perhaps the hon. member will be satisfied if we give it to him at some later date.

Mr. CANNON: Yes, sir.

The CHAIRMAN: The interest we are paying on the loan will be very much the same as what we are paying on the annuities, but the annuities go on perpetually while the loan terminates in 50 years.

Item 6.—Miscellaneous Public Works (Funding operation), £156,000.

Mr. CRANE: I do not understand this item.

Mr. MILLARD: In the first schedule sent home items of public works of a permanent character undertaken during the period of the last ten years were included to the extent of about \$850,000. It was contended that the accumulating deficit of recent years was in part occasioned in consequence of the exhaustion of revenue surpluses by appropriations to meet those works, appropriations that it may reasonably be assumed would not have been resorted to if a comprehensive statement of the present and prospective financial position had been available at the time. The execution of those works would in that case have presumably awaited the availability of Loan Funds. On the basis of this contention, it was requested that the cost of those works might now be funded.

In reply to this proposal the Secretary of State suggested the inclusion in the Loan Schedule of £100,000 for this purpose. In the interval I had examined the financial position from other points of view. The Colony's balance

sheet was not comprehensive. The funds of various public activities did not appear therein and the assets included certain advance accounts that, either in whole or part, would never be recovered. After compiling a list of the former and calculating the extent of the latter, I was able to ascertain the amount of the true unfunded deficit, apart from Ways and Means borrowing to be approximately \$750,000. The original proposal has now been modified to the extent of requesting that this schedule item may stand at £156,000 instead of £100,000.

At present the unfunded revenue deficit exceeds \$750,000 but as the numerous transactions having for their objective the rectification of the Colony's balance sheet are carried out, it is expected that the resulting deficit shown will be somewhere in the region of the sum in question. Until the Colony has surplus balances, it will still be necessary to borrow to finance day to day requirements. When the loan is raised and the balance sheet amended, it will be possible to produce simpler financial statements. At the present time these are of particular importance. What is required is that the Treasurer should be in a position to produce at any time a statement showing the financial position of the Colony.

The CHAIRMAN: I propose to ask the Secretary of State permission to lay on the table my despatch in which this matter is clearly explained by the Treasurer. The transaction is not the usual one; it is a case of desperation. There is no other way of getting this money except by a loan, and if we do not get a loan our accounts are confused and we have to go on paying interest on advances from the Crown Agents all the same. If the Secretary of State approves of it I want members to recognise that it is a great concession by the Colonial Office. I made a very urgent appeal before I left England that the new Constitution should be given as clean a start as possible financially. That concession to which the Treasurer has referred, of being allowed to include £100,000 in our loan, was

the utmost one could get at the time. I hope we have put the case so clearly now that we shall get this £150,000. My own idea was that the Home Government should give us a couple millions as a present, but they were not prepared to do so.

With regard to Part II I should also like to make some remarks. The hon. Member for West Demerara asked that the Council should be consulted when these items are ripe for expenditure. That we propose to do except in one or two trifling cases, for example, the reconditioning of bridges. When the Director of Public Works has got out an absolute programme and an estimate of cost of reconditioning bridges that will want reconditioning, and which have been neglected through the financial stringency, that estimate will be put before the Council; but in the meantime I wish hon. members to understand that if one of the bridges falls down I am not going to summon the Council to approve of reconstruction of that structure but will carry on and get your confirmation afterwards. In the same way with public buildings. I have been greatly struck by the fact that Government buildings are the most dismal places I have seen and the most ill-cared for, and that is why we are raising this money to bring them up to date. As regards the other points we propose to lay on the table plans and estimates for such things as prisons and schools and so on, but some of them are a long way off at present of being started. As regards the Agricultural Bank we are not ready with our full plans for that. Mr. Gall is now making enquiries and will probably have to visit a neighbouring Colony in order to get final details before we start that Bank, but we hope to start that Bank at the earliest possible moment. I may add that none of these works will be started until there are proper plans and carefully drawn up estimates approved for each; and with regard to the plea made by the Hon. Mr. Austin we will follow the

practice of putting these out to contract where and when possible.

Part I. Item 13. Hospitals and Dispensaries, £20,000.

Mr. CRANE: May I ask for some information with respect to this scheme?

The CHAIRMAN: So far as we can foresee at present we propose, first of all, to put in a proper out-patients block at the General Hospital in Georgetown and thereafter to establish dispensaries in out-stations. It is possible that we may be able to add to these dispensaries out of extraordinary expenditure. That is all we foresee we can tackle at present.

Item 17. Redemption of 6 per cent. Colony Bonds, £537,000.

Mr. WIGHT: Most of these bonds are held locally. I am asking whether Government can get a portion of this amount earmarked for subscription by local people who have already invested. It is a suggestion worthy of consideration. It will give local people an opportunity of reinvesting the money.

Mr. MILLARD: The first issue of the loan will be Part I of the schedule; the further issue will cover Part II. Item 17 will be met by borrowing from the Crown Agents pending the further issue of the loan. The hon. member is suggesting that when it comes to the further issue of the loan a portion of that loan should be earmarked for local subscription. It is not anticipated that a further loan issue will be taken for probably three years. In the meantime the redemption of Colony Bonds, though not for any considerable portion of this £537,000, will probably be effected by means of borrowing from the Crown Agents in anticipation of the next loan issue. It would be very difficult to assess any portion of the loan to be raised in the United Kingdom for local subscription. Is it possible to say to what extent local investment can be assured? The Colony Bonds included in the Schedule carry an option of redemption exercisable ten years

after issue on giving twelve months notice to holders.

Mr. WIGHT: I am very grateful to the Colonial Treasurer for the explanation, but the matter can be easily settled if I tell him that people here would be able to subscribe so far as the new loan is concerned.

The CHAIRMAN: Everything will be done to meet the request of the hon. member.

Mr. CRANE: If it is possible to meet the suggestion of the hon. member it will have to be under a separate Bill and other provision made.

Mr. WIGHT: I have no intention that the money should be invested here but in England.

The Council resumed.

The COLONIAL SECRETARY: I move that the Bill be now read a third time.

Mr. MILLARD seconded.

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

Bill read the third time and passed.

PUBLIC LOAN ORDINANCE.

The COLONIAL SECRETARY: I move that "A Bill to provide that no further loans shall be raised under the Public Loan Ordinance, 1916" be read the second time. This Bill is a corollary to the Bill just passed and it removes from this Council the power to raise any further money under the Public Loan Ordinance, 1916.

Mr. MILLARD seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Clauses agreed to.

The Council resumed.

The COLONIAL SECRETARY: I move that the Bill be read a third time and passed.

Mr. MILLARD seconded.

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

Bill read the third time and passed.

COMPASSIONATE ALLOWANCE.

Professor DASH (Director of Agriculture): There is a motion on the agenda in my name:—

That, with reference to the Governor's Message No. 23 of 1928, this Council authorises the payment of a compassionate allowance at the rate of \$96 per annum to Numkak, until recently employed as a gardener at the Botanic Gardens, with effect from 1st April, 1928.

Since giving notice of the motion it has been decided that the whole question of these pensions should be carefully investigated with a view to regularising them. It affects a number of Departments in addition to my own and I beg leave to withdraw the motion.

Question put, and agreed to.

LEGAL PRACTITIONERS.

The ATTORNEY-GENERAL: I move "That the Council go into Committee on a Bill to make provision with respect to the discipline of Legal Practitioners." Notice has been given, sir, of various amendments to the Bill. Those amendments have been very carefully considered and agreement has been arrived at on certain other amendments which will be put forward to take the place of them. I expect, sir, that the result will meet the wishes of everyone. Hon. members have been given copies of the amendments which I propose to make. I regret that I could not distribute them earlier but they required careful compilation.

Mr. CRANE: I second the motion.

Question put, and agreed to.

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

Clause 1. Short title.

The ATTORNEY-GENERAL: We agreed that in clause 1 the word "Regulation" should be substituted for "Discipline."

Amendment agreed to.

Clause 2: Interpretation.

The ATTORNEY-GENERAL: This is one of the matters that have been very carefully considered. The proposal is to amend the definition as to how the Court is to be constituted. That is going to be dealt with in another clause later on.

Question "That clause 2 as printed stand part of the Bill" put, and agreed to.

Clause 3: Constitution of Committee.

Mr. CRANE: The amendment of which I gave notice indicates that it is the desire of legal practitioners that Government should consider whether the Committee as constituted would carry out the intention in the best interest of every person. The suggestion is that in sub-clause (1) the words "not more than" should be deleted. The object of moving that those words be deleted is that the profession having met and submitted its opinion to the hon. Attorney-General, the Committee charged with the very important function of considering complaints against practitioners should be a strong Committee, and as the Attorney-General is *ex officio* a member of the Committee if you make it not more than seven and in sub-clause (10) make the quorum three you may have the two Law Officers of the Crown and a single practitioner considering an important matter. The idea is that there should be a Committee of seven. The proposal is that the quorum shall be three when there are five members present and five when the Committee

consists of more than five. The profession recommends that there should be a definite number.

The ATTORNEY-GENERAL: The point has been very carefully considered and it is proposed that the Bill shall stand as drafted. It is intended that the Committee in the first instance shall be composed of five members, two *ex officio* and three others. There will in process of time be an experienced working Committee and later additions can be made to bring the full number up to seven. There will be no danger or risk to anybody even by there being a quorum of a Committee of three. As a matter of fact, in some other places there is a quorum of three and three members habitually sit. Sometimes the Committee sits in two divisions of three each and their reports are accepted by the other. I regret that the amendment cannot be accepted. The Committee shall not be less than five when the Ordinance comes into force.

Mr. FREDERICKS: I am sorry to hear the Attorney-General say he cannot accept the amendment. Why should there be a sort of sliding scale? If three persons are competent and sufficient to discharge the functions of the Committee let it be so fixed. It is a very serious matter for persons whose livelihood is being examined as it is for a person on trial for an offence, and I think there should be some certainty of the number of persons who will constitute the Committee. The change suggested is a very innocent one. When it has been decided to bring forward a Bill of this nature there should be no indecision as to the composition of the Committee. I see no reason why there should be this sliding scale and I urge on the Attorney-General to use more reason why there should not be a definite number of people to enquire into any misdeed on the part of anybody practising before the Courts.

Mr. SEERAM: I am supporting the change advocated by the hon. Member for West Demerara and it is regrettable that the Attorney-General does not see

his way to accept it. The idea is to include experienced practitioners. I think the change members of the legal profession are advocating is fair and reasonable. All we are asking is to save us from unscrupulous clients whose complaints the Committee will no doubt find are frivolous in 90 per cent. of the cases.

Mr. CRANE: There are two points against the arguments of the Attorney-General. One is the precedent on which he has justified his rejection of the amendment, viz., that three persons always sit and give satisfaction. I take it that the three are of the solicitors' branch alone. In his country the two branches of the profession are separate, which is not the case here. Both branches of the profession here come in contact with the people, and officials do not have such contact. It is a matter on which, provided it is going to do the public no harm, the Attorney-General should give way to the view of the legal profession.

The ATTORNEY-GENERAL: The hon. Member for West Demerara has the idea that a Committee must necessarily sit with a quorum only. His argument seems to amount to this: If there is brought forward a frivolous complaint against a legal practitioner unless there is a full Committee it is not going to be properly dealt with. You have only to put the argument that way to see that it is not as sound as the hon. member thought when he brought it forward. I must confess, judging from the numerous letters I get by way of complaints in relation to legal practitioners, that I have a very good idea how frivolous many of these complaints are. There is another point I wish to put forward with reference to the hon. Member for West Demerara. In the Colony to which I think he was referring, the Attorney-General is by statute *ex officio* a member of the Committee, and I myself have presided over a great number of meetings of what is there called the Solicitors' Committee. Sometimes there will be a quorum of three and sometimes five or six members. I may also

mention that although there the Attorney-General was not necessarily Chairman, he was invariably Chairman, and in addition to that the solicitors' branch of the profession always desired that the Attorney-General should be present and should preside except he was unavoidably absent.

So far as this measure is concerned, if it passes into law, the Attorney-General will preside over the meetings of the Committee, and for my own part, certainly for a long time to come, I shall not preside over any meeting unless the full number of the Committee was present. I would not think it would be sufficient, at the beginning at any rate, that there should be a mere quorum of three persons present, and if the Committee consisted in the first instance of five members I myself shall take care that all five members were present to deal with the matter so that there should be no risk. I would do that unless it was impossible for any member to be present. There will be no more risk to a member of the profession here than elsewhere, and he would know and realise that, even if there is a quorum of three, they would be three experienced men trained in the law giving full attention to the matter before them, knowing what is at stake on both sides, and I think members will find that the fear they entertain is groundless. There are two amendments, sir, which I propose to sub-clauses (9) and (11). The first amendment is that the first sentence of sub-clause (9) be altered to read: "The Attorney-General shall be Chairman of the Committee and shall preside at meetings of the Committee"; and the second is that the word "the" before the word "Secretary" in sub-clause (11) be deleted.

The CHAIRMAN: Does the hon. Member for West Demerara desire to press his amendment?

Mr. CRANE: I have no wish to press it if Government is against it and I am not going to waste the time of the House by putting the amendment.

The CHAIRMAN: Government, having heard the remarks of the hon. At-

torney-General, is not prepared to accept the amendment of the hon. Member for West Demerara. I do not think that ought to debar the hon. member from putting his amendment if he wishes to do so.

Mr. CRANE: No, sir; I usually do not like to.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

Clause 4: Application to strike off the roll.

The ATTORNEY-GENERAL: In sub-clause (3) in the last three words, "the Judges thereof," strike out "the" and "thereof" and insert "three" before "Judges." Sub-clause (5) is to be struck out.

Mr. CRANE: I do not move the amendment of which I have given notice. I agree with the Attorney General's.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

Clause 7: Judges may make rules.

Mr. CRANE: I do not know what objection there can be to the amendment suggested in the memorandum by the legal profession to the Attorney General. It is really in conformity with the existing practice. All rules of the Supreme Court are made by a rule-making authority consisting of the three Judges and certain members of the profession appointed by the Chief Justice. The authority for making these rules should be that rule-making authority. One thing in favour of it is that you have uniformity of machinery for making rules. I move the amendment of which I have given notice, viz., delete the words "The Chief Justice with the concurrence of both or one of the Puisne Judges" in the first and second lines and insert in their place "The rule-making authority of the Supreme Court."

The Committee adjourned for lunch.

The ATTORNEY-GENERAL: When the Committee adjourned, sir, the hon. Member for West Demerara had proposed an amendment to clause 7. The rule-making authority to which he refers is an authority for making Rules of Court. This is a sort of domestic tribunal. It must be remembered that the legal practitioners who are dealt with by this Bill are officers of the Court. Formerly the whole proceeding would have taken place in the Court, which acted in a disciplinary manner in cases of misconduct.

Question "That this clause stand part of the Bill" put, and agreed to.

Clause 8: Costs.

Mr. CRANE: I do not propose to move my amendment and I accept the one by the Attorney General.

The ATTORNEY-GENERAL: The amendment I propose is that clause 8 be numbered sub-clause (1) and the following inserted as sub-clause (2):

Where the Committee has reported that there is no prima facie case of misconduct against a legal practitioner he may apply to a Judge in Chambers for an order that the applicant do pay the costs of the proceedings before the Committee and of the application as shall be ascertained on taxation.

Question "That this clause as amended stand part of the Bill" put, and agreed to.

Clause 9: Order of the Court entered on the Roll.

Mr. CRANE: I do not move my amendment and I accept the one by the Attorney General.

The ATTORNEY-GENERAL: I move that the following clause be substituted for clause 9:

Every Order of the Court made on consideration of a report shall be drawn up and passed by the Registrar, and if the legal practitioner is ordered to be struck off the Roll of the Court or is suspended from practice the Registrar shall make such entry or alteration in the Roll of the Court as shall be required by the Order; and he

shall cause a notice stating the effect of the operative part of the Order to be published in the *Gazette*.

Question put, and agreed to.

Clause 10: Registrar to give information to applicants.

Mr. CRANE: I am not moving my amendment for the deletion of the word "Registrar" but I am formally moving the amendment that the words "and to give to such person, if required, advice as to the form in which complaints should be made" be deleted. The legal profession submit that it would be sufficient for the Registrar to explain the method of procedure to an applicant who desires to make a complaint but they object to the words "and to give to such person, if required, advice as to the form in which complaints should be made." How far that advice may go is just the trouble.

The ATTORNEY-GENERAL: I do not contemplate that difficulties will arise. It is not contemplated that the Registrar will go into the question of giving people advice with respect to their grievances. Where a man wishes to make a complaint there will be forms in the schedule setting out the form of application against a legal practitioner and the advice is to tell him to fill up the various paragraphs with respect to that form. It must be borne in mind that the Registrar is not there, as the hon. member properly puts it, to advise people, but as an officer of the Court it is the duty of the Registrar to put people who wish to invoke the authority of the Judge in the way of formulating their complaint.

Question "That this clause as printed stand part of the Bill" put, and agreed to.

Clause 12: Appeals.

Mr. CRANE: I have given notice of an amendment to this clause:

An appeal shall lie to the West Indian Court of Appeal from an Order of the Court whereby any legal practitioner is ordered to be struck off the roll of the Court or to be suspended from practice, but not otherwise.

The clause as drawn seeks to establish a negative. It is intended to make quite clear that a practitioner who has been struck off by the Full Court or suspended from practice should not have the right of appeal to the West Indian Court of Appeal. I think that is a most retrograde step. Unless very good reasons exist the right of appeal should not be curtailed. Every British subject has a right to ventilate his grievance by an appeal. The West Indian Court of Appeal might be regarded as essentially part of the judicial system of the Colony. The only difference between it and the Supreme Court is that it travels whereas the Supreme Court remains stationary; but it is part of our system and when a man is put on trial in a matter which seriously affects his means of livelihood he should not be told if the local Judges take a certain view that he ought to be satisfied and go no further. By special leave a solicitor who has been struck off the roll has exercised the right of appeal to His Majesty's Privy Council. That has been done in the neighbouring Colony of Trinidad quite recently. The reason why the West Indian Court of Appeal was established was to curtail the necessity of going from the highest Court in the Colonies to the Privy Council, so that if a man went to a set of Judges who came to the Colony with a fresh and open mind and who had never heard of that man before it would be sufficient and he would not have to go to the Privy Council at all. I submit that it does not give a very good appearance to this Bill that there should be no appeal when the Full Court decides that a practitioner should be struck off. For all practical purposes the Full Court is a Court of first instance, and yet you say categorically that there should be no appeal to the West Indian Court of Appeal. You put a man to the expense of going to England to endeavour to appeal to His Majesty's Privy Council. I think it is wrong. The reason why an appeal was made directly to the Privy Council before is because we had no intermediate Court. A man ought to be in a position to exhaust every means of

having what he considers a fair and exhaustive trial of his grievance. The other amendments I did not press, but in this case I ask that the amendment be put to the vote and recorded.

Mr. SEERAM : I beg to support the amendment. From the provisions of this Bill it is quite clear that a matter can be taken to the Court even though the Committee finds that there is no *prima facie* case made out. On that point the legal profession gave way to a certain extent and suggested that when the Committee finds that a *prima facie* case is not made out the complainant should go no further until he gives security for costs. Unfortunately, that amendment has not been accepted by the Attorney General. But this is a very important point. We say that when the Court orders that a practitioner be struck off the roll or suspended there should be the right of appeal to the West Indian Court of Appeal. That is a reasonable request. A great hardship may be inflicted if this right is not given. We say that the matter is one of such vital importance that anyone who falls under this law should go further if he desires to do so. The hon. member says he is going to press for a division. I earnestly hope that there would be no necessity for a division and that the reasonableness of the amendment will commend its acceptance.

The ATTORNEY-GENERAL : Before dealing with the points raised by the hon. Member for West Demerara, I wish to express surprise at some of the words used by the hon. member in supporting his arguments. He said that one of the reasons why there should be a right of appeal to the West Indian Court of Appeal is that if an order is made against a legal practitioner there would be strange Judges who knew nothing of him and never heard anything of him coming to the Colony to hear the appeal. I do not think my hon. friend weighed those words, and if he does I think he would withdraw them. I am sure he did not

mean to indicate that the Judges of the Colony, because they are resident here and they come in contact with that practitioner, would be less capable of judging equitably and fairly any case in which he is concerned than Judges who had not seen him before.

Mr. CRANE : That is possibly the construction from the learned Attorney General's point of view, but I regret that he should have put that construction on it. There is no person who has a greater respect for the Bench of this Colony than myself. I make bold to say that. The construction is that Judges coming from abroad would not know of any particular person, and that was the reason put forward for the establishment of the West Indian Court of Appeal. I am not suggesting unfair handling of any case by the Supreme Court. The Supreme Court has maintained the standard of justice any Colony is capable of exercising.

The ATTORNEY-GENERAL : I may say with regard to the West Indian Court of Appeal that the reason for its coming into existence was that formerly in these Colonies appeals from a single Judge went to the Full Court of the Colony. That usually meant two Judges because the Judge who tried the case was disqualified to sit, and if the two Judges differed the judgment of the first Judge held, hence it was decided after a conference of the various Colonies that there should be a West Indian Court of Appeal, and that was carried out by Act of Parliament in 1919. What I want to call attention to is this. The West Indian Court of Appeal is a Court of Appeal which has taken the place of what was the Full Court in these Colonies. It is perfectly true that by recent legislation here and in Trinidad, and I presume elsewhere, all appeals do not go to the West Indian Court of Appeal and there are some that still go to the Full Court. What must be clearly understood is that there is no appeal from the Full Court of any Col-

only to the West Indian Court of Appeal. That is an indubitable fact. It has been specifically provided in sub-clause (3) of clause 4, as amended to-day, that a motion on the report of the Legal Practitioners' Committee to the Court shall be heard before a Court of three Judges. That means that if by any chance there happens to be only two Judges in the Colony, assuming that one is absent, it will be the duty of the Governor, sir, to exercise the power conferred on him by the Supreme Court Ordinance, 1915, and appoint a qualified person to act as a Judge of the Supreme Court, so that in no one of these cases would a motion be heard except before three Judges. My point is that in no case is there ever an appeal in any of these Colonies from the Full Court to the West Indian Court of Appeal, but where a matter has been dealt with by the Full Court an appeal goes to His Majesty in Council, and it is specifically provided that where the Full Court has given its decision the unsuccessful party has to go to the King in Council. All that this specific provision does is to put the law here in consonance with what is now the law. The right of a solicitor to appeal to the King in Council is not taken away, and he does not require special leave to appeal. The matter has been very carefully thought out, and it is well that no anomaly should be created by sending an appeal from the decision of three Judges here to three Judges of the West Indian Court of Appeal. The matter has been given more thought perhaps than the hon. member had imagined, and he probably had forgotten the provision of clause 4 (3) as to these matters being heard before a Court constituted of three Judges.

Question "That this clause as amended stand part of the Bill" put, and negatived.

Clause 15.—Rules.

The ATTORNEY-GENERAL: I move the substitution of the word "seven" for the word "eight" at the end of the third line.

Question put, and agreed to.

Schedule.—Rules.

Mr. CRANE: I do not propose to move the amendment that the word "Secretary" be substituted for the word "Registrar" in Rules 1, 3 and 4 as I agree with the Attorney General on that point. I do not know if the learned mover of this Bill considered the effect of rule 4. It provides:—

The notice shall require the applicant and the legal practitioner respectively to furnish to the Registrar and to each other a list of all documents on which they respectively propose to rely. Such lists shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the legal practitioner respectively at least fourteen days before the day of hearing.

The objection to this rule is that the applicant as well as the practitioner must within the same time prepare their list of documents. To require both parties to put in their documents within fourteen days simultaneously might create a great hardship on the party who is to answer the complaint, and I submit that the English rule should be substituted. There is no justification in copying the English rule to go away from the cardinal rule relating to matters of this kind and to resort to this proposal that both parties must put in the list of documents within fourteen days. I move that the words "and by the legal practitioner respectively at least fourteen days before the day of hearing" be struck out and after the word "applicant" in the last line but one the words "not later than the fourteenth day after service of the said notice, and by the legal practitioner within seven days after he has received the list furnished by the applicant" be inserted. That brings it into line with what obtains in England.

The ATTORNEY-GENERAL: I have frequently been censured when I have referred to English legislation as my guide. I should like to point out that there are two provisions in these rules which can be availed of to remedy any mistake which might happen to occur through inadvertence, and those provisions are rule 18 (which gives pow-

er to the Committee to dispense with any requirements respecting notices, affidavits, documents, service or time, in any case where it appears to the Committee to be just (so to do) and 20 (which provides that the Committee may extend the time for doing anything under these rules). These rules are there to be used, and they are practically the same as certain rules of Court with which practitioners are very familiar. It does happen sometimes that mistakes are made and you have to go to the Court and ask for an extension of time to do certain things. But I should like to point out that an applicant makes a complaint under this enactment in reference to specific points. Very often the applicant is but a layman and an inexperienced party who might very well make a mistake of what documents are relevant. The position of a legal practitioner is different. He must have records in his office which will show all the events which have taken place, and there is no difficulty for him if he is a person of order to put his hand on the documents in a matter in which a client has consulted him. He is a trained lawyer and I cannot conceive any difficulty in his selecting what documents bear on the subject matter; but if he makes a mistake there is no difficulty in his getting a remedy and it is fair that both parties should give their documents to each other at the same time. It is a well known practice in England that in the case of litigation one of the first things that the plaintiff or the defendant does, as the case may be, is to appear before the Judge in Chambers on the summons for directions and to ask for directions as to discovery, which means disclosure of every document bearing on the case. The point about it is that the order is made for mutual discovery at the same time, and it is a matter that involves a great deal of trouble and a great deal of care because the man is penalised and precluded from giving evidence if he does not make the disclosure. Further, he has to swear that these are all the documents in his possession or in the

possession of his solicitor or agent. This rule is only in accordance with that practice and it is not going to work hardship on anybody. The remedy for inadvertence is that you can get the time extended or waived and it is not going to do any injustice, and I venture to think it is an improvement on what has been done in England.

Mr. CRANE: I am very proud to learn that we can improve on England. (Laughter).

Question "That rule 4 be passed as printed" put, and agreed to.

Rule 21.—Forms

The ATTORNEY-GENERAL: Rule 21 will become rule 22 and the following inserted as rule 21:—

21.—(1) An application by a legal practitioner for an order for costs under the provisions of section 8 (2) shall be by summons filed with the Registrar.

(2) A sealed copy of the summons shall be served on the applicant not less than seven days before the return thereof.

(3) There shall be filed with the Registrar before the hearing of the summons an affidavit of service of the summons.

Question put, and agreed to.

The ATTORNEY-GENERAL: I move that in all the the forms for the words "Legal Practitioners (Discipline) Ordinance, 1928" the words "Legal Practitioners Regulation Ordinance, 1929" be substituted.

Question put, and agreed to.

The ATTORNEY-GENERAL: I move that at the end of the first clause of Form II. the word "just" be substituted for the word "right."

Question put, and agreed to.

The ATTORNEY-GENERAL: I move in Form VI. below "Notice of day of hearing of Report" the insertion of "In the Supreme Court of British Guiana"

and that the word "Full" in the first clause of the form be deleted.

Question put, and agreed to.

A new Form VII. was also agreed to.

The Council resumed.

The Standing Rules and Orders were suspended to enable the Bill to be read a third time and passed.

The ATTORNEY-GENERAL: I move that the Bill be read a third time.

Mr. AUSTIN seconded.

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

Bill read a third time and passed.

The Council adjourned until Tuesday, 26th February, 1929.