

**LEGISLATIVE COUNCIL.***Friday 1st March 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., LL.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 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 E. A. Luckhoo (Senior Member for Berbice).

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

The Honourable J. Eleazar (Junior Member for New Amsterdam).

The Honourable A. R. F. Webber, F.R.G.S., (Junior Member for Berbice).

The Honourable J. Gonsalves (Member for Georgetown).

The Honourable J. Smith (Nominated Unofficial Member).

**MINUTES.**

The minutes of the meeting of the Council on the 28th February, as printed and circulated, were confirmed.

**PAPERS LAID.**

The following reports were laid on the table:—

Report of the Chairman, Poor Law Commissioners, for the year 1928. (*Colonial Secretary*).

Reports under the Foods and Drugs Ordinance for the half-year ended 31st December, 1928 (*Professor Dash*).

Report of the Georgetown Public Free Library for the year 1928. (*Major Gray*)

Notice was given that at the next meeting it would be moved that the Council do approve of Regulations relating to rates of postage on parcels to Canada.—(*Colonial Secretary*).

**ORDER OF THE DAY.**

The COLONIAL SECRETARY (Mr. C. Douglas-Jones): With the permission of the Council I ask that the first item on the Order of the Day be

taken after the second as a matter of convenience to the Attorney-General to take the second item first.

Permission granted.

TOWN COUNCILS REGULATION BILL.

**The ATTORNEY-GENERAL (Mr. Hector Josephs)**: I move the second reading of "A Bill to provide that the seats of Elected Councillors of the Mayor and Town Council of Georgetown and the Mayor and Town Council of New Amsterdam shall be vacant on their becoming disqualified for election or on the happening of certain other events, and to empower the Governor-in-Council to dissolve either Town Council under certain conditions." The Bill relates, sir, to the seats of Elected Councillors of either Town Council and the object of it is to make the same provision in respect of each as to the vacation of seats. It does not affect the question of qualification for election save in regard to the provision in clause 22 as to disqualification for election by reason of a contract with the Council. Clause 22 substitutes a new provision in place of the existing one in relation to any contract, which says:

No person shall be capable of being elected a Councillor or, having been so elected, shall sit or vote in the Council, who:—

(3) Is the holder of any place of profit in the gift or disposal of the Council or has, direct or indirectly, by himself or his partner, either as principal or surety, any share or interest in any contract or contracts or employment with, by, or on behalf of the Council, save as hereinafter provided:

Provided that no person shall be disqualified from being a member of the Council—

(2) By reason that he himself, or his partner, has directly or indirectly, any share or interest in any contract or contracts or employment with the Council where the whole amount payable or receivable under such contract or contracts

or employment does not exceed in any period of twelve consecutive months the sum of five hundred dollars.

In other words it disqualifies candidates in respect of certain contracts but it permits a direct contract of a member with the Council to the extent of \$500 a year. In place of that there is substituted a new clause 22 with respect to contracts, which reads:—

Is either directly or indirectly primarily or otherwise interested in any contract with the Council even though such contract shall by virtue of the provisions of any Ordinance be null and void. Provided that no person shall be deemed to be so interested in any contract within the meaning of this sub-section by reason only of his having any share or interest in

- (i) any agreement for the loan of money only, or
- (ii) any newspaper in which any advertisement relating to the affairs of the Council be inserted, or
- (2) any incorporated company, society or body of persons.

That becomes the disqualification with regard to contracts. The first part of the Bill provides, in clause 3, for making the seat of a Councillor vacant if he becomes disqualified for election on that particular Council. The grounds for disqualification are not the same on both Councils. There is the proviso—clause 22—that the seat of a Councillor shall not become vacant merely by reason of his being interested in a contract unless it appears that the contract has been entered into with the actual knowledge of the Council. That is to say, if an officer of the Council goes into a man's place of business and purchases something from him it does not constitute a disqualification because it is specially excepted. The proviso is the usual one where the Council has no knowledge of it.

The next point is with regard to the vacating of seats. The clause sets out the grounds and conditions on which a seat becomes vacant, namely:

(a) if he fails without reasonable excuse (the proof whereof shall be upon him) to take and subscribe the oath and discharge the duties of his office within four

meetings after his election, or shall be absent from four consecutive meetings of his Council, or,

(b) if he is adjudicated a bankrupt or insolvent in the United Kingdom or in any part of His Majesty's possessions, or,

(c) if he is declared or found by any competent Court in the United Kingdom in any part of His Majesty's possessions to be *non compos mentis*; or

(d) if he is sentenced to death, penal servitude or imprisonment with hard labour or for a term exceeding three months in the United Kingdom or in any part of His Majesty's possessions.

Clause 4 relates to the evidence with regard to certain matters. Clause 5 makes provision that a contract, which has been entered into between a Council and a Councillor or in which such a Councillor is directly or indirectly pecuniarily or otherwise interested, whether made before or after he became a Councillor, shall be null and void unless (a) if made before he became a Councillor, it has received prior to his nomination as a candidate the subsequent approval; or (b) if made after he became a Councillor, it has been entered into with the express sanction of the Governor-in-Council. If either of these two conditions obtain then disqualification would not exist. If a person makes a contract with the Council and is elected to the Council being disqualified the contract becomes null and void.

Clause 6 is the usual provision that no Councillor shall have any vote on any question relating to any contract in which he is interested. Then there is in clause 7 a penalty for sitting and voting after a seat becomes vacant.

Clause 8 is the usual provision that a seat shall not be deemed to be vacant until the fact of such vacancy has been entered on the minutes of the Council or until the Supreme Court shall have declared the seat to be vacant as provided in the Ordinance. Clause 9 provides that after the Court has decided in a certain way that a Councillor's seat becomes vacant, that is by evidence in the usual way, on a certified copy of

the order of the Court being produced the Mayor, if satisfied of the identity of the Councillor, shall cause an entry of the vacancy of the seat of the Councillor to be made on the minutes. Some Councillor may bring to the notice of the Council the fact that a vacancy has occurred and in that case the Council, after being satisfied by evidence, can declare the seat vacant when it would be entered on the minutes. Then there is provision for an appeal to the Court from a decision of a Council that a seat is vacant.

Clause 10 gives authority to the Attorney General or any registered voter to apply to the Supreme Court for an order declaring that the seat of a Councillor has become vacant in a case where the Council does not come to a determination within two months after the happening of an event whereby the seat has become vacant, or within one month after the decision of the Council that a seat has not become vacant. The other clauses are in respect of procedure relating to matters of appeal.

Part 2 of the Bill deals with the dissolution of the Council and clause 15 gives to the Governor-in-Council power to dissolve the Council if in his opinion the Council is not competent to perform, or persistently makes default in the performance of its duties, or exceeds or abuses its powers. Power is conferred on the Governor-in-Council to appoint a Commissioner or Commissioners in the place of the Council who will have full power to perform the duties of the Council, also power is conferred on the Governor-in-Council to order the election of members of the Council. The other clauses deal with procedure with regard to election subsequent to dissolution.

Those are the points in regard to the Bill. It generalises the procedure in regard to both Councils in so far as a member loses his seat by reason of becoming disqualified on being elected, or by reason of occurrences of any of the events mentioned in sub-clause 2 of

clause 3. The other point is the power to dissolve a Council where it persistently makes default in the performance of its duties. I move the second reading of the Bill.

Mr. AUSTIN seconded.

Mr. ELEAZAR: Your Excellency, I am going to move that this Bill be referred to the Corporations concerned with a request from Government that these Corporations submit any amendments which they think necessary in the respective Ordinances governing these Corporations in order that the Ordinance may work more smoothly. Speaking for the New Amsterdam Town Council, I have been a Councillor for some time and I am sure that my honourable friend on my left (Mr. Luckhoo) will admit that a good many amendments can be made to make the Ordinance better than it is at present. We find it very difficult going on as we are doing. After thirteen years we have discovered that there are amendments that can usefully be made. I think it should be sent to the Georgetown Town Council as well. If that is done there would be no necessity for bringing forward this Bill, which, to my mind, is iniquitous, vicious and certainly not useful. I am sure if Government were to accept my suggestion it will get a Bill which would be useful and equitable.

Take the case of New Amsterdam as regards the excuse for the quarrel with that Council, the threat to dissolve the Council, and the reason for the introduction of this clause here. Under the law at present, a Councillor is given the same privilege in regard to paying his rates as the ordinary taxpayer, but he is disqualified like the ordinary taxpayer from voting at the election of a Councillor, so that he cannot vote if he is in arrears for a certain period and therefore he cannot be elected as only a voter is qualified to be elected. Beyond that he is subjected to all the rules and consequences of the Ordinance. A certain layman—to be candid the Col-

onial Auditor—like other laymen, found fault with a particular section of the Ordinance. That was referred to the Town Council. That section has nothing to do with a Councillor as a Councillor but has to do with the ordinary ratepayer. Now instead of Government—if it thought that it should support the Colonial Auditor—getting the opinion of the learned Attorney General first of all as to whether the Council or the Colonial Auditor was right, it has come forward with this Bill. If the Council was right and Government thought it necessary that a clause should be inserted, as it is at present sought to do, so as to make the Colonial Auditor's opinion of value, one would have had no cause for complaint, but the Council was held up to ridicule and threatened that if you do not do what is contrary to the law we will deal with you. What is clear from the present Bill is that the section complained of by the Colonial Auditor still remains untouched, and therefore his view of the section is not correct.

My complaint is that it is unfair to the Council to hold it up to ridicule for obeying the law as it stands and to make that an excuse for dissolving the Council and further to try to make that law now. Let us see how that would work. If a Councillor is in arrears for taxes, says the Colonial Auditor (and as the Government now says), he shall be disqualified from acting as a Councillor. How will that apply, first of all, to the Councillor? He is a Councillor by reason of the fact that he pays a certain amount of rent. He can owe his rent for six years, if his landlord permits him, and he is still a Councillor and you cannot deal with him at all. Therefore, if a Councillor is to be there at all, he must be there on the same condition. Take another case: a Councillor whose qualification is that he occupies a house the rental value of which is \$20 a month. That house might be the property of his employer and it qualifies him to be on the Council. This man pays no rent at all

yet he is in a better position than the owner of the property who does not pay his taxes for four months. It shows then that the person who inserted the clause which is now complained against had method in his madness. Unless you are going to have Councillors on different qualifications you cannot put a penalty on the one which does not apply to the other, and therefore Your Excellency will see that unless Government is going right back and putting all Councillors on a level by saying that no one can be a Councillor unless he is a taxpayer and owns property of a certain value, you cannot make a Councillor vacate his seat for not paying taxes without doing violence to some one.

But that is not all. In this Bill a Councillor means "a person who has been duly elected to be a member of a Council." I want to know how in the name of all that is reasonable and just you can have three or four members on the Council who are nominated. Nobody elected them. You say the law should only refer to elected Councillors, yet you have these nominated Councillors. Your Excellency, the thing is not sound. I cannot understand if it is law or malice. It can be argued that these men are all public officers and therefore are not likely to enter into contracts with the Council for a private company, therefore it is not necessary to include them in this Bill at all, but, sir, at New Amsterdam, you have two members nominated to the Council who are independent parties. What is the position then? Are they then privileged to enter into a contract with the Council to any extent they like because the interpretation the law gives of a Councillor does not refer to them, and still sit on the Council? Your Excellency, those are things that cannot be overlooked, and Government cannot be a party to making fish of one and flesh of another in this fashion. I quite agree that members of the Council should not be permitted to enter into contracts with the Council. Nobody would say that.

All should be on the same platform whether elected or nominated. If you make a law that differentiates between the one and the other no one can say that is good law, and it must be contentious legislation.

Your Excellency, my contention with this Bill at the moment is in so far as it relates to the non-payment of rates to the Council. Something can be done in that respect, because I happen to know, sir,—and the reason why I know it so well is because I was, fortunately or unfortunately, the Chairman of a Village Council—that under the Local Government Ordinance a member's seat becomes vacant if he is in arrears of rates. But he holds his seat on ownership of a particular property. If that were so on the Town Council no one would complain. In New Amsterdam or Georgetown, for example, a Councillor is a man of some means. He lives in the town and he believes in the maxim: "The eye of the master fattens the beast." He has a couple of thousand dollars and invests it in properties for rental. He owns three or four, but he gets his qualification on the Council by one property, say in Main Street. According to the Bill, if that gentleman is in arrears for three months in respect of taxes for any one of those four properties, he is disqualified, but John Jones, who happens to hire one of his properties and is paying him \$20 per month rent and is a Councillor, is safe though he does not pay any rent at all. The owner of the property may have paid half of the year's taxes, but as he is still in arrears he loses his seat. My complaint is that the method by which it is sought to remedy this matter is vicious. You penalise the owner of a property who gives a friend his house to live in at \$20 per month rental but the owner cannot retain his seat on the Council because he is in arrears of taxes for three months.

**Mr. WEBBER:** To a point of order. I desire to know, sir, whether we are discussing the Bill before the House or one of the provisions of an Ordinance that is not before us to-day.

The **PRESIDENT**: I was trying to discover what the hon. member was driving at. I think we are discussing the qualifications of Councillors.

**Mr. ELEAZAR**: What I am endeavouring to show is that the Bill is in such a state that it would work a tremendous hardship on members of the Council and therefore should not be made into law but referred to the respective bodies for their views on the amendments which should be made in the Ordinances. Then the Bill can be brought back to the Council and made law. I am sorry that the gentleman who has missed his vocation has not been able to follow me. Your Excellency will find in the Ordinance of 1916 chapter and verse for every point I made. I say these little things were only an excuse for a quarrel. If it is true that a Councillor was in arrear of his taxes and the law says he should not be, all that is necessary is to call attention to the law and point out that it is not being carried out. In this Bill the sting is in the tail as usual. The Bill goes on to say:

If any Council, in the judgment of the Governor-in-Council, is not competent to perform, or persistently makes default in the performance of its duties, or exceeds or abuses its powers, it shall be lawful for the Governor-in-Council by order to dissolve the Council.

I do not know what Government means by "not competent" or how Government is going to find out that a Council is incompetent. It seems to me, sir—and you will pardon me if I am wrong—that this Bill is an attempt to emasculate, if not to abolish, all our representative institutions. (The President indicated dissent). I am glad for that sign, sir, but that is how it looks to the ordinary observer. The right of election is not merely a matter of form to be carried out or substituted by some other method or rule for a technical reason; it is not a principle by which Government can have John Jones or any other "fictitious person," as the lawyers would say, in place of the person specially chosen. It is not

a principle by which one man would do as well as the other man. It is a right on the part of the people to get that man, and that man only, whom they by their voice actually declare that they know they love, they esteem and they trust. How can Government or anybody make a nominated House substitute for such a person? When this Bill talks about having a Commissioner or Commissioners to take charge of our affairs we fear that it is an attempt to foist upon the community men—good men perhaps, honest men no doubt, men full of all the virtues, but men who lack the qualification of popular public opinion. They are men without public opinion, without popular confidence, without even mutual trust, and I say that in any community where you place the power of government in such hands you bring upon that community the worst of all evils. That is what we fear, sir. If it is the intention of Government to have a greater hold upon these Municipalities, Government might have suggested "Let us have a clause in the Bill giving Government power to dissolve them on the happening of so and so," but not if the Council is incompetent. Who is to be the judge? And when that happens then *within* so many months or so many weeks Government will call a general election. That would show that Government is not anxious to take away from these bodies the powers which they now have; but Government suggests that it should take over these Municipalities and supersede them by a super-man and keep him there at Government's pleasure and the taxpayers must pay him. I must be called upon to pay a gentleman for administering my affairs because somebody else thinks he is more capable than myself!

I think Your Excellency will agree that the reason assigned for this suggested closing down of the New Amsterdam Town Council is not justified. To try to find a fault when there was no fault, and then attempt to make out a case against us on that, is not playing the game and is not cricket or any

other game. My hon. friend, the Senior Member for Berbice, must be boiling over with indignation, because he feels like myself. I am asking Government to take seriously the suggestion which I have made because I know, and it cannot be denied, that there are many sections in our Ordinance which we feel should be amended. What we are surprised about is that nobody has taken the trouble to find out from us how they can be amended when this iniquity is sought to be pushed down our throats. I ask Government to keep these bodies up to concert pitch to discharge their duties efficiently. I am not against that. I have promised this Council, even when I am not satisfied with anything, to do my best to help it along. That is what I am here for. I do not think that any of the devices which are suggested in this Bill can ever take the place of popular representation. The voice of the people is the voice of God. While the people have their petty differences with Councillors, there is no impropriety or anything extraordinary that would warrant these bodies being scrapped. This community has over and over again said—and it is becoming *ad nauseam*—that it has implicit confidence in the Administration, but do not forget, sir, that you are administering to-day and to-morrow a Pharaoh might come who does not know Joseph. What is to happen then? Like Joseph of old is he to be sold into slavery? That is why we fear all the more when we see these wedges coming in. We become alarmed. We are inclined to leave this matter in your hands but other Pharaohs will come. But Pharaoh or no Pharaoh let us have justice and equity, and not inequity and injustice as this Bill is trying to perpetrate.

**Mr. CRANE:** Sir, this Bill is one which if it had come up at a different time in the history of our Colony might not have been regarded with the suspicion with which it is regarded to-day. We have just had a change of our Constitution and a good many people

—I am not saying that I am among them—suspect that this is a further effort to emasculate, possibly to abolish, every representative institution in the community to-day. I do not believe it and I was glad when you gave the gesture of disavowal when the last speaker was on his legs. It is the duty of those of us who move about and come in contact with people of various views—conservative, radical, moderate and other degrees of violence or moderation—to tell you, sir, that that feeling of suspicion permeates a very large section of the community. For my own part I do not believe it. I cannot believe, and will not believe, that His Majesty's government in these parts would differ from what is a very fundamental principle of government in the Colonies, that government is a trusteeship for and on behalf of the inhabitants of those respective Colonies. Representative institutions, particularly under Local Government, are intended for the purpose of training those inhabitants so that they may eventually become competent to take over the greater government of their country, and I cannot believe that we will simply have a reversal of the entire principle and the iron fist imposed on a country which stands not one whit behind any portion of the Empire for loyalty and devotion to His Majesty the King. Therefore I am bound to believe that this Bill is an emanation of Government because it considers that the law is in a state that requires some amendment, and starting on that basis I am going to ask Government if it is not possible to permit these provisions to be inserted in the general law affecting each particular body mentioned in this Bill.

If you have a separate Ordinance dealing with these two institutions, sir, what may not really be a threat of violence on the part of Government may be made to appear so, whereas when the Ordinances affecting these bodies come up for revision these provisions would be included in as unobtrusive a manner as possible. It is well

known that the Georgetown Town Council is now revising its Ordinance. It has notified Government of that fact, also that it proposes to adopt certain measures in other countries for the purpose of making its administration more efficient and getting rid of a few disadvantages of the elected principle. That Bill, I believe, will soon find its way to Government, and that Bill provides for the qualification of Councillors. I submit that that would be the more appropriate place to deal with amendments, and, if I happen to be here, it will have my support that these very provisions relating to disqualification should be inserted in that Bill. When that Ordinance comes up it would be a more reasonable time to insert those provisions than to impose them at this stage. However lofty and however much above the ordinary crowd Government may be, Government must from the height of their position and power have sympathy with the views of the people over whom they rule. As a matter of fact it is the essence of success of Government. So long as Government are satisfied that the views of the people would not result in disorganisation or inconvenience to Government, Government, I respectfully submit, should make a gesture of conciliation when no great principle is involved. I submit that no great principle is involved to put through this Bill at once. I am going to support every clause in this Bill, but I think this is not the time and this is not the place. Your Excellency has power to order the Councils to send up their Ordinances for revision.

I heartily support the representations made by the hon. Junior Member for New Amsterdam in respect of the application of this Bill. I cannot conceive that the mere fact that a member of the Council is appointed by Government removes ordinary human nature from him. If it is improper and undesirable that a member should contract, then it is improper and undesirable whether he is elected or nominated. The Council in Georgetown—if it has not reached Government yet—is

making representations to Government that both types of Councillors should be put on the same footing. If it were the invariable rule of Government to place Government officers on the Council then it might be unnecessary to make that provision, because Government officers are by the Colonial Regulations prevented from having any interest in business and in other undertakings which make it undesirable while they are in the Public Service. But Government has taken the view that these nominated posts on the Councils should not be restricted to officials, therefore if Government put outsiders on the Councils those outsiders are not precluded by any regulations from having an interest in business which may be interested in a contract with the Council. A certain gentleman of the highest probity, respected by every Councillor and by the Council itself, recently found himself in doubt as to whether he was not contravening the Ordinance. He was a nominated Councillor, not an official, and by way of his business he came in conflict with the particular section of the Ordinance. That gentleman admitted, and I think the other Government members admitted, that they did not want any favours but wanted to stand on the same plane as elected Councillors. I think that the Bill should include both types of Councillors. As regards the desirability of leaving the question of contracting with the Council open to Government, I am thoroughly in favour of that because those of us who have made a study of Municipal affairs know that in small communities it sometimes occur that a person who can give the best service in that particular respect happens to be a Councillor. It therefore ought to be open to the Governor-in-Council to sanction the entering into a contract by a Councillor if it is in the interest of the public, and perhaps lay down the conditions under which a contract might be accepted and executed. A recent case in Trinidad deprived the Legislative Council there of one of its best members and the provision was



altered to limit disqualification. That is the modern tendency. I am speaking principally of commercial contracts such as contracts for the supply of stone and other things. Clause 9 (d) reminds Councillors that they are liable to sentence of death, penal servitude or imprisonment with hard labour. We poor mortals do not need any reminder of that because we live in jeopardy every day. The Council was constituted in 1837—the very year that Queen Victoria ascended the throne, and that is why we prize our constitution—and from that time we have not been reminded of a death sentence until to-day. With such forebodings we plead with Government to give us time to consider this matter.

On the point of non-payment of rates there are two schools of thought. One school would say that a Councillor ought to show an example to ratepayers by the early payment of his rates, but I do not know that ratepayers are apprised of the fact that a Councillor has or has not paid his rates. That point is easily disposed of on that ground. But there is one very important point, which may be called the principle of business. In 1914 this question of non-payment of rates was considered by the Legislature, and it was then considered that it was sufficient to impose a penalty of interest at a given rate, which is now 6 per cent. on unpaid rates. In my experience of its practical working the Corporation benefits. There is a provision that the Governor-in-Council may permit the Council to borrow to pay current expenditure, but the Council does not exercise a wild roving commission but borrows only to meet its present needs. These needs are never to the same extent as outstanding taxes. The Council pays 6 per cent. on any overdraft at the Bank but the outstanding taxes are very much greater than the requirements of the Council, and the result is that while the ratepayer pays a steady 6 per cent. on overdue taxes the Council pays only 6 per cent. on a floating overdraft at the end of the

year and finds itself with a certain sum of interest to the good, which in other words is to say that the Council receives more than it actually pays. That is an ordinary commercial transaction, and the ratepayers regard the privilege of paying interest on overdue taxes as an indirect means of borrowing the money from the Bank. The ratepayers say we borrow indirectly from the Bank, paying 6 per cent. interest, and the Council gains in the end. The ratepayer who happens to be a Councillor is certainly entitled to take advantage of the provision of the statute permitting ratepayers to pay interest on overdue rates. Provided that a Councillor does not owe beyond the 31st December, I see nothing which can be called an abuse of his position. To my mind a Councillor should not allow his taxes to be in arrear beyond the 31st December. That has been suggested by the hon. Junior Member for New Amsterdam as the reason for the threatened dissolution of the New Amsterdam Town Council, and he suggested that Georgetown has brought the threat to New Amsterdam but I am afraid that New Amsterdam brought it to Georgetown. Although we have had controversies over the Sewerage Scheme we still wish that the scheme would work out for the benefit of the community.

I see no reason for objecting to the power of dissolution, provided it is the *bona fide* intention of Government to give the Municipalities an opportunity of making good and not taking power to deprive them of what I call a blessing, the right to administer their own affairs, the money for which they themselves wholly subscribe. If it is the intention of Government to exercise this power in the ordinary way I see nothing to object to. I say most respectfully that I would not like to be the Governor who would without just cause exercise a power of dissolution like this. It is a very serious matter. However strong or popular the Governor may be he would have to give reasons for taking drastic powers of this kind, and I do not he-

lieve that any Governor is likely to exercise the power of dissolution of a body which was doing well and gave no real cause for dissolution. What I do not like is the phrasing of the power: "If any Council, in the judgment of the Governor-in-Council, is not competent . . ." With the greatest deference to that very august body, unless that body had the opportunity of judging and appreciating the difficulties under which these Corporations do their work it cannot have a fair opportunity to judge whether they are competent or not. We are not blessed with money to carry out every improvement for the benefit of citizens. We have limited resources in Municipal government just as Government has in the central government. It is well known that many persons have unfounded objections to these Corporations and I hope that none of those objections will creep into the councils of Government. If it is ever thought that these Councils are not competent to perform their duties there should be a Commission to enquire into the question, and after both Councils have had an opportunity of being heard, then those Councils may on the judgment of the Governor-in-Council be deemed incompetent, but to sit down *ex parte* and say that either Council is incompetent and should be dissolved, you may be doing that Council a great injustice. I think it would be very much better if before this very drastic power is exercised there is an enquiry upon the result of which the Governor-in-Council could declare whether a Council is incompetent. I have no objection to the dissolving power because the Governor had the right to dissolve the old Legislature at any time within five years as at present he can dissolve this Legislature at any time he thinks fit, and as the King can dissolve Parliament if he so desires. When it comes to the Local Authorities there is power to dissolve them, but I do not know that it has ever been done without an enquiry. I cannot hope to carry this amendment in this body but my duty will be to lose gamely and endeavour to see that reasonable provision is made before anything is done in that direc-

tion. When the time comes I will ask that the dissolution should be dependent on an enquiry. It is a fundamental principle in the administration of justice and should be applied also to these bodies. That is all I have to say on the general principle. I ask that Government should consider two things; the deferring of this Bill and directing both Corporations to submit their amendments at once. These provisions are proper provisions to be inserted in the Town Councils Ordinances if they are exercised in a just and reasonable frame of mind. These are my observations and I respectfully ask Government to give consideration to them.

**Mr. WIGHT:** I am going to express the opinion that a mountain is being made out of a mole-hill. The Town Council met and the majority said that they had no objection whatever to the Bill. My hon. friend the Member for West Demerara has elaborated on some of the points which will come out in Committee. I have no objection myself to the Bill being deferred for six months, and it would come with better grace if we embodied these provisions in the new Ordinance which we have under consideration at the present moment. As I said, I have no objection to a postponement, but it is my duty to express the majority feeling of the Town Council.

**Mr. LUCKHOO:** I join in asking that consideration of this Bill be postponed for some time as New Amsterdam has not had an opportunity of going through the Bill. In fact, it is only a few days ago we received the Bill and there has been no meeting of the Council since that date, and I think it would be quite a fair proposal to ask Your Excellency to give the Town Council an opportunity to go through the Bill and to suggest any amendments. I do not know what caused the Government's ire to bring about the threatened dissolution of our Council. I only know that a few weeks ago we received an ultimatum from Government threatening us that if we did not collect within a certain time arrears of taxes of Councillors they would dissolve our

Municipality. We met and at once got those members to pay up their arrears and we promised Government to adhere to the terms of that order. It should satisfy Government that we took the earliest opportunity to carry out that order. But there is some doubt as to whether a Councillor who is in arrear of town taxes thereby becomes disqualified from sitting or voting. This important point was raised by the Colonial Auditor some time in February last year and the Council sought legal advice of an eminent King's Counsel in Georgetown. That advice was obtained and it supported the view of the Auditor; but legal members of the Corporation very vigorously debated the point and several of them expressed disagreement with the opinion of the legal adviser. However, that opinion was forwarded to Government with a promise that we would do all we can to see that the conditions were carried out. Before giving us an opportunity to see whether that would be done or not we received a letter threatening us that unless we did so and so the Council would be dissolved. I do not know how Government acquired information that there was any default by Councillors then, because in the ordinary course of events the official audit takes place in February and it had not then been made. In point of fact the information was correct, but Councillors maintained, as they do now, that the fact of their being in arrear does not disqualify them from sitting or voting. The section of the Ordinance on which that opinion was sought is not very clear, but if there was any doubt it is removed by clause 3 of this amending Ordinance.

The non-payment of rates should not be considered such a grievous and heinous offence to justify disqualification. Under our Ordinance interest is chargeable on rates a month after they become due and there is a surcharge of 5 per cent. on every person who remains in default after that date. During the past year the Municipality received between \$500 and \$600 by way of interest on arrears, whereas, on the other hand, we paid to our bankers \$6 by way of

overdraft. Doesn't that show that we do good business by lending ourselves money? I quite agree with the principle that Councillors should show the example, and it is very desirable in the interest of good government that we should pay our debts promptly and regularly, but the mere fact of a Councillor not paying his rates promptly ought not to put him in a worse position than a ratepayer. No invidious distinction should be made in that direction because one happens to be a Councillor. I submit that the mere non-payment of rates by a few Councillors was not such a grave offence to merit such treatment on the part of Government. We have since 1891 carried on our Municipality. Prior to that date, it might interest you to know, sir, the town was carried on by a Superintendent. At that time Sir Henry Katz Davson, of revered memory, carried on, and to-day his mantle has fallen on his son who has taken a great deal of interest in Municipal affairs. I therefore ask that before any drastic measure is taken to deprive us of a representative institution of this sort Government will go into the matter very carefully. There might be grounds for Government's intervention and the exercise of the power of dissolution, but I agree with the submission that the Council should be given an opportunity of being heard in their defence before any such course is taken. I am happy to say that there is no faction in our Council. There are three nominated members and they have been elected to the Mayoralty. Mr. Broughton has been elected to that office and at the present time we have a Mayor in the person of Mr. Wreford, another nominated member. The most harmonious relations have existed between Government and ourselves and when we are threatened with dissolution the public becomes very suspicious that there must be something radically wrong, and I hope there will be some pronouncement by Your Excellency that there is no question of maladministration or any incompetency on our part. That would allay a great deal of unrest that there is something wrong.

One member expressed the hope that Your Excellency would do nothing to smother a representative institution of this sort and I join in that hope that you will be no party to any action of that kind. Municipal Government is a stepping stone to higher government and I hope Your Excellency will do nothing to discourage us. I have been a member of the Corporation for a quarter of a century and have been elected no less than eight times to fill the Mayoral chair, and I regard it as a fine tribute to the members of that Council from the viewpoint of racial prejudice. This Bill has a very far-reaching effect. I assure Your Excellency of my own desire and of the desire of the Corporation to co-operate with Government. If it is Your Excellency's desire that we should pay our taxes promptly and at due date that will be done, but there will be a corresponding reduction of interest. With the arrears now due and payable we are in a position to carry on without calling on our bankers to assist us, and as a business proposition we ask you, sir, whether you should not allow that to continue. The point to be borne in mind is that it is the property that is responsible for the debt—it does not matter who owns it—and not the individual, and for taxes we have a preferent claim and there is no chance of losing a penny. From that point of view I ask you to consider whether it is not desirable for us to get as much interest as possible and suggest that you might allow it to continue. As far as dissolution of the Council is concerned it is within Your Excellency's power to make laws to govern, but I do hope and confidently trust that the power will be exercised with moderation, wisely and after full investigation of the facts, and not simply on a report of the Auditor or any other officer, address us in the terms Government has done. I do not think that the Municipality, which has carried on its affairs in a business-like manner in the past, merited such censure from Government and to be held up to public ridicule. If we have previously offended against the law it must have been a genuine mistake, and self-respecting men like the hon.

Junior Member for New Amsterdam and the Hon. Mr. Smith will be able to bear me out as far as the conduct of affairs is concerned. Your Excellency will find in every Government a little conflict here and there, and perhaps it is even so with your Excellency's Government. It would interest Your Excellency to know that we do not owe Government one penny, our only indebtedness being on the bonds for the amalgamation scheme, so that there is financial stability in our concern. I therefore hope that Your Excellency will encourage us. If you think it is necessary to take power of dissolution for the proper discharge of our duties I am willing to bow to it because I am sure that the power will not be exercised unless there are proper grounds for such a course.

**Mr. WEBBER:** I am not going to try to find out if the New Amsterdam Town Council has sinned more than the Georgetown Town Council, but I propose to address myself to the Bill. The Bill is divided into two parts and it seems to me that the most offensive part is that which deals with the dissolution of the Council. I expected to have heard from the Attorney General not only an explanation of what that clause of the Bill means but the causes of the Bill, and I regret that the Council has not been taken into Your Excellency's confidence as to the reasons which caused this Bill to be introduced. I want to make it clear that I am a member of the Government. I am not here in opposition to Government but as part and parcel of Government, and I intend to assist Government as much as I can. If at any time the occasion should arise for dissolving the Georgetown Town Council, the New Amsterdam Town Council, the Harbour Board—that ramp on the taxpayers of the Colony—or any other institution, I certainly would be among those to give Government the necessary power, but I do want to be assured that this request to dissolve the Town Councils is not a whim of the moment based on some principle that has arisen. If any such principle has arisen I deprecate

the necessity of introducing this Bill at the moment. It tends to create unrest in the community; more than that, it tends to destroy the confidence of the electors in these several bodies. The best and highest efficiency you can get, sir, from those two bodies is when the electors are taking a keen interest in their affairs, when public opinion is focussed upon them, and they are kept on the top-notch of efficiency. Replacing them by Government institutions or Government nominees will be no substitution for the efficiency that you get from representative institutions. I am a great believer in representative institutions, and they can be made most useful even when it is necessary to strengthen them with nominated and other elements. Therefore I feel that this is not the time or the moment, unless Government has some information that has not been disclosed to this Council. If this power is necessary to be provided for in reserve, then the proper place for it is in the Ordinances of the two Corporations. I know that in respect of one Council, from which I have just retired with what grace I can, an Ordinance was in preparation for the remodelling of that Council's Ordinance. The New Amsterdam Town Council, I believe, is also considering the remodelling of its own, therefore I cannot see the reason for this indecent haste. We are having too many Ordinances on the statute books of the Colony.

I do not agree with the hon. Member for West Demerara that this power is on the same level as the power to dissolve Parliament or this House. This power is not of dissolution but of abrogation, and if it is to be sought it should be provided for in the Town Council Ordinance and should be circumscribed and defined. Then there should be a specific charge of incompetence, and when the Council has had an opportunity of answering it the Governor-in-Council may take what action it may be advised. But this clause is more limitless to the horizon and still more to the clouds. I hope that Your Excellency will con-

sider either the recommendation of referring the Bill to the Town Councils for their observations or deferring it for six months. I regret to differ with the hon. Junior Member for Georgetown that the Georgetown Town Council has no objection to this Bill and desires to make no representations to Government. I know that technically what he said is accurate, but I think it does not convey the whole meaning or the feeling of the Town Council. What is more important, the Georgetown Town Council is a mere fleeting body, and the gentleman who usurped my seat there does not expect to hold it forever. (Laughter). This is a matter that affects the ratepayers and not the Councillors who foregathered and decided that they will have nothing to do with it. That was the spirit that actuated that rump of the Council. I believe there were six members of the Council present at the meeting, from which the hon. Member for West Demerara withdrew and another threatened to withdraw. I do not think it was a serious expression of the views of the whole Council and it certainly does not represent the view of the ratepayers. On the general question the first part of the Bill, I think, may well be referred to the Town Council for incorporation in the Ordinance which is now being prepared. The interpretation of the word "Councillor" should not be confined merely to those who are elected, and there should be provision to declare a member's seat vacant when he dies. I hope that when the question of dissolution comes up opportunity will be given the Council to be heard in defence, and also that dissolution would be for a specific period of one, two or three years, at the expiration of which time the whole question should be opened *de novo*. I suggest that the more graceful course would be to hold the matter up for a little while.

**Mr. GONSALVES:** There can be no doubt that the Senior Member for Berbice and the Junior Member for New Amsterdam have lived up to their reputation in allowing us to have the benefit of their views with regard to New Amsterdam, and I think they are justi-

fied in doing so when we consider that the Bill gives power to reduce them to the level of a Village Councillor who loses his seat if he does not pay his rates. I think that view of the matter explains the attitude they have taken up here this morning. I am sorry that I have to disagree with the hon. Junior Member for Georgetown that it was the wish of the Town Council that this Bill be passed. I must admit that I was not one of those who attended the meeting, but I heard from other Councillors that the other part of the Bill was dealt with first and when it came to this one nothing was done.

**Mr. WIGHT:** I rise to a point of correction. That is not a fact.

**Mr. GONSALVES:** I was told that the hon. Member for West Demerara left the meeting. In any case the Junior Member for Georgetown admits that there were only six members present, and Your Excellency will not accept that as the considered opinion of the members of the Council. If for no other reason that the Bill should be deferred for consideration by the Council that is a ground for doing so. The hon. Member for West Demerara has put on a good deal of gloss on what he has said. Everyone knows what has been going on in the Georgetown Town Council for the last two years and I am going to suggest that that is one of the reasons why Government consider that a Bill of this kind should be brought forward. I have sat there very often in disgust of what has been going on, and if this Bill is the result I say that those persons who were responsible for what was going on are responsible for this Bill. In spite of that I am going to be generous and ask Your Excellency to delay the consideration of this Bill and give the Council an opportunity to consider some of the clauses and suggest amendments which may be thought desirable. There is at present before the Council, as has been said, a new Ordinance which is being considered, and I entirely agree with the suggestion that if changes are to be made it would be better to incor-

porate them in that Ordinance. In this Bill there are several provisions with which I do not agree, among them the provision that the Mayor shall on receiving a certificate of the Registrar of the Court declare a seat vacant. I do not think it should be left to the Mayor to be satisfied but that the Council should be satisfied. There are other provisions which need amendment and unless there are very good and urgent reasons for passing the Bill to-day it should be deferred. New Amsterdam have expressed their sympathy with Georgetown in our predicament and in the same way I express our sympathy with them in theirs. In suggesting a postponement I do so not for Georgetown alone but also for the Town Council of New Amsterdam.

The Council adjourned for lunch.

**Mr. DIAS:** Sir, I should begin by saying that I have at least two interests in this Bill, one that I am a citizen of Georgetown and the other that I was born in New Amsterdam. My interests at the present moment are chiefly centred here. I was surprised to hear some of the arguments which have been advanced against the passing of this Bill. Members have advanced reasons which I do not think exist and they seem to have branched away entirely from the real purpose of the introduction of the measure. I rather look upon it in this way: that the Government stands in relation to the Municipality as a parent to its child, and it behoves Government in those circumstances to see that the child is so kept and looked after that it should give a good account of itself. One hon. member endeavoured to accuse Government of drawing a distinction between a Councillor who neglects to pay his rates while it would permit another Councillor who sits on a rental qualification to be in arrears of his rent. The two cases are not analogous in any way. In the one case the Councillor owes a direct duty to the Municipality he is serving, and the Bill would remove the atmosphere of doubt, which does exist in the minds of people,

that because a ratepayer happens to be a Councillor he is privileged to delay payment of his rates when they are due. If for no other reason, I submit, sir, the Bill is properly brought in to prevent such a state of things occurring in the mind of anyone. In the other case the member who sits on the Council by virtue of rental qualification owes no duty directly to the Council in the way of paying rent. That is a matter which must be dealt with privately between himself and his landlord. But a Councillor should not be in arrears of his rates while other ratepayers may be, and are as a matter of fact, proceeded against for their recovery while he sits quietly unfettered. That such a state of things should be tolerated, I submit, is not in the best interest of the Council or in best interest of the Councillor himself. I heard, sir, that a legal opinion was invited by the Municipality of New Amsterdam on the question of whether a Councillor forfeited his seat by reason of his being in arrears of payment of his rates. If I understood the hon. member correctly it was the decision of the Council to obtain this advice. Upon that opinion being given, I understood also, it was **rejected by the Council** on the ground that several members of that body who happened to be members of the legal profession differed with it. Here we have the Council inviting the opinion of a legal adviser and on getting that opinion themselves disagreeing with it. The matter remains in doubt and I think it is a proper thing for Government to settle that doubt by introducing this provision in the Bill.

Delay has been advocated for the consideration of this Bill on the ground that the Municipalities contemplate certain amendments to their present Ordinance. If this measure is of any importance I do not see why it should not be proceeded with now and if it became necessary incorporate the provisions of this Bill in the Ordinance of the Town Council when it comes before this Council. I do not agree that Part II of this Bill could ever form part of the Ordin-

ance of the respective Municipalities because it is one to govern all corporations in the Colony. But apart from that, sir, the fears that are apparently entertained by members of the Council in respect of Part II, I venture to suggest, are more imaginary than real. I am not aware that Government has any desire—I am not speaking for Government—to assume control and management of the Municipalities, but it seems to me from what I have gathered that the object of the Bill is to bring into line our own Ordinance with that which obtains in other Colonies. If that is so the Councils ought to be glad to see Government taking the necessary steps in order to do that for them. If it is in their interest to keep public bodies up to star pitch no better evidence could be afforded than to assist Government in despatching this measure. What seems to be alarming hon. members is the power given under clause 15 (1) to the Governor-in-Council to dissolve any Council, and it has been suggested that if it is intended to carry this clause into effect an enquiring body should be provided for in order to ascertain whether the Council has made default in the manner proposed by this clause. I venture to suggest to members of this Council that they have failed to appreciate the real meaning of the clause, because sub-clause (1) provides that “if any Council, in the judgment of the Governor-in-Council,” makes default the Governor-in-Council may dissolve it. The Governor-in-Council has to form a judgment, and surely no one is asked to understand that the Governor-in-Council will form a judgment on newspaper reports, which are not accurate as a rule. The Governor-in-Council will form a judgment after due enquiry into the matter; it could not form an opinion on any other grounds. That enquiry will have to be in the first instance by the Council itself, and it will be the result of that enquiry, after due consideration being given to the position that the Town Council may take up, that will ultimately guide the Governor-in-Council in forming a conclusion one way or the other, I submit that is the meaning and

that all the points hon. members have attempted to make are fully met by clause 15 (1). I venture to say that is the only reasonable, rational and sensible view of the clause, and if I am correct the fears of hon. members are absolutely mistaken.

**Mr. WEBBER:** The suggestion made was not for a Board of Inquiry but that the Town Council should be called before the Governor-in-Council and the charge investigated.

**Mr. DIAS:** I apologise to the hon. member. I understood him to say that Government should appoint a Board of Inquiry. Whether that is so or not my point is that the Governor-in-Council could not form a judgment on the conduct of a Council without making due enquiry into the position, and the Council will be the proper party to account for any charge with a view to ascertaining whether they have been guilty of conduct which will bring them under the provision of clause 15 (1). Hon. members have failed to make any point of a substantial nature to warrant Government to delay the passing of the Bill, which in my humble opinion seems very desirable.

**The ATTORNEY GENERAL:** Sir, I should like to make a few remarks in closing the debate for the second reading of this Bill. Some of the hon. members from the Ancient County of Berbice have looked upon the Bill as a sort of personal matter with regard to themselves or with regard to New Amsterdam, and they say, among other things, that Government has published to the world that there was some default in the payment of rates by Councillors. It seems to me that the world has only heard of it to-day, not from Government but from two hon. members, one of whom represents Berbice and the other New Amsterdam. The details I have no doubt will be given to the world through the newspapers, and if those details have big headlines to them surely it would not be the fault of Government in that respect.

**Mr. ELEAZAR:** To a point of correction. The newspapers had it in big and scaring headlines a week or fortnight ago.

**The ATTORNEY GENERAL:** May be that is the result of debate in a certain Council. Be that as it may, I want to point out that in both Ordinances there is the disqualification for election which is now objected to. In the New Amsterdam Town Council Ordinance, 1916, there is this provision:

No person who is in arrears for town taxes more than three months shall be eligible to be elected, or having been elected, to serve as a Councillor, or to vote at the election of a Councillor.

Now, the New Amsterdam Town Council was constituted first under Ordinance No. 8. of 1891, and on reference to that Ordinance I find that the same section was included in it. Why that was done I do not know and why it was repeated in 1916 I do not know, but I take it that there must have been very good reason for it, and it has remained to this time as a disqualification for election. Hon. members argue why should a man who is a Councillor not have the same privilege with respect to payment of his town taxes as any other citizen has. But if he wants to be a Councillor he has not that privilege. He cannot defer payment of his taxes for six or nine months and say he is fit for election. If he is incapacitated from election because he has not paid his taxes, why should he be capable of continuing to sit if he does not pay his taxes while he is a Councillor? Apparently in New Amsterdam it is thought that a man who has not paid his taxes is not a fit candidate for election. Does it not follow that if he is not fit for election because he is in arrear of his taxes he is not a fit person to remain as a Councillor? But that is only one disqualification. There is another. For example, a man is not capable of election if he is a minister of religion. Apparently in New Amsterdam they do not desire, as in some other places, to have ministers of religion on the Council. If a man cannot be elected a Councillor if



he is a minister of religion, why should he remain a Councillor if he becomes a minister of religion? Payment of town taxes is apparently regarded in New Amsterdam as a public duty, but the payment of rent is a private obligation and the Town Council is not concerned with it. But there is no provision in the New Amsterdam Town Council Ordinance which says that a person who owes rent may not be elected or makes anything about rent a qualification. The general point with regard to disqualification, I venture to think, is really a simple one. In Georgetown hitherto provision has been made, as is made in most other places, that if a Town Councillor ceases to be qualified for election his seat will become vacant. It is so in most Municipal Authorities that I am acquainted with, and I venture to think that the principle is sound. If a person who suffers from certain disqualification cannot be elected it follows that if that disqualification supervenes while he is a member he loses his seat, so that there is nothing unreasonable about it. It is a general provision in most Municipal legislation, practically all, and the exception apparently is New Amsterdam.

**Mr. ELEAZAR:** I ask Your Excellency's permission to make an explanation. I did not suggest that we broke the law when there was no law. My contention is that section 14 of Ordinance 10 of 1916 does not say that a Councillor in arrears forfeits his seat. You find it necessary to put that now in the Ordinance without touching section 14.

**The ATTORNEY GENERAL:** The point I am urging is that the Bill under consideration is in line with the usual Municipal legislation everywhere except in New Amsterdam. Looked at on general principles, sir, I venture to think that there will be no real objection to such a provision, because it is really carrying out the intention of the law that only people possessing certain qualifications shall be elected and continue as members.

The question of dissolution of the Council, as has been pointed out by the hon. nominated member who last spoke, is a matter which is to be decided in the judgment of the Governor-in-Council, and it all depends upon the circumstances how that judgment will be exercised and the material for it. It is a mistake to suggest that the putting in of that clause is in order to dissolve the Councils. Let me give an instance. Supposing a Council neglected to perform a statutory duty which is for the benefit of the local community, say, to appropriate money for a Fire Brigade. If the Council refused to do it and persisted in its refusal after its attention was called to it, that Council would in such a case have made default in the performance of its duty and done so after its attention was called to it, and the fact would be self-evident. Supposing also it was the statutory duty of the Council to impose a rate for certain public purposes, let us say the payment of its financial obligations for money it had borrowed, if the Council refused to levy that rate when its attention was called to it the credit of the Council would be at stake and there would be difficulties about the people who lent the money. Can a state of things of that kind continue? Would that be a default in the performance of its duties or not? It is all a question of degree. There might be cases in which an enquiry is necessary, but it all depends on the particular circumstances of each case what material there would be for the Governor-in-Council to form his judgment.

Having regard to the important consequences of a dissolution it cannot be imagined for a moment that anyone who was concerned in the exercise of the authority conferred by clause 15 would do so without the greatest care. The exercise of the powers conferred by the clause would only arise, sir, where a default has been made and the Governor so decides in Council. If there is no default there will be no dissolution. But should a Council be allowed to administer the affairs of a community if it is proved that that

Council is not competent to perform its duty, or that it makes default or that it abuses its powers? Nobody would say in such a case that the Council should continue to rule, or rather to misrule, the destinies of a community. If there is no such default there will be no reason for the exercise of the judgment of dissolution. It follows therefore that perhaps one good result of this provision will be that its existence may bring about that standard of administration which one hon. member has hoped for. With regard to the question of including the provisions of this Bill in other Bills, if other Bills are made regulating individual Councils, or including them in another Bill regulating Corporations generally, these provisions can be so incorporated but until then it is well that they should be on the statute. They should have the force of law, and as a result no unqualified person will remain a Councillor and Councillors will be very careful not to be in default in the performance of their duties. I ought to add a word about nominated Councillors. As the law now stands with regard to nominated Councillors of both Town Councils, their appointment rests entirely in the discretion of the Governor-in-Council, as the case may be, and they are also removable by him, and neither in the present New Amsterdam nor Georgetown Town Council Ordinance is provision made for qualifications or disqualifications with respect to nominated members. This Bill is dealing entirely with the case of elected Councillors and not nominated Councillors.

**Mr. WEBBER:** I rise to a point of correction. Nominated members cannot be removed by the Governor-in-Council but can only be replaced after resignation.

**The ATTORNEY GENERAL:** That may or may not be, but the fact is that they are chosen by the Governor-in-Council and not by the electorate, and their position therefore is different. Disqualifications of elected members are not attached to them: that is entirely a different question, and it does not af-

fect the principles of this particular Bill. That is a matter, if it is to be dealt with, that should be dealt with separately.

**The PRESIDENT:** Hon. members, we have had a most interesting debate on the subject of what is apparently the pot and the kettle, but they are not as black on this occasion as they are generally represented to be. Their respective representatives have painted them in colours of purest white. I congratulate both the representatives on this Council of the New Amsterdam and Georgetown Town Councils for the obvious friendly feeling that exists between the two and for the excellence of their respective Councils. I don't want them to believe, what they apparently do at the present time, that this Bill is intended in any way to be a threat. If this Bill is a threat then any Bill that Government introduces would be a threat. It is not a threat; it is merely giving Government that power which, I believe, even a thoroughly democratic country like England possess there. It is not a thrust at anyone, neither at the pot nor the kettle in this case. It is a reasonable precaution taken to see that Town Councils behave themselves as they ought to do. It is not, most emphatically not, a step towards the emasculation—I think that was the term used—of representative institutions.

The hon. Junior Member for Berbice made a most eloquent description of all the advantages of Municipal Councils and other local self-governing bodies. I agree heartily with every word he said. They are most useful institutions, and Government is strongly in favour of them. There are, however, occasions on which one has to draw back in order to get another good run at the jump. I hope the occasion will never come that either Town Council will have to do that; but if they have to do it this Bill, which is generally applicable to all Town Councils, both those now in existence and those that will come into being in due course, will enable them to take their step backward. It is a very

clear and definite policy of this Government to encourage local self-government. I did not deal with that aspect of Government policy in my Annual Message this year. I thought I would leave it until the change in the Constitution had been decently interred for the period of a year at least. I shall have something more to say about it in my next Annual Message, when I hope that the hon. members of this Council will agree with the views which I hold, which briefly are that Government should do everything possible to encourage the formation of Local Authorities, but at the same time—and this is a very important point, neglect to observe which has led to a certain amount of inconvenience—I am not alluding to the Town Councils in particular but to inconvenience in this country—Government must possess that power to see that people are properly governed by those Local Authorities.

After all it is on behalf of the people of this country that Government delegates to Local Authorities its powers of self-government, and therefore Government cannot absolve itself altogether of responsibility for the people of the country, whether they are villagers or members of the community of New Amsterdam or Georgetown. I hope I have made it clear that Government is in favour of local self-government, and I hope to prove the earnest of Government's intention in the course of the next two or three years. (Hear, hear).

With regard to the method to be employed I hardly think it is worth while to labour the subject. Of course, no rash or hasty action will be taken by the Governor-in-Council. To begin with, he will not be allowed to do so. I was rather interested, and somewhat tickled, by the rather fanciful picture which one hon. member drew of the Governor-in-Council, picturing him as a kind of autocrat, with the Council sitting around any saying nothing. Well, I can only tell the hon. member that that has not been my experience so far. I have received the most valuable and

candid advice from all the members of my Executive Council. As to method, of course, there will be some method of inquiry; but what form that method will take depends upon the circumstances of the case. But, generally speaking, if I feel that a Town Council was guilty of incompetent administration, I shall draw their attention to the fact after consulting my Executive Council. I shall give them time to take action on my remarks or to refute them in some form or another. (Hear, hear). Afterwards, if I was not satisfied, acting on the advice of my Executive Council, I shall appoint an inquiry. (Hear, hear). The report of that inquiry having been laid before the Executive Council and duly considered, one would then act, either by dissolving the Town Council and appointing special Commissioners—which Heaven forbid—or else by giving them a warning that they have got to clean up their mess and carry on better in future. That would be, roughly, the lines which I should take. I think on the whole this Bill will be good for the people of the country, because they like elections. I have noticed that in my short sitting here. I am not quite so sure, however, as the hon. member who painted it in glowing language, about the love which the electors bear towards the elected Councillors after a few months. Possibly that is due to my having to wander around certain quarters in Georgetown and hear the views direct from the people; possibly not. But, even if that is so, if we pass this Bill it is up to the people then to see that they elect Councillors who are really going to represent them well and truly in the Town Council. Those Councillors who do so no Bill of this sort is going to injure them or injure the people. This Bill is going to injure people who do not know how to behave themselves and who might use Town Councils for their own private ends. I am sure that the people of these towns desire that the Town Councils should maintain their dignity. And I do not feel absolutely certain at the present moment as to whether the Town Councils—I would not mention

any names so as to appear invidious—in British Guiana pay attention to the necessity for keeping up the dignity which they should have. I confess that I do read the local papers and that my reading is not always pleasant. I do not envy those gentlemen who have served as Mayors on the Town Councils in the last few troublous years. While not envying them I confess right away that I do admire them greatly for their endeavour to keep the dignity of the Councils on the level that it should be.

The hon. Junior Member for Berbice, in a most inviting way, laid a little trap for Government when he asked us to give the cause for introducing a Bill of this sort. Well, I do not think Government are going to fall into that trap. We do not want to go into past history and to rake up dirty linen by trying to give causes. Let us rather look at the Bill in the light of being a provision to prevent any recurrence of any causes that may or may not have taken place in the past. Another hon. member made a point that after all a Town Council was the affair of the people of the town. I cannot quite agree with that. In both of the towns which have Town Councillors here now, in one more than the other, the Government,—that is to say the rest of the community—has a big stake. Georgetown is, and I hope will always remain, our chief port and our chief centre of trade. New Amsterdam is by no means an unimportant centre of trade. Whether it will ever resume its ancient glory as a port of importance lies in the mist of the future. It is Government's responsibility to see that the Town Councils administer efficiently these towns, and that they are competent. One hon. member asked what is incompetence of a Town Council. Well, I shall give a few examples: a Town Council that does not maintain its drainage properly, that does not maintain its roads, that does not maintain proper and convenient markets, and a dozen other things, all of which are supposed to be paid for out of the rates levied on the people. A Council that does not carry

out those things properly is not exactly competent. Those are probably good causes which would lead to a question by the Governor-in-Council, but I should not say to the Town Council being dissolved. There are errors in administration which are quite easily rectified. In fact, I find it extremely hard to find a case to bring to my mind at the present moment in which one would be justified in dissolving a Town Council. But that does not mean to say that such a case may not occur.

Now, finally, Government has been asked to defer this Bill to allow the Town Councils to bring in a similar Bill themselves. Against that I have got one or two facts. First of all, one hon. member mentioned the number and variety of Ordinances under which the Town Councils suffer here. I agree with the Attorney General that it is not at all possible that we should have one Municipal Ordinance governing all or any Town Councils. It is not a simple thing to do to produce an Ordinance of that sort. It is going to take time and it is going to mean a good deal of work. The Attorney General is due to go on well-earned leave shortly, but even if he were not going on leave Government's hands are so full of important work of re-organisation that I feel we should not be doing justice to the towns-people to undertake the big work of re-drafting the Bills that are required during the current year. I was very glad to hear that the Town Councils have been considering putting forward amendments. The decision of Government is, not to wait for those Bills but to pass this provision now, which will convey to them Government's request that they should confer with a view to the drawing up of a Municipal Corporations Ordinance that will govern all Municipal administrations both now and in future. In the circumstances, hon. members, I am afraid I cannot on behalf of Government accept the suggestion that this Bill should be deferred. I honestly believe that it is a necessary provision. I believe it will strengthen the hands of the Mayors and the rest of the Councils in running the

Councils on efficient lines, and although such scenes in Councils as I have just referred to and which are constantly occurring are not to the credit of this Colony—and I should say our papers must occasionally be read with some amusement by our sister Colonies in the neighbourhood—these scenes are not actual acts of incompetency but still are very bad for the prestige of British Guiana. The motion is that this Bill be read the second time.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—Interpretation.

**Mr. ELEAZAR:** There are three nominated Councillors in New Amsterdam. This clause should apply to all Councillors, nominated or otherwise.

**Mr. CRANE:** I agree with the suggestion of the hon. member. The Georgetown Town Council passed a resolution recently, and it was supported by Government nominees, that nominated Councillors should be included in a provision such as this. It is one of the concessions that Government may be disposed to grant, and I respectfully suggest that all Councillors be brought under the provisions of the Bill.

**The ATTORNEY GENERAL:** As the law now stands with regard to both the New Amsterdam and Georgetown Town Council there is no provision at all for the qualification of a nominated Councillor. It is entirely in the discretion of the Governor-in-Council whom he will nominate as a Councillor, and therefore the disqualifications which are attached to an elected Councillor are not attached to a nominated Councillor. Among other things the amendment proposed would require considerable redrafting of the Bill. The Bill is dealing with the law as it now stands. It would mean an amendment of both the Georgetown and New Amsterdam Town Council Ordinances to fit in with

what is now suggested, there being no qualification whatever for the qualification or disqualification of a nominated member. That is a matter which, I submit, should be considered separately and independently as it would disorganise the provisions of this Bill.

**Mr. WEBBER:** I am not convinced by the Attorney-General's remarks. This is a request that should not be so cavalierly brushed aside. I thought Government and ourselves were convinced that we have quite enough Ordinances without being threatened with another. I ask that the interpretation of Councillor under this clause should read "any person" and that after the word "elected" the words "or nominated" be inserted. At one time the sole qualification of a Councillor was ownership of property and Government might have been embarrassed in finding a person with that qualification, but the qualification is now so wide that I do not think Government should select any person other than a person duly qualified as an elected member. Government is in the position of a constituency specially created. Why should Government send to the Council a person who is not qualified? It would be unfair to the Council to nominate as a member any person who has no interest, transient or otherwise. It is essential that a person so nominated should have an abiding interest in the City either as an occupier or owner of property. Government must be convinced that it is for the good of the Council and Government itself that a nominated Councillor should be qualified and labour under the same disabilities as any other Councillor.

**Mr. ELEAZAR:** With respect to what the Attorney-General has said I do not think he is quite correct. In the New Amsterdam Town Council Ordinance there is no distinction between a nominated and an elected Councillor. The section which deals with trading with the Council has reference to either because it says "No Council-

lor." A nominated Councillor is a Councillor and if a Councillor should not do a certain thing a nominated Councillor should not do it, and if he does it his seat should become vacant.

The **CHAIRMAN**: Government is quite prepared to consider the whole question in the new Bill when it comes up, but at present it means a great deal of re-drafting without any gain at all. Government will certainly accept that point when it comes up again but it cannot accept the alteration in this definition. The Attorney-General has explained the point very clearly. The question is that clause 2 as printed stand part of the Bill.

Question put, and agreed to.

Clause 4.—What cases minutes conclusive evidence.

**Mr. GONSALVES**: I don't know whether it would be necessary to put in something here. Clause 8 says "the seat of a Councillor shall not be deemed to be vacant until the fact of such vacancy has been entered on the minutes of the Council," etc., while this clause says exactly what shall be recorded on the minutes.

**Mr. CHAIRMAN**: Clause 4 does not say that everything shall be put on the minutes. I do not quite see what the hon. member is driving at.

**Mr. GONSALVES**: I was thinking of a case where a member dies: his seat becomes vacant.

**Mr. WEBBER**: No, sir. There is nothing like that in the law. You cannot declare the seat of a member vacant when he dies. It is only by being absent from four meetings that his seat can be declared vacant.

Clause 5.—Contract with Councillor void unless sanctioned by Governor-in-Council.

**Mr. WEBBER**: I regret that I cannot support this clause. The whole purpose of Municipal law is to keep

members disinterested. I cannot see that because the Governor-in-Council has approved of a contract of a member with the Council it clothes that member in white. There is no question of the equity of contracts entered into between a Councillor and the Council. A member contracting with the Council is supposed not to be impartial either with respect to that contract or any other matter. I cannot see that the approval of the Governor-in-Council is going to make any member impartial in any matter in which he is interested. I hope Government will not open the door so wide. If a member enters into a contract with the Council let him be in the same position as if he wants to be a clergyman. He must choose between service on the Council and Holy Orders.

**Mr. CRANE**: I cannot agree with the hon. member. I think it is a wise provision. The Governor-in-Council is there to decide whether it is justified that the general rule should be departed from. There may be a case in which a member of the Council may be called upon to supply some particular commodity. Before a contract is entered into the Government must be communicated with and the contract approved of, and that member should not vote on any question relating to that contract whether approved by the Governor-in-Council or not. The suggestion I make is that at the end of clause 5 (1) after "Governor-in-Council" there should be added the words "who may prescribe any terms and conditions subject to which the contract may be executed." I suggest that because it makes a negative or a positive. I want to give a middle course to the Governor-in-Council to sanction a contract provided the terms are defined. I ask Government to consider whether it will not take power to prescribe conditions under which contracts may be entered into.

The **CHAIRMAN**: Doesn't the hon. member think that would be naturally done? If an application came up before

the Governor-in-Council and it is suggested that the conditions of clause 3 should be altered the Governor-in-Council will inform the Town Council and they will send back the application.

**MR. CRANE:** That would be the proper course. The Council will have to submit the draft contract and the Governor-in-Council will decide whether the terms suited or not. I think that will meet the case.

**Mr. ELEAZAR:** The question is whether clause 5 should not be deleted and the question governed by clause 6. In that case you will have both nominated and elected Councillors on the same plane.

**The CHAIRMAN:** I am afraid that the hon. member has not got hold of the principle of this clause. It is entirely against all principles, formal or otherwise, that any member of a public body which is charged with the expenditure of public funds should in any way deal with those funds with reference to his own pocket. The only reason why I consented to have this clause introduced into the Bill is the fact urged by more than one member this morning that very often out here we are short of men, and we would either lose a valuable member of the Council or lose a valuable contractor. Therefore, opportunity is given to the Council to employ one of their own number as a contractor, and at the same time to relieve them of the responsibility of carrying out this moral principle by putting it on the shoulders of the supreme body of the Colony, which is the Executive Council.

**Mr. WEBBER:** I can appreciate that a commodity might be indispensable but I cannot quite see that a member would be indispensable. I have read in a certain book of a famous city of antiquity which was challenged to produce ten virtuous men. I believe that city failed to do so and it was eventually destroyed by fire and a little brimstone. I do not

think that Georgetown has yet been reduced to the same level where one honest man cannot be found. There is one absolutely virtuous man that is out of the Council now. (Laughter).

**The CHAIRMAN:** The Attorney General has just called my attention to the fact that newspapers are specially exempted. (Renewed laughter).

Clause 14.—Power to make rules.

**Mr. CRANE:** I avoided raising the question yesterday for very good reasons, but it has struck me that there is an increasing tendency in every Ordinance in which rules are to be made for the conduct of judicial proceedings to ignore the Ordinance which was passed so recently as 1927 amending the Supreme Court Ordinance and creating a Rule-making Authority. Prior to 1927 the three Judges made the rules governing procedure in the Supreme Court. Representations were made to Government and a Rule-making Authority was established, and it remains to-day for making rules. In the Legal Practitioners Bill passed recently this form of power to make rules was put in and the explanation of the Attorney General was that it was a domestic matter and we gave way. In the Income Tax Bill it was again approved. To-day we find in this Bill "The Chief Justice with the concurrence of the Puisne Judges or one of them shall make rules." I suggest that we change this form and substitute the Rule-making Authority of the Supreme Court.

**The ATTORNEY GENERAL:** I quite appreciate the point which the hon. member has made of the making of rules by the Rule-making Authority. The difference, however, is that this is a special proceeding in the Supreme Court which goes only to a single Judge, whose authority is invoked for a special purpose and whose decision is final. This differs from the case of a proceeding which can go all through the Supreme Court, beginning in Chambers, to the West Indian Court of Appeal or the Judicial Committee of the Privy Coun-

cil. The same procedure is adopted in England.

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

Clause 15.—When a Council may be dissolved.

**Mr. WEBBER:** I invite Your Excellency to translate the decision you gave the Council this morning into the Ordinance, not for your own guidance but for that of your successors. I fully appreciate that your advisers understand the process to be required, but we have had in the past impetuous Governors, peevish Governors and even unwise Governors, and it is unwise to throw temptation in their way. We have no guarantee that we would not get of that ilk again, and therefore it is desirable that laws should be laid down for their guidance. The hon. nominated member in defending the clause said Government is in the position of a parent to a child. I am asking Government to define in the Ordinance what is meant and so give the community greater confidence in what to expect.

**The CHAIRMAN:** I do not know whether the hon. member really means it, but I do not think we should burden the Ordinance any further. We have Hansard to show what was said and I fancy one Governor would be rather chary to change the policy adopted by his predecessor. If he does he only subjects himself to questions in the Legislative Council which he finds it rather awkward to answer. Anyway, I think we may leave that out of consideration for the moment. If it is necessary to bring it in to define causes for dissolution more precisely, when we are considering our new Municipal Bill next year we might then introduce it.

**Mr. CANNON:** May I ask what is to happen under this clause should a Council be deemed not capable to carry on its administration and is dissolved? Suppose the Councillors are re-elected?

**The CHAIRMAN:** I do not see how we can legislate for that.

**Mr. CANNON:** Therefore I do not see the necessity for it.

Clause 17.—Date to be fixed for general election after dissolution.

**Mr. ELEAZAR:** I do not know whether it is Government's intention, if the necessity should arise, to dissolve a Council. I repeat my fear is that a Pharaoh will come who does not know Joseph. What is going to happen if another Governor comes along and dissolves a Council and does not have another?

**The CHAIRMAN:** In other words the hon. member would like the dissolution to be for a stated period. I will tell you why that is not practicable. Let us take the case of our two Town Councils. Supposing anything very terrible happens. If we appoint a special Commissioner to re-organise the New Amsterdam Town Council we might perhaps do it in six months; but if we take six months for New Amsterdam we shall take at least two years for Georgetown, whose Town Council we will suppose has been dissolved because it was thoroughly inefficient. The business of the Georgetown Town Council is so much bigger and complicated. I hope I am not injuring the feeling of the hon. member. The bigger the Town Council the longer it will take to put its affairs in order, so one cannot put a limit on the period and it is best left as it is. I can assure the hon. member that Government does not want to add to its own worries by having to run the Municipalities. We are very pleased to let the Mayors and Town Councillors do all the dirty work for us, and we do not want to step in and do it altogether. I can assure the hon. member that the Council will be dissolved for just so long as the Governor-in-Council considers it necessary for the business of the town to be re-organised and put on a proper footing and the date of election will be notified and the Council will resume;



but I think I am describing a wholly imaginary state of affairs and no Town Council here would ever be dissolved.

**Mr. WEBBER:** I suggest that the clause may be amended by substituting the word "shall" for "may." My object is to give the Commissioners the full life of a Council—the full period of two years. Confidence will be established a good deal more, provided that the dissolution is not longer than the life of the Council.

**The CHAIRMAN:** I do not think that the hon. member has got quite clearly in his mind that the Governor-in-Council would never dissolve any Town Council unless it was in an appallingly bad state: such a state that it would be exceedingly difficult to pull it together in any reasonable time that might be fixed. I do not mind making the date even five years but should not like to commit my successor to two years.

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

Clause 19.—Duration of office of Councillors elected at general election.

**Mr. LUCKHOO:** By what means will you determine seniority of members who are elected on the same day? Under the Ordinance of 1891 there were seven elected members and no nominated members. If no Councillor shall go out of office until the 1st July in the next year but one after the general election and then the two senior elected Councillors the question is how are you going to determine the seniority of members.

**The CHAIRMAN:** It is quite a simple thing. How it is done? (Laughter).

**The ATTORNEY-GENERAL:** It is arrived at in exactly the same way as it was originally arrived at. (Renewed laughter).

**Mr. LUCKHOO:** I quite see that there is some difficulty according to

our present Ordinance. To determine it by the highest number of votes may be one way of getting over the difficulty.

**The CHAIRMAN:** I would suggest that the Town Council itself might consider the point and make a recommendation for the next Ordinance.

**Mr. LUCKHOO:** From what Your Excellency has said I do not think you will put this clause of the Bill into operation, and I hope that when you come to New Amsterdam shortly we shall welcome you.

**The COLONIAL SECRETARY:** The practice in another Colony where the Councillors retire in rotation is that two are due to retire and if their re-election is not opposed they take their place at the bottom of the roster and seniority is determined alphabetically.

**Mr. CRANE:** At present in New Amsterdam there is no difficulty, and difficulty will only arise in case of dissolution. I suggest that the clause be held over and an amendment prepared to meet the case.

**The CHAIRMAN:** This clause will only apply if there is a dissolution and we can make a note that if difficulty occurs we will make provision to meet the case.

Clause 22 (iii.)—Disqualification for election by reason of contract with Council.

**Mr. WEBBER:** Many persons incorporate themselves. All those who want to trade with the Council have to do is to incorporate themselves.

**Mr. CRANE:** If we are to legislate in respect of this question we ought to legislate with a certain amount of commonsense. If a man forms a private company between himself and his wife, only two persons being required in a private company, the company is really himself and his wife whom he controls. If he gets a contract because his business is limited he is exempt. I agree that with an ordinary share-

holder a distinction might be made, but where a man is a director of a company he ought to be disqualified from holding a contract.

**The CHAIRMAN:** What is it the hon. member proposes to strike out or to do?

**Mr. CRANE:** It is not clear from the proviso whether a director—a man who controls a company and is making contracts for the company—ought to sit on the Council if he holds a contract with the Council.

**The ATTORNEY-GENERAL:** The exemption is only conferred on persons whose interest is only the owner-

ship of shares in an incorporated company. If therefore the interest is greater or goes beyond the holding of any shares—if it extends to a directorship—I venture to think, with the wording of this clause, that if the company contracts with the Council such a member would be in danger of losing his seat.

**Mr. CRANE:** I submit that the true distinction between a man and a company is well laid down in the old case of *Salamon & Co., Ltd.* A person is separate and distinct from a company of which he is a director.

The Committee thereafter adjourned until Tuesday, 5th March, at 11 o'clock.