

LEGISLATIVE COUNCIL.

Friday, 24th November, 1939.

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Acting Governor, SIR JOHN WADDINGTON, K.C.M.G., O.B.E., President, in the Chair.

PRESENT.

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

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

The Hon. F. Dias, O.B.E. (Nominated Unofficial Member).

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

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

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

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

The Hon. F. J. Seaford, O.B.E., (Georgetown North).

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

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

The Hon. N. M. Maclellan, Director of Medical Services.

The Hon. G. O. Case, Director of Public Works and Sea Defences.

The Hon. L. G. Crease, Director of Education.

The Hon. B. R. Wood, Conservator of Forests.

The Hon. W. A. Macnie, Commissioner of Labour and Local Government (Acting).

The Hon. J. Eleazar (Berbice River).

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

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

The Hon. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. F. A. Mackey (Nominated Unofficial Member).

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

MINUTES

The minutes of the previous meeting of the Council held on the 23rd of November, 1939, as printed and circulated, were confirmed.

UNOFFICIAL NOTICES.

PROVISIONALLY CERTIFICATED TEACHERS.

Mr. C. V. WIGHT gave notice of the following questions:—

1. How many Provisionally Certificated Teachers were in charge of Branch Schools on 1st January, 1939, at \$18 per month?

2. Will Government include these teachers in the increases of salary that have recently been made to uncertificated teachers by paying these provisionally certificated teachers a responsibility allowance of \$5 per month from 1st January, 1940?

FIRST ASSISTANTS IN SCHOOLS.

3. What grade of schools are entitled to first assistants?

4. (a) How many such first assistants have been appointed since 1st January, 1939?

(b) Please state names of appointees, schools, and extra emoluments paid in view of such appointments.

(c) What are the duties of first assistants?

AGRICULTURAL BIAS SCHEME.

5. Is Government satisfied with the results of the Agricultural Bias Scheme?

Is Government convinced that the withdrawal of the interim teachers connected with the Scheme would not re-act unfavourably on the working of the Scheme?

SALARIES OF TEACHERS.

6. Is Government satisfied that the salaries paid to teachers are adequate?

7. Are there not anomalies in the 1939 scale of salaries paid or to be paid teachers?

8. How many years does it take before a teacher in each grade of school draws his or her maximum pay?

9. Does the period referred to in question No. 8 differ according to Class or Grade?

ORDER OF THE DAY.

ESTIMATES, 1940.

The Council resolved itself into Committee and resumed consideration of the Estimates of Expenditure to be defrayed from Revenue during the year ending 31st December, 1940, which have been laid on the table.

LABOUR AND LOCAL GOVERNMENT.

Item 13—2 Probationers, \$864.

Mr. ELEAZAR: This Department seems to arrogate to itself the right to take on all and sundry, and some of them are incompetent. It is not trying to take advantage of the higher education in the Colony which we have advocated all the time. We expect that a boy with a Cambridge Senior or a Joint Board certificate to be given the preference in an appointment as Junior Clerk. This particular Department, I happen to know, has officers who have hardly passed the Sixth Standard examination of the Primary School much more to hold a Primary School Leaving certificate. I desire to draw the attention of Government to the fact that some of these officers are sent out to do the work of a Commissary and to prosecute in the Magistrates' Court. That is where I meet them, and I am not enamoured with anything they have done. Some of them are incompetent. Surely when there are so many boys and girls in the Colony obtaining higher education and incompetent boys and girls are being taken on, we must begin to suspect that something is wrong. I have mentioned this matter here because I observe that some officers are properly qualified while others are not.

THE COLONIAL SECRETARY: Perhaps the hon. Member will see me later about it. I do not know what he is talking about, and can throw no light on it. As far as I know, applicants taken on in the Civil Service are properly qualified for appointment. I would be pleased to investigate the matter.

Mr. MACNIE (Commissioner of Labour and Local Government, Acting): I know the officer to whom the hon. Member refers. I would like to say, however, that all persons who have been appointed either as probationers or temporary clerks

in this Department during the past two, if not three, years have been persons who have the full qualification for appointment in the Clerical Service of Government.

Mr. JACOB: I would like to say that there has been a great deal of criticism, whether justifiable or unjustifiable I cannot say, as regards the Appointments Board. I do urge that the qualification for appointments be carefully considered before candidates are selected for the Civil Service.

TOLLS, RUPUNUNI CATTLE TRAIL.

Mr. PEER BACCHUS: I notice that the revenue from the Rupununi Cattle Trail has dropped from \$1,745 for 1939 to \$300 for 1940. Can any information be given as to whether there will be no cattle coming through the trail next year so as to cause such a considerable drop in the estimated revenue?

Mr. McDAVID (Colonial Treasurer): If the hon. Member is referring to "Tolls, Rupununi Cattle Trail," I think the Council will remember that the collection of the tolls has been suspended.

Item 7—House Rent, \$900.

Mr. C. V. WIGHT: I see that the approved estimate for 1939 is \$420. Is that for one District Commissioner, or is it for several? On perusal of the Estimates for 1940 I find the amount is placed at \$900, and from the explanatory memorandum it appears that the item only refers to the District Commissioner for Georgetown. It seems that the amount of \$900 refers to two District Commissioners, one receiving a rent allowance of \$35 per month based on the sum of \$420 per annum and the other \$40 per month based on \$480 per annum.

Mr. MACNIE: The \$420 has no relation to the officer occupying the premises. The District Commissioner who is resident on the West Bank, Demerara, occupies premises rented by Government from the owner at the rental stated.

THE CHAIRMAN: In fact it is not a house allowance but rent.

Mr. MACNIE: Yes; the officer does not receive the amount.

Mr. C. V. WIGHT: I take it that the \$900 includes the rent for the premises occupied by the District Commissioner in Georgetown and that for the premises occupied by the District Commissioner for West Demerara?

Mr. MACNIE: Yes, but in Georgetown the amount is paid to the officer.

THE COLONIAL SECRETARY: Before leaving this Head I desire to draw attention to the foot-note to sub-heads 15 and 16. I hope the hon. Member for Western Essequibo is pleased with what he sees there.

LANDS AND MINES DEPARTMENT.

Item 3—Maintenance of Water Transport, \$200.

Mr. ELEAZAR: I do not know if my remarks may be more pertinent under another Head, but I see here an item—“Maintenance of Water Transport” and that money is expended to keep either river or creek in a navigable condition. From time to time money has been voted here for the purpose of clearing creeks and rivers, but not a penny has been spent on the Berbice River forty miles above Paradise. The residents or the people carrying on business there have had to clear the river of fallen trees and obstacles. If Government is clearing creeks and rivers the Colony over, I can see no reason why the Berbice River should be excluded, except that the officers connected with this Department seldom know what is happening there. The people of Berbice are patient and do not always complain, and so they get nothing. I do ask the officers of this Department concerned with that work to do something in clearing the upper reaches of the Berbice River, where navigation is still going on and the people who are doing work there suffer immensely in getting about their business, because they have at their own expense to clear the river of fallen trees and other obstacles.

Mr. CASE (Director of Public Works and Sea Defences): A survey was recently made of the Berbice River and the report is now in preparation in connection with this particular matter.

Mr. DE AGUIAR: May I enquire if

the post of Commissioner of Lands and Mines has been filled? If it is not filled, can Government state whether any consideration has been given to the proposal put forward for the amalgamation of the Department with another?

THE CHAIRMAN: The post has not been filled. No appointment has been made as yet.

Mr. C. V. WIGHT: May I suggest under this Head that Government consider the question of the selling of Crown lands held by lease. A Committee was appointed to consider the general question of revenue, but I think the terms of reference were evidently not wide enough to embrace all matters dealing with revenue. Your Excellency was Chairman of that Committee and its terms of reference were:—

To examine existing taxation and to make recommendations for any changes which, in the Committee's view, offer reasonable hope of effecting a gradual improvement in the general economic position of the Colony.

With your permission I would like to quote the words of paragraph 3 of that Committee's report:—

Very soon after the Committee commenced its enquiries, it became clear that the Committee would find itself unable to make any practicable recommendations within its terms of reference, and the Chairman so informed the Governor.

I see that the revenue of this Department from the sale of Crown lands, according to the approved estimate for 1940 is \$400. I am suggesting that Government consider the selling of Crown lands held by lease, because I am satisfied that there are several proprietors, one need not designate them, who occupy Crown lands and, if given the opportunity to purchase, would readily grasp it. The purchasing price may be decided upon by Government. I am sure that the second depths in certain instances will be acquired by the parties. In that case I am submitting that Government will be able to obtain a considerable amount of revenue and relieve the situation to a certain extent. Reference has been made particularly to lands on the East Coast Demerara. One does not know how far they go as freehold lands, but from information in my possession I understand all those lands are Crown lands leased from the Lands and Mines Department for

which a nominal rental is paid and, perhaps, incidental taxation.

Also under this Head I desire to take this opportunity of asking if any applications have been received under the much discussed Petroleum Bill. I thought Your Excellency would have in your speech thrown a little oil on the troubled waters.

Mr. JACOB: I desire to support the remarks made by the hon. Member for Central Demerara (Mr. De Aguiar) regarding the amalgamation of this Department with the Forest Department. I do not think, however, the hon. Member has put it in that way. I do think that the post of Commissioner of Lands and Mines should not be filled, and that this Department could be conveniently amalgamated with the Forest Department. I think the present holder of the post of Conservator of Forests can very ably fill the post of Commissioner of Lands and Mines. It would mean a saving to the taxpayers by the reduction of one officer and the reduction of lump sum payment and pension, allowances etc. I think it would be a step in the right direction, and I heartily support the view that these two Departments should be amalgamated.

I notice that representations have been made to Government regarding an increase of salary to Junior Government Officers. Speaking particularly in respect of the North West District, the constituency which I have the honour to represent, complaints have been made from time to time about the allowance paid the boat-hands and rangers while travelling. At some times they have to travel for days and nights in open boats at great inconvenience and risk, and the allowance given for subsistence is not adequate. I think some extra consideration should be given to employees travelling in the outlying districts, particularly in the North West District where the cost of foodstuff is higher than in other parts of the Colony. When one has to leave his home and go out for several days it means extra expenditure, and when the salary is so small I think some further special consideration should be given to such employees, and they should not be classed with employees in other parts of the Colony. I have spoken on this subject on several occasions before, and I am correct in saying that

some little consideration was given, but I do urge that further consideration be given in the matter, especially in view of the fact that the cost of living has been increased and there is a general demand for increased salary, and that it has been admitted that Junior Officers of Government ought to be given an increase in some form to meet the situation. I think Government should make some pronouncement on the matter before this Session is closed. The situation does not look very well indeed at the present time.

Mr. PEER BACCHUS: The point made by the hon. Member for Western Essequibo (Mr. C. V. Wight) in respect of the sale of Crown lands is a good one. There are facilities provided where Crown lands are fully occupied for the lessees to make purchase at the rate of \$2.40 per acre. If the hon. Member advises those interested to take advantage of the Crown Lands Regulations in that respect, I think Government would be only too pleased to consider their applications. I agree that where the Crown lands are fully occupied and lessees are in a position to purchase, their applications should receive the favourable consideration of Government.

Mr. ELEAZAR: I agree with the proposal but not on the same lines. I do not think the hon. Member is referring to lands on which people are carrying on cattle-rearing or mining industries, but to lands on which people are carrying on major industries which will go on forever and for which they are paying a minimum rent. If it would be difficult for them to purchase all that land, then the rental should be increased. In times such as these, people who are carrying on major industries on Crown lands should be made to contribute something more than they do in ordinary times. I think the hon. Member should move a motion in this Council that Government appoint a small committee to enquire into the possibility of increasing the rent or offering for sale on proper terms these Crown lands. Something ought to be done in that direction, but I cannot subscribe to the view that these small people who have second depths for agricultural purpose or cattle-rearing should be made to purchase those lands. When you have purchased the lands you have to do the empoldering of

them, and that is beyond the small man to do.

With respect to the question of the amalgamation of the Lands and Mines and Forest Departments, those of us who were here at the inception of the Forest Department know that Government pushed it through with all the force at its possession and that we had complained that we were getting another Department which in time would become a burden on the country, and suggested that it should be a part of the Lands and Mines Department. The present Conservator, who was going to be the Chief, did not have very much voice in the matter, but the late Head of the Lands and Mines Department did not see why the amalgamation should come about. Therefore you have two Departments while the Elective Section was very strong in the feeling that there should be one Department instead. Now that there is a vacancy in the Executive Head of one of these two Departments, I do not see why Government should not take advantage of the situation and make the two Departments one. The words "Lands and Mines" which mean "Forest" may be dropped in favour of the latter, or "Lands and Mines" retained and "Forest" dropped. One Department has very little to do and costs so much, and the other has plenty to do and not so costly. We will make a saving and yet not suffer by the amalgamation. It will be a case of reducing expenditure without inefficiency.

Mr. WOOLFORD: I have very frequently been pressed by my fellow Electives for the appointment of the hon. Mr. Wood to the Head of this Department. That has always been the suggestion made, and it is the suggestion which is being made now. I find it so difficult to understand why that suggestion should be so often repeated, because Mr. Wood's appointment to this Colony is that of Conservator of Forests at a salary of £1,500 a year, and I do not know of any arrangement whereby an officer appointed to a position of that kind could be made to go to another appointment without his consent. It is being overlooked that this Department is one in which the Head has always been a practical qualified surveyor. Such qualification is almost essential because in the majority of instances technical and qualified super-

vision of the work of the Department is needed. All the Heads of this Department have been qualified surveyors, except in the case of a Mr. Wood who was a mining expert and might have been a surveyor; but he was only there for a short while. The amalgamation of the two Departments would still leave the question of the vacancy in respect of the Head of the Department open. The amalgamation does not affect the necessity, or otherwise, for the appointment which will have to be made. In my view no amalgamation can be effected. Even if the present Conservator of Forests is transferred to this Department, I am quite sure in my own mind, you will have to put someone there to assist him in so far as the oversight of the Department is concerned. I cannot see that any efficiency will follow from the suggestion that the present Head of the Forest Department be transferred there.

I have risen for one reason principally, and that is to urge that the Warden of the Potaro District should be appointed to act as a Magistrate. There are several precedents for that, and there is the outstanding fact that in the Potaro District as also in the mining districts of the Colony it is not necessarily essential that the post of Warden-Magistrate should be held by a legal practitioner or a qualified legal man. The work is usually of a simple character, a question of belief or disbelief of the evidence arising out of a case of assault or abusive language. If a mining dispute arises the Warden is qualified by training to adjudicate on the issues in dispute between the claimants. Here is room for economy. At the present moment the administration of justice in the Potaro District is done by the Magistrate of the Essequibo River District. It means that he has to leave his district for a period of ten days. He is usually accompanied by the clerk and the district (including the whole of the Essequibo Coast, the Islands of Leguan and Wakenaam, and the mining town of Bartica), therefore, is left entirely unattended for the issue of complaints, warrants etc. I know there is great dissatisfaction in that district owing to the absence of the Magistrate and his clerk on regular visits to the Potaro District. How can you expect the public to be served with the absence of the Magistrate and his clerk ten days in

every month? What has the Magistrate to do when he goes to Potaro? He listens to some assault cases, and at no time is his juristic qualification ever called into play. I do ask that effect be given to my suggestion, that the Warden as the result of the increased duties may be given an additional allowance, and that this arrangement be come to and the matter raised for the last time. We have been discussing this for the last three years. If anything is wrong, I think, Government should say that it does not suit them and not allow Elected Members to speak on the subject more. I hate redundancy. It is said that we occupy a lot of time in this Legislative Council, but it is because Elected Members are encouraged time and again to make the same representation. This is a matter which can be decided in a very short space of time. There is no necessity for a different Magistrate to go there and his travelling charges placed against the Transport and Harbours Department. Every now and then some question arises, as one arose the other day as to whether the Magistrate travelled or not. Why should the Transport Board be bothered with a question like that? Why should he travel at all when you have a Warden in that district? All the Wardens are responsible men. I have seen decisions by Wardens that have been excellent in reasoning and effectiveness and in judgment. There are men in the Lands and Mines Department who are capable of exercising their wisdom in both criminal and civil matters, and I do ask for the last time that the Magistrate of the Essequibo District be relieved of the necessity of going to the Potaro District for ten days in each month, which is causing a lot of trouble and great inconvenience with no profit to Government.

Mr. DE AGUIAR: I have always had the very highest regard for the utterances of the hon. Member for New Amsterdam (Mr. Woolford), but I am afraid I am not able to follow his reasoning this morning, as regards the suggestion put forward once again for the amalgamation of this Department with another Department. Unless, of course, he suggests that the staff of the two Departments we have in mind are incompetent to render the assistance which he has in mind. I would like to invite the attention of the hon. Member

for New Amsterdam to the competent staff of the two Departments involved.

Mr. WOOLFORD: Before the hon. Member finishes his remarks I would be glad to repeat mine. I have not opposed the amalgamation at all. I distinctly stated that amalgamation may be possible. I am not opposed to the suggestion of amalgamation, but what I am always opposed to is the suggestion that the Head of the Forest Department should be appointed to the post of Head of this Department. I have not argued against amalgamation but against the suggestion that the Head of the Forest Department, who is drawing a salary of £1,500 a year and is a specialised officer in another Department, be appointed to this post without his consent, as though the Members of the Executive Council can force a position of that kind upon the officer.

Mr. DE AGUIAR: I can only presume that the hon. Member when he talked of certain amalgamation probably meant the amalgamation of the Lands and Mines Department with another Department. The Forest Department is the one selected in this case, and the reason is that they are so closely associated with each other in every respect. One cannot propose the amalgamation of the Lands and Mines Department with the Medical Department. If it is agreed that amalgamation can take place, it seems to me that the only one that can be proposed is that between the Forest Department and the Lands and Mines Department. I agree that the Head of the Forest Department is a specialised officer, and that is all the more reason why he will be more useful in the Lands and Mines Department. I certainly do not agree that the amalgamation will not effect economy. The mere suggestion of amalgamation suggests economy. I cannot agree with the argument that certain officers will have to be appointed to assist the Head of a Department such as this and that will reduce the measure of economy that is hoped for. Both Departments have specialised officers, and it seems that certain savings can be effected in the staff of the two Departments, and that is what we have been proposing in this Council time after time. The reason that prompted the appointment the last time no longer exists, at least not within my knowledge. It seems that the sugges-

tion is a good one and should be considered by Government. Some amalgamation should take place with the view of effecting economy. I do not think other hon. Members, certainly not the Elected Members, share the same view as the hon. Member for New Amsterdam.

Mr. WOOLFORD: I must rise again to ask the hon. Member what he meant by first addressing the President and asking if the vacancy for a Commissioner of Lands and Mines has been filled. The underlying suggestion was, and it was made by a subsequent speaker, that the Conservator of Forests should be appointed. Where is the logic in the hon. Member's contention? Assuming there is an amalgamation, what is going to happen to the vacancy caused by the retirement of Mr. Christiani? Is Mr. Green, who is acting and who had come out to supervise surveys, to do Mr. Christiani's and his own work, or is another appointment to be made? Where is the economy in the appointment if another senior officer has to be appointed? Where is the economy that is so apparent to the hon. Member in the suggestion that there should be an amalgamation without replacing an officer of the value and experience of Mr. Christiani? Surely that appointment is necessary. Unless he can explain to me how economies can be effected in that Department without closer examination and only by amalgamation of the Departments without supplying the vacancy created by the retirement of Mr. Christiani, I am in disagreement with the proposal at the moment, because I am opposed to the appointment of the Head of the Department as suggested.

Mr. ELEAZAR: I am seldom in disagreement with the hon. Member for New Amsterdam. His logic is not convincing. He first said there can be no amalgamation unless the Head of the Forest Department agrees. Is it not the same as saying if there is no amalgamation there can be no saving? We are saying: "Is it not possible to amalgamate the two posts—the Head of the Forest Department and the Head of the Lands and Mines Department?" Does that say that the surveyors will not continue to work? There is no Head of the Department now, and who is doing the surveys now? Would the surveyors not continue as they are doing

now, if another person is appointed as Head? I do not see the logic in his argument. The hon. Member cannot forget that he was one of those who complained at the inception of the Forest Department as to why there could not be one instead of two Departments.

Mr. WOOLFORD: I must rise to a point of correction. No utterance of mine at any time has ever been released from my lips opposing the appointment of the Forest Department. I have been a member of the Forest Trust since its creation and since the hon. Mr. Wood's arrival I have never been opposed to the Forest Department, and I have never said that in this Council.

Mr. C. V. WIGHT: May I point out to hon. Members that perhaps if they had the close association that I do with the hon. Member for New Amsterdam they would know that being the adept he is in handling the English language, whether oral or written, at some times some of that handling is very difficult of precise interpretation.

Mr. WOOD (Conservator of Forests): I have only risen to refresh the memory of the hon. Member for Berbice River (Mr. Eleazar) in two small particulars. I think I am right in saying that he, the hon. Member for New Amsterdam and myself are the only Members sitting here now who heard the earliest debate on the Forest Department in the old Combined Court. When he says that Government forced their proposals through, I would remind him that in those days there was an Elected majority in the Combined Court. The other point I would like to draw his attention to is this. When for the first and last time this Colony sent a delegate to the Imperial Forestry Conference in Canada in 1924 and the question of forming a Forest Department out here was under discussion, the Secretary of State for the Colonies took advantage of the presence of the leading Forest people met together in Canada to form a Committee of them to advise him as to how a Forest Department should be formed and how it should be constituted. Their report was laid on the table in the old Combined Court, and I would

remind hon. Members of the very strong point made in that report of the instances cited in support of that recommendation in other parts of the Empire that it was essential if a Forest Department is to be a success out here it should be and should remain a separate entity. I am reminding hon. Members that it was on the basis of that report the Forest Department was originally founded.

Mr. AUSTIN: I am going to support the amalgamation of these two Departments. I recognise that it will result in a financial saving, but personally I do not wish it to be done for that reason. The reason why I support the amalgamation is because I think it will enable the Commissioner of Lands and Mines to visit the outlying areas more than he does now. As I said two days ago, some Heads of Departments rarely leave their desks in Georgetown. I would like to see the Department more fully staffed than it is at present, and I hold that the Commissioner of Lands and Mines should practically live outside of Georgetown. The hon. Mr. Wood has told us time and time again that he cannot carry on properly unless he has a fund around \$60,000. He is an able officer, but he has quite a lot of spare time on his hand that can easily be devoted to the management of this office and so allow the Surveyors attached to it to pay more frequent visits to the country districts.

Mr. ELEAZAR: With due deference to the hon. Conservator of Forests and the hon. Member for New Amsterdam, I am speaking of the Forest Department at its inception. Government had nearly all the Elected Members against it, including the hon. Member for New Amsterdam. On that occasion, I speak subject to correction, it was urged that Government in creating the new Department had too many and there was no reason why it should not be merged with the Lands and Mines Department. I cannot forget that and never will. I quite remember what transpired then. Government prevailed and this Department was formulated. The question to-day, after experience in the running of the two Departments and now that there is a vacancy in the Head of one, is whether the Conservator of Forests should not be asked to carry on as Head of that Department? Whether in the

amalgamation you may not have established a Forest branch and a Lands and Mines branch? I cannot see that no saving will be made by the one officer leaving. That officer is not there and his salary will not be paid out. Economy must come about somewhere, and the question is whether that cannot be done so as to relieve us of the Head of this Department being appointed separately. I cannot conceive hon. Members getting up here and saying that you cannot do this unless the officer concerned agrees, as if he would not agree, and at the same time further saying that if the officer agrees you can do it but there will be no economy. If it can be done let us do it. If it would not cost us more or less, at least we would have one Department fewer. There is no reason why Government should not investigate and see whether the thing is not possible. All things are possible, and the hon. Member knows that.

Mr. JACOB: I believe I began by saying that Government should consider the advisability of amalgamating these two Departments, but after listening to the speech of the hon. Member for New Amsterdam—and it is very seldom I disagree with him—and gathering from his further explanation that he is not against amalgamation at the present time but he thinks it is not practicable, I think the matter should be reviewed in all its aspects, bearing in mind what the hon. Conservator of Forests said in his reply. I cannot imagine there will be no saving to the Colony as the result of the amalgamation. I think there will be increased efficiency, and I do not think that can be disputed. Further I understand that recently a separate building was erected to house the Forest Department. I think the Lands and Mines Department office could have housed them all. There again some saving may have been effected in equipment, building etc., except (as one or two other hon. Members have suggested) in personnel. I am confirmed in my suspicion that this Council is out to create openings for individuals from time to time. I have an idea, however, of what the function of this Council ought to be. It is to administer the affairs of this Colony economically and efficiently, and immediately a vacancy occurs it ought to be filled. I am not in favour of that, however. If Government does not favour

the suggestion, as has been put forward here, I recommend further that as a War measure this appointment be not made at the present time. The hon. Conservator of Forests is doing additional war work, and I think he is doing it cheerfully, for which we are thankful. I think he will very cheerfully like the designation of Conservator of Forests and Commissioner of Lands and Mines. I am sure he will not object to assisting with the Lands and Mines Department. I do urge that the matter be reconsidered in all its aspects, as stated here to-day.

THE CHAIRMAN: I think this subject has been very fully ventilated. The hon. Member for New Amsterdam, and the hon. Mr. Wood gave reasons why the suggestion made by several hon. Members for the amalgamation of these two posts should not be accepted. I wish to add that in my view the duties of the post of Conservator of Forests demand an officer of very specialised training and experience, and it is important that our forest industry, which should be one of very great importance to us, should so progress from year to year that the specialised staff of the Forest Department would be retained and confined to forest duties. Such special qualifications to which I have referred as being required for the post of Conservator of Forests are of no particular value for the duties of the post of Commissioner of Lands and Mines. I regret for these reasons I am unable to accept the suggestion that has been put forward.

THE COLONIAL SECRETARY: I would just like to make one remark in regard to what has been said by the hon. Member for New Amsterdam about the Warden of the Potaro District being appointed to act as Magistrate. I gather from the hon. Member's speech that the subject has been frequently raised. I personally cannot remember it coming up during last year, but the hon. Member did mention it to me quite recently at the last meeting of the Transport and Harbours Board and I gave him the undertaking that I would examine the proposal with the hon. Attorney-General. I have not yet had the opportunity of doing so. It is not that I have forgotten, but the hon. Attorney-General has been exceptionally busy during the last few weeks. I am,

however, going to make a promise that a decision will be given before this time next year (laughter).

With regard to the question raised by the hon. Member for Western Essequibo (Mr. C. V. Wight) regulations have to be made under the Petroleum Ordinance, and as soon as they have been approved any application received by Government will be given due consideration. A note is also made of the views expressed by hon. Members as regards the purchase of Crown lands. That subject will be brought before His Excellency at a later date, and I cannot give any answer to that now.

I must refer the hon. Member for Berbice River (Mr. Eleazar) to page 71 of the Estimates. He will see there provision for \$2,000 made for the clearing of rivers and creeks in Berbice. I think that amount is sufficient for the work the hon. Member has asked Government to see carried out.

Mr. ELEAZAR: Hear, hear.

Item 1(14)—Government Surveyors (2 at \$2,400 by \$120 to \$2,880; 5 at \$1,392 by \$72 to \$2,400; 1 at \$1,176 by \$72 to \$1,392)—\$16,188.

THE COLONIAL SECRETARY: I move that item 1(14) be amended. Instead of 5 Government Surveyors at \$1,392 there should be four at that figure, and instead of one at \$1,176 there should be 2 at that figure, and that the amount be carried out at \$15,108. This change has been brought about owing to a transfer of posts. A vacancy for a second grade Surveyor has occurred and a Surveyor of the Public Works Department will be promoted to fill that vacancy. Therefore this Department is being reduced by one second grade Surveyor and the Public Works Department increased by one. Similarly this Department will have two instead of one second grade Surveyor and the Public Works Department one less.

Question put, and agreed to.

Item 1(15)—1 Computer (\$2,400 by \$120 to \$2,880), \$2,400.

THE COLONIAL SECRETARY: This post has been filled, but there is an error

in that the increment has not been provided for next year. I move that the amount be increased by the amount of the increment—\$120—and carried out at \$2,520.

Question put, and agreed to.

Item 8—Miscellaneous, \$500.

Mr. ELEAZAR: I see that the grant of \$700 to establish a revolving fund to assist miners does not appear this year in the Estimates. I was not in favour of that revolving grant. I want to suggest seriously to Government that an amount be inserted here commensurate with a report made by Mr. Bracewell to the then Committee sitting to enquire into the possibility of opening up the interior. The proposition was put to Government and was changed into this grant for a revolving fund. I was one who urged that Government should do something to assist the production of gold and should do it in such a way as to affect unemployment to the extent of getting some of the able-bodied men here to the forest and helping them to get gold. In that way they help themselves and the country. After the proposition was made, Government instituted this revolving fund. It is no wonder it has failed. I think, this is a time when Government should do something to induce the pork-knocker to go farther afield and break new ground in the search for gold. At the present moment the ordinary pork-knocker only goes around the places which have been worked since 1886, because he cannot afford to go prospecting through changed conditions in the goldfields. He hangs around those places which have been exploited over and over again in order to see what little he can get because he wants a quick return. If Government were to adopt the principle, suggested to it at the time, of getting up properly equipped prospecting parties and sending them out to prospect as in the old days, those people would make discoveries of new regions. When that is done and it is known that gold is in those regions, it will not be necessary for anyone to send miners there. Government will not do that, but has instead put up this revolving fund which has failed. Government has those geologists working in this country and Mr. Bracewell in his own handwriting has said "We are not

doing prospecting work. What we do is on a large scale. It cannot help the small man." He, however, suggested a manner in which he thought the small man might be assisted. I am going to ask Government to ask the hon. Conservator of Forests, if not now at a later date, for a copy of the recommendation and Government should do something to assist the small man.

Government has very laudably attempted to assist the production of foodstuffs, because the times are such we are glad to get more production of foodstuffs. Gold is fetching a high price and, I think, it is possible to increase our production of gold, but Government must assist and not leave the men to do the prospecting themselves. They should be assisted to find new ground so as to achieve the increased production of gold. I see nothing here for that. We cannot initiate money vote, but there is a possibility of increasing the production of gold—a very desirable thing in this crisis—and Government should not shrink to spend a few hundred dollars if in doing so the production of gold would be increased. I ask Government to consider that.

Mr. LEE: As far as I remember, when this money was voted on the last occasion Government was trying to increase the production of gold by means of this experiment. It was decided to try out the scheme in the Cuyuni and, if successful, it was to be further tried in the Mazaruni and Essequibo Rivers. There would thereby be prospecting for gold spread over a wide area. If the experiment had been successful I would have in all seriousness asked Government to consider their promise to try out the experiment in the other rivers, because as far as I know there is a large number of unemployed men around Bartica, who are miners and require some assistance to go to the mining areas where there are good prospects of finding gold.

THE COLONIAL SECRETARY: There is still a small sum of money remaining under this vote. There was not the rush for advances that Government had anticipated at that time. The fund is still revolving but very slowly. The majority of miners seemed to think that the advances are obtainable by just walking

into the Lands and Mines Department and asking for them. They have to satisfy the Department that they will obtain employment on arrival at their destination, and several prospectors have not yet reached their destination in accordance with the agreement they signed when receiving advances. (laughter). Government has therefore not increased the item this year.

Mr. JACOB: Do I understand the hon. Colonial Secretary to say that those interested in prospecting in the goldfields have not made application for the advantages offered by this revolving fund? I wonder whether those responsible for encouraging the people are the cause. I have a recollection that people find it very difficult to make approaches and in fact are turned down when they do. That was responsible for large numbers not trying to take advantage of it.

THE COLONIAL SECRETARY: The advances are made under certain conditions. They must produce documents to show that someone is backing them in the interior. Wherever it has been possible to enter into this agreement, the applications have been granted.

Item 9—Surveys in Village and Country areas, \$2,000.

THE COLONIAL SECRETARY: I move the insertion of a new item (9) providing the sum of \$2,000 for "Surveys in village and country areas." This is only a transfer from Head 20—Medical, Government Public Health Department. The proper head is Lands and Mines Department. I move that the amount be transferred to this Head and that item 9 as printed be renumbered 10.

Mr. LEE: I am not opposing this vote, but I certainly appeal to Government that there are certain areas in Leguan to be surveyed for house lots, and if Government can find it convenient to give any assistance to the people it will be greatly appreciated.

Question put, and agreed to.

THE COLONIAL SECRETARY: The total amount under the Head should be amended to read \$74,354.

Question put, and agreed to.

Item 10—Furniture and equipment, \$500.

Mr. C. V. WIGHT: I take this opportunity to express the hope that in the case of purchases generally, Government would do so locally wherever possible rather than gain money by the purchases. I hope that will be done as a matter of general policy.

THE CHAIRMAN: I should take it that the whole item is purchased locally.

Mr. C. V. WIGHT: Not only in respect of this vote but other items of a similar nature.

LAW OFFICERS.

Item 1(c)—Crown Counsel (\$2,400 by \$120 to \$3,120), \$2,520.

Mr. WOOLFORD: I regret very much that I shall have to oppose the proposed appointment of a Crown Counsel. I realize that the Attorney-General of this Colony is always a very busy man and has very considerable responsibilities. Apart from his Legislative Council work—the drafting of various Bills, etc.—he is the chief and intimate adviser of Government and Government Departments in all legal matters. He plays a very considerable part in the life of the community, and although he does not often appear in the Law Courts it is important that the Attorney-General of the Colony should be a man who is well informed and is kept well informed by those about him. He must, therefore, have the very greatest possible assistance. I must ask hon. Members of Council to allow me to take some personal credit for having a very close acquaintance with the duties of the office of Attorney-General, those of the Assistant Attorney-General and the staff, and with the nature of the work to be performed by that Department. I hope the hon. Attorney-General will allow me to speak freely about his Department and the necessity or otherwise for this appointment.

When his predecessor in office suggested the appointment of a Crown Counsel, it was really because he felt—and I daresay still feels—the necessity for assistance, but so far as I am concerned I only acceded to the proposal that a Crown

Counsel be appointed to this office on the condition that another Magistrate was appointed. In other words I still favour an appointment which carries with it the duties of additional assistance to the Attorney-General's Chambers, if the appointee is to be permitted on certain occasions to also act as a Magistrate. I know it can be done. Let me speak particularly of this appointment. I never remember an officer's qualifications and salary at the moment, but some hon. Members display a regular penchant for that, and always know what "A" is earning. I do not care anything about that. I hope that as the result of any personal reference I am going to make, I am not going to be accused of any contacts, social or otherwise. I have no contacts. There is no one who can influence me at all in a matter of this kind.

At the present moment the duties of the post under discussion are being performed in the Attorney-General's Department by an Acting Officer who is eminently fitted for the post and who, as we all know, is the Registrar of the Supreme Court of this Colony. I do not remember what exactly is the salary of the Registrar, but I know it is more than the amount provided for this post. My suggestion is a practical one, and it is one which I made to Sir Wilfrid Jackson in another place and to the hon. Attorney-General. It is that the officer who is to be appointed to this post should be the officer who is at present acting. That officer is peculiarly fitted to fill this post. I have never known any legal practitioner in this Colony who has the adaptability for the work that this office calls for the performance of. It is not every lawyer who can sit down for long periods and look through every Ordinance, every Statute. Some of us are not fitted temperamentally to do that. Mr. Duke can do it and will do it for years. He also does it efficiently. Not only is he a good writer but he has a fine analytical brain—God's gift to him—and a legal mind, and he is a good draftsman. If you look all over the universe you would not find a man more suitable to fill this post. I doubt whether you will find one. My suggestion is this: Appoint Mr. Duke to the post at his present salary.

The post of Registrar is being held by an officer whose salary as a Magistrate will

eventually go to £775, while the salary of the Registrar goes to £800 per annum. Whoever is appointed Registrar, if you take one of the Magistrates, it means that £25 more has to be paid to the officer, assuming that such Magistrate who gets £775 per annum can fill that position. You will get efficiency in both places if you fill the post by the appointment of an officer who can do the job efficiently. What are the grounds on which appointments are made? Are they not fitness for the post, capacity for work and suitability for the post in other ways? If you draft into this Department an officer getting £800 per annum, it is true it increases the amount being asked for on this vote, but you may be well assured that if Government is fortunate in finding a person in the Colonial Legal Service to fill this post he will not be here long before he asks for more pay and is also seeking transfer on promotion elsewhere. It is not a salary to attract a man who will have to deputize for the Assistant Attorney-General or the Attorney-General. The whole thing is a big mistake.

If there is a Department the Head of which has complained over and over again "I cannot produce this legislation, I am too busy," it is this one. It is obvious that the officers of the Department had been busy. Why not then get rid of what is a nuisance, by appointing a man who is specially fitted for that post? It does not matter to me whether Mr. Duke likes it or not. I am not concerned with Mr. Duke. If he is unwilling to take it, I would not like it to be forced on him. I do not know what his prospects are as Registrar. I do not know what any officer holding that post looks forward to, but I should think that the ordinary avenue of promotion is not blocked to him by his acceptance of this post. If my suggested arrangements are adopted, it would create a vacancy in the Registrar's Office for a local man who is able to fill the post of Registrar. I have always been in favour of making legal appointments from local candidates provided they are suitable, and in this instance you have a fine opportunity to do so. I am reminded of the policy of a former administrator, whose demise I very deeply deplore, who made that one of his aims. Whenever an officer of proved ability could be found in the British Guiana Service for a post he never

hesitated to appoint him. I am not altogether in favour of that, however, as a general rule.

I am one of those who believe that the intellectual and social welfare of the community is improved by importations from abroad, it does not matter whether they are Europeans or not, as the result of their wide and perhaps longer experience. There can be no doubt about it, that men were brought out here from time to time who were head and shoulders above any man in the community in certain positions. I am therefore not urging the appointment because it is a local man I have in view. If the post of Registrar can be filled by a local officer, it will mean the appointment of someone on the Magisterial Bench, and that vacancy can also be filled from the ranks of the Service. I am going to ask Government to consider this matter very carefully. You do not want men coming out here who know nothing, whose translation to this Colony has always been a mistake though they may be excellent men with credentials of a kind. This is a specialised appointment. I well remember the case of a man who was frequently consulted by King's Counsel and Solicitors but never went into Court though his advice was widely sought. You are not going to get very many men of the acting appointee's special adaptability to this work, and therefore as you have a capable man in the Service you should appoint him to the post.

I am sorry to take up so much of your time, but so far as the Magistrates Department is concerned, I am going to speak on the Magistrate's appointment too. As I indicated, there would be a vacancy in the Magisterial ranks if this post is to be filled by the present acting appointee and if there is to be the filling of the post of Registrar from the Magisterial side. I do ask that now the opportunity presents itself for making the appointment which, I think, will be of great service to the Colony, it should be done. I have seen the officer's work and it cannot be improved upon. Why want to take the risk of bringing in a man here and training him to perform duties which will take years for him to be able to perform creditably, when you can have the work done well and efficiently by adopting my suggestion? This appointment has

been advertised, but no one seems to care to have it. We would be taking a great risk, if in appointing law officers to this Colony they prove failures. Let us secure the man who, we know, can make an excellent job of the post.

Mr. ELEAZAR: The other members of the legal profession who are here seem to be rather diffident about this appointment, and I myself was diffident about it but in a different direction. When this matter was first mooted in this Council I vehemently opposed it on the ground that the salary offered will only encourage either a very junior man or a ne'er-do-well if he is a senior, and the post does not warrant that. I strongly contended that the salary is not sufficient to warrant the appointment of anybody who can fill the role in the manner we visualize is required in service of this kind. I did not realize that the person, who is there now, is a man eminently suitable for the position. It would be difficult to consider anybody from anywhere who would be better than he is. An attempt has been made to plead for an individual and, I know, that individual is getting a larger salary than is being offered for the post. The hon. Member for New Amsterdam having broken the ice I am given freedom for once to speak on this matter.

This is a responsible post. The Attorney-General, finding himself with plenty to do, may relegate to that officer the records sent by the Magistrate of the case of a person committed for trial. It will be the duty of that officer to investigate and see whether or not from the evidence it is worth Government placing that person on trial and incurring the expenditure of a lot of money. I had it in mind to ask Government to put a clause in the law whereby a Magistrate will be empowered to suggest to Government the advisability of having a counsel for a person, who is charged with a certain offence and who has not the means to defend himself. Very often a man is put on trial who should not be there, and very often a man is sent to prison who should not have been sent. Those are only possibilities which may, or may not, occur.

As regards the suitability and capability of the officer who is now acting, it is well known in this country that not only has

he academical qualifications but practical experience also. I have a recollection that in his examinations in the Law he won the whole British world, as there were students from all over the Empire and he came top. That is a man with outstanding ability which God has given him, why should we not utilize it? Since then I know of an occasion when some technical bit of Empire work came down here, and it was given to this individual because it was thought so difficult. I was so informed by no less a person than Sir Edward Denham. That officer got the praise of the Colonial Office for the manner in which that work had been done. When a man is so outstanding and happens to find himself in a position so eminently suitable to him, why should he not be made to remain in it? I must thank the hon. Member for New Amsterdam for having given the Council the opportunity of saying so. How is Government going to manage this appointment here on \$260 per month? How is Government going to carry out the suggestion of the hon. Member? I cannot tell whether Government will pay him the amount equivalent to what he is receiving now or not, but I do suggest that if it can be done it should be done because every word said as to the fitness of this officer to fill the post is true.

Mr. LUCKHOO: I think there is no conflict in the view that this officer is required for the Attorney-General's Office. When this matter was first brought up, I thought myself that that Office was insufficiently staffed and some other person should be appointed by the name of Crown Counsel or otherwise, who should in an emergency be made to act as Magistrate. I am not so much concerned with the appointment of any particular person. In fact I am a bit disappointed that the name of any individual to fill that position should be brought into the discussion. All we should be concerned about is the necessity for the officer and his salary. I will not stand here as a special advocate to urge the claims of any particular individual, because I feel that while the individual may have all the qualifications it will be very embarrassing to him and to Government to consider his claims. While I am in agreement with an appointment of this nature, I think that when this matter was previously debated it was

placed on a lower scale and the Electives thought the salary was not sufficiently attractive.

We have an Attorney-General and an Assistant Attorney-General. The Attorney-General in view of Government's increased activities has to do a great deal of departmental and other Governmental work. He has got as Assistant Attorney-General a capable and efficient officer to assist him, but a third officer is required for the Office. I take it the primary duties of this officer are to assist in the Criminal Courts, and we know that recently there has been great strain on the Crown Prosecutor. If this appointment is very necessary then the question to be considered is the salary. I am not at this stage going to urge the appointment of any particular individual.

Mr. GONSAIVES: I would like to say in regard to this matter that the hon. Member for New Amsterdam has covered so much of the ground in connection with the appointment that I hardly feel it is necessary to say more. I think we are all agreed now that such appointment is necessary. I think we have got over our prejudice in the matter, as we are always strongly opposed to the creation of any new office. There is quite a lot of work to be done, and it is within my knowledge that at the moment there are many important legal matters awaiting attention. The Attorney-General has been unable to get through the work owing to pressure of business. If that is the position when you have an acting Crown Counsel, how much worse would it be if you have none at all.

I endorse all that has been said with respect to this appointment, and I am also in a position to endorse what has been said with regard to the qualification of the officer who is filling the post in an acting capacity. It seems regrettable that there should be such a long lapse of time in the filling of this post. I do not think it is quite fair to have a man acting for such a long period. There are other appointments also to be made, and I hope the question of making them will be not much longer delayed. The acting officers should know as early as possible exactly what is their true position.

THE COLONIAL SECRETARY: I think it is desirable that hon. Members should be informed as to Government's position in this matter. A recommendation has been forwarded to the Secretary of State for making the appointment at the salary provided in the Estimates. I do not think any further action can be taken at the present time.

Mr. JACOB: During the last four years I have consistently added to the debate under "Law Officers." I believe that through my assistance all Law Officers of the Crown give permanent and whole-time service. I think a Crown Counsel should be appointed, and I agree with what the other hon. Members have stated. The question of the suitability of the individual who is acting now is within the knowledge of Government, and I can only say that I support all that has been stated by the hon. Member for New Amsterdam. I think he suggested that the item should be deleted, if I understand him correctly. I think that the debates in this Chamber on the matter and the recommendations of this Council should be submitted to the proper authority who makes the appointment or approves of it. I was a little disappointed when Your Excellency stated you are not going to recommend anything stated here regarding the amalgamation of the Lands and Mines Department and the Forest Department. It has been stated that nothing can be done because recommendation has been already made. I submit that the recommendation of the Council should be submitted as promptly as possible, and that the recommendation of the appointment of the person who is acting be also submitted, I agree that the present acting officer should be appointed to the post and given a personal allowance so that he should not suffer financial loss when compared with the salary of his substantive post. The officers of this Department and others, like those of the Audit Department, should be thoroughly reliable, independent and capable. In other words they should be above suspicion or reproach and, I think, that the statements made here to-day should be submitted with the recommendations of the Council to the Secretary of State.

THE CHAIRMAN: With regard to what the hon. Member for North Western

District has said as regards recommendations, I just like to say that the hon. Member knows it is not part of the functions of the Legislative Council to make recommendations to Government for the appointment of officers.

Mr. C. V. WIGHT: The diffidence referred to on the part of hon. Members may not be due as in my case to its being a personal matter. I did not rise at first to speak on this subject because at the last election when I was being opposed, it was used as an argument against me that I was coming into this Council so as to get this appointment. I was, therefore, extremely glad to hear the hon. Colonial Secretary say that the recommendation has already gone forth, so that the post is likely to be filled while I am still in this place. I can speak on the matter with some personal knowledge. The work is increasing considerably on account of the form of government, called plutocratic by the Lord Chief Justice of England in his well known book. That is a matter of considerable import to the Government, because in view of that position and modern tendency towards that plutocratic form of government the work of Government will undoubtedly be increased as time goes on.

The only point with regard to this appointment is that under item (d)—"Clerk to the Attorney-General \$1,716 to \$2,004 by \$96, \$2,004"—the holder is a very capable officer and one who is highly qualified. In making the appointment one must consider the question as to whether Government has in view a saving or economy in the Department, as the holder should have received a larger salary. If it is on account of the fact that such a highly qualified person is only receiving a salary of \$2,004 per annum that a comparatively small salary is fixed for the post of Crown Counsel, one cannot cavil. I do think that some of the difficulties envisaged by hon. Members who have spoken can be overcome, if the whole state of affairs is reviewed and we are able to relieve the congested work among some of the Magistrates in the districts. I am sure hon. Members of the Council sympathize with the hon. Attorney-General in the immense quantity of work he has now to do.

Mr. LEE: Although it is embarrassing

to any member of the Civil Service that his name should be mentioned at any time in this Council, yet I feel that if any member of the Civil Service has proved himself highly satisfactory in his post we should let the public know that the Members of this Council recognize the services that officer has rendered to the Colony. At the same time if we are satisfied, as we are with the present acting officer, I do not see why—if it is the unanimous wish of the Electives that Government should recommend the increase of this vote in order to retain the services of the officer—that it should not be done. I hope Government would do the necessary in recommending to the Secretary of State that the salary of the post be increased and the acting officer retained in the position. If a new officer is appointed at the salary put down in the Estimates, unless he is a Creole or one who knows the customs and idiosyncrasies of local witnesses, it would be very difficult for a stranger to come to this Colony and do efficiently the work that is required of a Crown Counsel. He will have to take some time to learn the work and to familiarize himself with local conditions. Consequently as the acting officer has proved himself efficient—I know him to be very thorough in every phase of his work—I say, he should be appointed. In regards to the length of acting appointments, I would like to endorse the remarks of the hon. Member for Georgetown South. Officers while acting for a long time feel insecure and Government should as early as possible terminate these acting appointments.

Mr. ELEAZAR: I am astounded to learn that Government has recommended somebody for this post at this low salary. The appointment has not been made as yet, so that before the appointee starts to work he will get the increased amount.

Mr. WOOLFORD: I may not be able to be here in time this afternoon. I know perfectly well that in ordinary circumstances it is indelicate for a Member of this Council to suggest that such and such a person should be given an appointment. Hon. Members fail to recognize that in making the suggestion that the officer should be retained in his post, I did so because of the fact that he is already in the Service. As a matter of fact it is a

loss of status to that officer, as he is Head of a Department and is on the Civil List. I also did so because he is eminently and peculiarly fitted for the post. I do not think it will be a great loss to him in status, but it will result in his being of great service to the community.

The Committee adjourned for the luncheon recess until 2 p.m.

2 p.m.—

THE ATTORNEY-GENERAL: When my hon. and learned friend, the Member for New Amsterdam (Mr. Woolford) started his speech I feared that he was going to move that item "c" be deleted. However, I was greatly relieved as his speech progressed. Similarly I was relieved to hear the support given to his views by the other hon. Members who spoke. The hon. Member for New Amsterdam and the hon. Member for Eastern Berbice (Mr. Luckhoo) mentioned that they thought that whenever possible the Crown Counsel should act as a Magistrate. I need hardly say that that would most certainly happen. If at any time there was a necessity for some acting Magistrate nothing was more certain than that he would, if available, be selected to perform those duties. The hon. Member for New Amsterdam went on to give his opinion as to how the appointment should be made. I do not think it is relevant to the debate. He mentioned about legal appointments and appointees from outside. Appointments are now made in London, usually from the Colonial Legal Service, and I would point out that officers from this Colony have exactly the same opportunities elsewhere as outsiders have here. In the colony I am best acquainted with there was an extraordinarily large number of highly paid officials, who started their service in this particular Colony.

The hon. Member mentioned the name of a specific officer whom he considered should be recommended for this post, subject to the fact that in his opinion the salary should be increased in order to make it attractive to the particular officer mentioned. Of course that is rather like making the office to fit the man rather than appointing a man to fit the office. Personally I have no very strong opinion against making the office to fit the man if

the man is good. I know that many do not agree with that. However, the fact remains that in a Civil Service all appointments must be graded; they must bear some relationship to each other. All officers have to be qualified in their particular appointments in different ways. They all have and must have qualifications, and in a Civil Service you must arrange, as far as is humanly possible, that the various qualifications carry proportionately the same commencing salaries and the same salaries for similar terms of service. Naturally a Crown Counsel and a Magistrate's conditions of service are very similar, and you would expect their salaries and terms of service to be similar.

The hon. Member for Eastern Berbice (Mr. Luckhoo) mentioned that in his opinion the chief duty of the Crown Counsel would be to appear in Court and prosecute. That, of course, is the case. That is the chief object of his appointment. All Crown Counsel, in whatever colony or service they start life, have to give a number of years of almost continuous service in Court, and that will be the start of the one here. Since I have been in this Colony Mr. Duke has been acting the whole time, and I believe I am correct in saying that he has only been at headquarters for about three weeks. He has been prosecuting continuously. It is the intention that the Crown Counsel should prosecute at all the Assizes out of Georgetown, and when he is not so engaged he will be expected to perform the duties normally performed by the Law Officers themselves.

The hon. Member for Georgetown South (Mr. Gonsalves) mentioned the delay that occurs in filling posts. From the very nature of things, when reference to London is required there is bound to be some delay, but since the war started there is bound to be more delay. It takes longer for communications to reach London, and when it gets there it reaches a staff which you can well imagine is harried with work pouring in from all parts of the Empire, and you must expect the comparatively minor appointment of a Crown Counsel to stand over until such time as they can consider the matter.

The hon. Member for North Western District (Mr. Jacob) suggested that Law

Officers should be beyond reproach. I cannot say very much about that. I hope that is the only characteristic of Caesar's wife they are expected to have. (laughter).

The hon. Member for Western Essequibo (Mr. C. V. Wight), who has himself acted as Crown Counsel for about a year, and therefore knows something about the work, remarked on the immense volume of work of a drafting nature which has been incurred during the last three months. That is quite true. Anybody who has taken the trouble to look will observe that the amount of legislation turned out within the last three months is more than equal that for a number of years past. It appears to be the impression that the appointment of a Crown Counsel is to meet the rush of work consequent on the outbreak of the war. That is not the case. The recommendation had been made and the appointment agreed upon and approved before the war started, and the services which the Crown Counsel will have to perform will carry on long after the war ceases, and the need for the office is just as urgent now as it was before. It so happens that it is even more urgent now than when the idea was put forward.

The hon. Member for Essequibo River (Mr. Lee) said that in his opinion the Crown Counsel appointed to this Colony should be a local man who would have knowledge of local witnesses. Of course there is something in that, but in actual fact this is not a difficult Colony for any lawyer to come to on first appointment as far as that particular point is concerned. In fact it is rather extraordinary for one coming from conditions I have come from to find that every witness speaks your own language. It makes it extremely easy, and I am sure every legal practitioner in this Council will agree, in leading a witness. Also, if you can question a witness without delay you have a better chance. It is the interminable delay when he is being interpreted that causes trouble. Apart from legal knowledge, general experience is a matter of great importance. One finds different cases, different ideas and different problems in different countries. You come to a colony and a problem crops up which may be quite new here, but it may be one you have dealt with many times elsewhere. Of course the reverse is equally true.

The hon. Member for New Amsterdam (Mr. Woolford) mentioned a name in connection with this particular post, and that name was mentioned by other members. I think hon. Members will all realize that as an acting member of my own Department I would be in an invidious position to discuss that particular officer's claim. Of course I fully agree with the remark made by the hon. Member for Berbice River (Mr. Eleazar). I know perfectly well what Mr. Duke's academical qualifications are. Anybody who joins the Colonial Service knows very well that you have to answer dozens of questions including your grandfather's occupation and your mother's maiden name. Hon. Members have pointed out how well qualified he is to perform the duties of this post. Of that I have no doubt, and I was gratified to hear it, but hon. Members will realize that I cannot say very much on the particular point, for two reasons. If I press his claim too much I would be doing an injustice to other members of the Service who are applicants, and if I say too little it might have the effect of appearing to belittle the officer whose name was mentioned.

Mr. ELEAZAR: The exposition of the Attorney-General on this vote has a lot of what might be considered sound principle at the bottom, but there is a lot which one cannot regard in the same light, because when this post was being created members of this Council, knowing conditions generally, insisted that the salary was too small to attract a man who was able to do the work. It was put there as a bait to catch a junior who could not do the job, or a senior who was nearly as bad in another direction. Government has insisted in fixing this salary, and says we must get a man who could do the work at this salary. It is a big job for a big man. How is it that provision is made in the item for an increment before the officer has been appointed?

THE ATTORNEY-GENERAL: These estimates quite obviously were prepared some time ago, and it was obviously considered that an appointment would have been made before the end of the year, in which case an increment would have been necessary in the coming year.

THE COLONIAL SECRETARY: That

is perfectly correct. I go a step further. If the officer is not entitled to increment it would not be paid. At the same time if an officer is appointed and is entitled to an increment the money would be there, and we would not have to come back to the Council.

Mr. WOOLFORD: I am sorry to have to speak again, and perhaps I may have to speak more plainly. The Attorney-General has the oversight of Magistrates, and many of us feel and have so informed him, that whilst he has been instrumental in calling the attention of Government to the insufficiency of the assistance in his office he was overlooking for the moment the position of the Magistrates under him who were overworked, and he recognized that that is so. I state most emphatically that this item was allied to the appointment of an additional Magistrate, and the Secretary of State has not allowed the one but has sanctioned the other. Whatever respect the officials of the Colony may have for the decisions of the Secretary of State the position of an Elected Member is that he is not in the employ of the Service, and I venture to disagree with that decision. I dislike being told that the mentioning of names is inappropriate. I know that. I refer to the post of Registrar of the Colony and I again emphasize that when it is suggested that an officer should be transferred from one post to another at a certain salary I commit no indiscretion, nor am I doing violence to constitutional procedure. I submit that the Secretary of State should be informed that it is the view of well informed opinion in this Colony that there is an officer who is capable of filling this appointment, and that the pay is inadequate to attract the man the Colony needs. I do not care what the recommendation of the local Government is. It is sufficient for me to know that someone has been recommended who is probably a neophyte or a member of the Civil Service, and it is probably the case that the only legal department from which the suggested appointment may be made is the Magisterial bench. I wonder if a Magistrate would leave the bench for this salary? The work which this officer will be called upon to do is harder than that of a Magistrate.

While I think the importance of Crown prosecuting should not be overlooked,

that is not the circumstance that influenced the appointment of a Crown Counsel. It was the delay in the Attorney-General's office owing to the accumulation of work and the inability of the Attorney-General himself to appear at public prosecutions, and his Assistant at the same time. There was a remedy for that, and there is still a remedy, and that is to have in the Attorney-General's office a man who, if the Attorney-General is prosecuting—and he is expected to prosecute but has not been prosecuting because he had no assistant—would be able to carry on the work of the office. It is expected of the Attorney-General that he should appear at the criminal sessions. It is one of his primary duties, and in important cases he cannot fail to appear. He is so hard-worked an officer that it has been pointed out he must engage private practitioners to prosecute, and that in the alternative he should be provided with the assistance of a Crown Counsel to relieve him of as much work as possible in his office. Government is going to appoint an officer just simply to appear at the criminal sessions, but if he is going to confine himself to that he is not going to get the training and experience we expect that officer to have to justify his appointment when the Attorney-General goes on leave. Is Government going to rely upon an officer without any experience for advice in administrative matters of great importance? This Council would be making a great mistake if it sanctioned this vote at the present figure. I repeat, whatever it may cause him, or however much that officer may dislike it, that I think there is at the present moment a fit and proper person to take that appointment. He is in the Service and can be transferred with great benefit to the Colony.

THE CHAIRMAN: It does cause me a certain amount of surprise that hon. Members who are constantly pressing for a reduction of the salaries of officers in the Government Service should, when certain professional posts are put forward before the Council, press that there should be very large increases. I would like to say that in my opinion there is no comparison whatsoever between the responsibility of the post we are discussing and the responsibility of several Heads of Departments who are getting the same,

and in one case less than the salary suggested for this post by hon. Members to-day.

Item as printed agreed to.

Item 3—Fee to Counsel for prosecuting at Criminal Sessions, \$150.

Mr. JACOB: I move the deletion of this item. I have spoken on items like this every year since I have had the privilege of being a Member of this Council, and I want to say as strongly as possible that I object to outsiders being employed by Government in times of stress to prosecute on behalf of the Crown, and particularly when certain members of this Council have been engaged to prosecute. The present Attorney-General is new to the Colony and probably is not aware of all that has happened in the past. We have always been told here of accumulation of work, and people have been appointed to assist in the drafting of Ordinances. I think the acting Crown Counsel has been doing a lot of drafting work, and our idea is that we want a capable and experienced man as Crown Counsel so that he might assist not only in prosecutions in the Supreme Court and the Magistrate's Court but can assist the Attorney-General when there is other work to be done. The name of the acting officer has been brought in, but I do not know whether he would be in a position to accept the appointment. We may be doing him an injustice, but apart from that I think the Crown Counsel should be a person who has the necessary knowledge and is skilled in draftsmanship, bearing in mind what has happened in the past. In view of Government's explanation, when the Crown Counsel has been appointed it will not be necessary to employ outsiders to prosecute for the Crown in future. I therefore move that the item be deleted.

THE COLONIAL SECRETARY: The hon. Member has not suggested how Government should act in circumstances which occurred this year when two criminal sessions were being held at the same time, one in Berbice and the other in Essequibo, and there were only two officers at that time in the Attorney-General's chambers. The sessions lasted a considerable time. Is it suggested that the Attorney-General's chambers should

be closed when sessions are being held? It is necessary to engage counsel to prosecute on certain occasions.

Mr. JACOB: We have passed items for three permanent officers, and I do not think it is necessary to pass this item.

THE ATTORNEY-GENERAL: There will be three appointments, I hope, but there will not be three officers indefinitely sitting in the Attorney General's chambers. There is such a thing as leave, and at the present moment the Assistant Attorney-General is due for leave this year, and when he goes there will be only two officers left. In those circumstances I cannot hold out any hope that it will be possible to go on through the year without engaging counsel to appear on behalf of the Crown.

Mr. ELEAZAR: Hitherto we had only the Attorney-General and his assistant, and things went on very well. Now we have three officers, but Government wants more money to provide for a fourth. In that case Government will have to provide an additional officer in every other office.

THE COLONIAL SECRETARY: It is all very well to talk about numbers, but hon. Members must think of what it costs Government. When there were only two officers in 1937 the sum of \$997 was spent in fees to counsel, and presumably two or three counsel were engaged that year. In 1938 the sum of \$800 was voted, and Government is only asking for \$150 now.

Mr. JACOB: That is what we are trying to avoid. We suggest that there should be a properly strengthened staff so as to avoid having to engage outsiders. There have been constant debates here on the subject, and I think Government is well aware of all the circumstances. It is absolutely unnecessary to have incompetent people at the top and get advice from other branches of the Service, or from outsiders. At present Government is using the services of the Registrar to very great advantage. Probably we are doing an injustice to that officer. I have no brief for any of the individuals, but I think it is false economy and a step in the wrong direction.

Mr. LUCKHOO: I think it is very

necessary to retain this item. Cases of emergency may arise when the Crown might have to engage counsel from outside to prosecute. We have had two Courts sitting in Georgetown and the Berbice sessions going on at the same time. This amount should be retained in order to provide for any contingency that may arise.

The Committee divided and there voted:—

For—Dr. Singh and Messrs. Jacob and Eleazar—3.

Against—Messrs. Jackson, De Aguiar, Macnie, Wood, Crease, Case, D'Andrade, Austin, Woolford, Luckhoo, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary.—14.

Messrs. C. V. Wight and Lee did not vote, and Mr. McDavid left the chamber during the discussion.

Amendment lost.

Item passed.

MAGISTRATES.

Mr. WOOLFORD: It will be observed that the items under Magistrates—Personal Emoluments—Fixed Establishment—are lumped together under the Civil List and the total carried out at \$19,533. That sum permits of a distribution of the amount when a vacancy arises, and permits someone to distribute the money more or less as he pleases. That is to say that some acting Magistrates have been given £500 a year and others a little more, and so on. It does permit of an uncontrolled distribution of the vote on the Civil List. One of my reasons for moving a resolution in this Council with regard to the Civil List, which was carried by the Council and which I understand has received the approval of the Secretary of State, was to call attention to the fact that the salaries of officers on the Civil List should be subject to review by this Council from time to time. I understand that the Secretary of State has admitted that that principle should be allowed, and has given permission to Government to have this Civil List introduced. Here we have another instance without an opportunity being given for review, and whilst I

make no complaint about that I have risen for the purpose of calling attention to a fact which for the moment Your Excellency's ripe judgment has overlooked.

In referring to the pay listed for the Crown Counsel, sir, you remarked that there were other officers whose responsibilities were as great or perhaps greater. That may be so, but it is no justification for legal services of a qualified man being paid at the figure appearing on these estimates. I do not know why a man with his legal qualifications, his intelligence and his capabilities should be rated at a lesser figure than a man filling an administrative post, but the position in this Colony is that whether it is the post of Chief Justice, Attorney-General or Magistrate, legal qualifications or appointments to the legal service are held at a discount. In other words the bureaucratic Colonial Secretaries and Governors, in the sense in which Lord Halsbury referred to them, see to it that the salaries of administrative posts are maintained at a high level.

Mr. C. V. WIGHT: I take it that the hon. Member refers to Lord Chief Justice Hewart.

Mr. WOOLFORD: Yes, I meant to refer to the Lord Chief Justice of England. I cannot forget that the Governor and the Colonial Secretary of every Colony is a bureaucrat, and is the person aimed at by the Lord Chief Justice. I wonder if in similar circumstances this Government could justify the salaries of Magistrates as they stand at the present moment. Many years ago the Magistrate who was called Chief Magistrate presided in Georgetown. His salary was not less than £1,000 a year, and I have known the salary of the Chief Magistrate to be £900. Those Magistrates, who may be barristers in name, were appointed not by reason of their legal knowledge, because it was perfectly plain to everybody that they knew no law whatever. I want to know if Government can justify the retention of Magistrates' salaries at the figures appearing on this estimate when it paid those incompetents £200 or £300 more. At the present moment some Senior Magistrates are getting £700 and others £600, and some of them are allowed to live in houses free while others are made to pay for their houses. All of this is taking place simply

because they belong to the legal profession. I am satisfied that the Magistrates of the Colony as a whole have had a greater increase of work thrust on their shoulders than any other officer in the Civil Service can claim. Compare the number of Ordinances they have to administer with those which former Magistrates had to administer. To take the most recent, they have had to administer the Motor Traffic Ordinance and Regulations, the Workmen's Compensation Ordinance, and now they are to have a Labour Ordinance. The Attorney-General will be able to say how many administrative duties have been put on the Magistrates as a result of recent legislative enactments in this Council, yet Government attempts to justify appointments at these salaries. The Colony is suffering by it. I know it is entirely due to ignorance of the actual situation.

If hon. Members will look at the previous page of the Estimates they will see that a vote of \$48 was given the Attorney-General in order to enable him to visit the Magistrates' Courts to see the work in progress. Members will observe that that item has been deleted. The first Attorney-General who asked that this vote should be provided visited only one Magistrate's Court which is opposite to this building. His successor said he never found time to pay any visits himself, and the present occupant of the office is denied the opportunity to visit. I see a subsistence allowance, but no visits. He assured me he does not intend to take advantage of the subsistence allowance. There are Nominated Members of the Council who I know have been invited to visit the Magistrate's Court. I know it is quite impossible for magisterial work to be performed there under present conditions. I suggest that an independent officer visit any lawyer's office in this community and take up any of his briefs, and he will find that there have been several postponements, some of course applied for by him but several owing to the inability of the Magistrate to reach that case that day. That is the position at the present moment. It is impossible for the Magistrates to cope with the work, and Government is not paying its Magistrates adequate salaries. But even if it is, that would not relieve the congestion. What is wanted is an additional Magistrate which the Secretary of State has denied,

but has approved of the appointment of a Crown Counsel. The only way in which the Colonial Secretary can be satisfied that there is justification for the appointment of an additional Magistrate, and the only way in which the Secretary of State can be made to make that appointment is for the Colonial Secretary to take this very important matter in hand and satisfy himself as to the conditions.

I will explain why it is not brought home to him. In the Magistrate's Court the first cases taken are police cases. It is supposed that Government business must be disposed of first. It is a sort of tradition that police cases must be heard first, then the commissary cases; they are the bureaucrats. After their cases have been disposed of then the public is served. If the Magistrates were independent enough to refuse to take the official cases first—and of course they dare not do so without giving offence to the Attorney-General or somebody—the situation would have been remedied long ago. It has come to this that the public is being made to pay more for services which ought to be rendered at a cheaper rate to them, and it is affecting the mercantile community because their cases are not heard earlier. All these things are causing expense, irritation, and a great deal of trouble. I know that Magistrates take police cases on certain days, but is a practitioner to go to the Magistrate's Court 20 or 30 times to have a case heard, simply because the glut of business does not permit hard-working and quick Magistrates to get through their work? I wonder if the Secretary of State realises what the position is. The question of economy does not come into the matter at all. Every time a case is postponed the witnesses have to be paid. Government is not paying them, and it seems to me that the moment somebody informs those people that they ought to be paid every day and public expenditure increases Government will be up against it. The police are able to summon witnesses with facility but they do not pay them every day. It is an injustice to private parties, and even when the costs of witnesses are sanctioned they are not paid for weeks. I have been to the Police Court twice today and I do not propose to go a sixteenth time. Something has to be done in this matter, and I do invite the Attorney-General, who after all is the official officer

and would have a thorough grasp of what is going on there, to pay a surprise visit to any Magistrate's Court. He will be astonished to find the arrears of work and the nature of the cases being investigated by the Magistrates who are compelled to do their work in such circumstances and at the bureaucratic salary of £600.

I make the statement that causes of action involving intricate legal discussions take place in the Magistrate's Court almost every day. There are more legal points for discussion and decision in the Magistrate's Court than in the Supreme Court. That is not realised because the Press does not publish matters in the Magistrate's Court involving any particular legal discussions; there is no space for such reports. In the Supreme Court every legal case is published as a matter of course. There are cases in the Magistrate's Court which require a sound knowledge not only of local legal enactments but of precedents. There are two grounds for increased pay for Magistrates, and I hope they will be allowed. I would like to see the salaries of other officers on the Civil List increased, but when will that opportunity occur? I am perfectly satisfied that in any re-arrangement there may be the position of Magistrates is going to be overlooked. Government should attach to an office the pay that office deserves. Any Magistrate in Georgetown should be a well paid man. That is to say that he should receive to-day no less pay than his predecessors did.

In the days I spoke about the two City Magistrates could be seen going home at mid-day; they had no work to do. I feel that the number of Magistrates is inadequate and that has been brought about by the action of a particular gentleman who undertook to do all the magisterial work in Berbice for an additional £100 a year, with the result that it is now impossible for the Magistrate in Berbice to complete his work. I have no doubt that his work is altogether too heavy. How can one man do that work I do not know. There are six Magistrates in the Colony and there is need for an additional Magistrate in Georgetown. The preliminary investigation of indictable cases takes a whole day sometimes. Are members of the public to stand by and see the Police have their cases disposed of? I certainly object

to it, and I ask you, sir, to see that an additional Magistrate is conceded to this Colony, or the Magistrates will either have to go on strike or send a protest to the Governor. I can recall the day when there was such dissatisfaction among the Magistrates over the distribution of work that they formed a deputation and approached the Governor. I object to have to go to the same Court day after day for the same fee, and that is the position of every member of the legal profession.

Mr. ELEAZAR: I ought to give notice at this stage that I have to leave at 3.30, and I expect that two weeks' work will be finished before I return on Tuesday next. (laughter). I wish to refer to the case of a man who is serving as Head Bailiff in Georgetown at the present time, and who, if he had remained in Berbice, would have been receiving \$57.60 per month. He was transferred to Georgetown as Head Bailiff fully believing that he would have got \$90 per month, which was the pay of the Head Bailiff with increments. He did not receive the slightest intimation that the salary of the post would be reduced. He is now getting only \$56 per month, and is doing at least five times as much work as he did in Berbice. Nothing can justify such a situation. It is a remarkable thing that in very many instances where a local man has to fill a position of this kind the maximum salary of the post is reduced, sometimes the minimum, and the officer gets Irish promotion. I am asking Your Excellency to investigate this matter and give this officer his \$90 per month. He will not reach the maximum before the time comes for him to retire.

Speaking generally under the head "Magistrates" I wish to urge that we need an additional Magistrate in the Colony. It is not fair to the community and Government itself that the Secretary of State, who is 4,000 miles away, should say that we shall not have him. Government has no regard for the appeals made by hon. Members from time to time, and recommendations are made to the Secretary of State in an indifferent manner. The work in Berbice is too much for one Magistrate but not sufficient for two. Congestion has resulted from the recent labour troubles, and it is not an uncommon thing for the Magistrate to have 17

cases of disorderly behaviour, and sometimes over 20. If all of the defendants plead "Not guilty" the Magistrate is bound to hear the evidence. The Magistrate goes full speed ahead every day except Sunday, and he would sit on Sunday if I would allow him. (laughter). If there was a relief Magistrate the Magistrate in Berbice would have been able to get rid of the congestion and get things working normal again. The matter wants looking into, and I hope Government will see its way to remedy the situation. Having made those two observations I ask your leave, sir, to depart.

Mr. LUCKHOO: I have great pleasure in supporting the eloquent appeal made by the hon. Member for New Amsterdam (Mr. Woolford) for the appointment of an additional Magistrate. The administration of justice is a very important matter, and great care must be exercised when economies are being effected in that direction. The need for another Magistrate has caused considerable inconvenience to litigants who have to travel from one part of the Colony to another to attend Court. The hon. Member has referred to the frequent postponement of cases. That is quite correct. In Berbice, which is now served by one Magistrate, there were originally three Magistrates when I started practice, one on the West Coast, one on the Corentyne and one in New Amsterdam. Fortunately for Government the present Magistrate is a young man who is doing his very best to cope with the work, and he does not stick to official hours. He sits sometimes until 5 or 6 o'clock in the afternoon, and not many weeks ago he sat until 7.30 p.m. It is not only a strain on the Magistrate but on litigants who have to travel long distances, and it is very necessary that there should be a speedy trial of their cases, because very often they take the law into their own hands. I am urging Government to put the case before the Secretary of State as strongly as possible, emphasizing the points made by hon. Members to-day. If necessary I would place my services at the disposal of the hon. Attorney-General in the interest of the Colony as a whole. It is true that one Magistrate undertook to do all the work in Berbice for an additional £100, but what justice was done? The work is too much for the Magistrate in that district, and it is going to tell on him. If a

relief Magistrate were appointed he would be able to assist in preliminary investigations, and could be sent to the various districts to assist in getting rid of the accumulation of work. After all the Magistrates' Courts are revenue collecting departments. I do not know what amount is collected from fines. I am asking Government in the name of the people to urge on the Secretary of State the necessity for an additional Magistrate.

Mr. GONSALVES: There can be no doubt in the mind of anyone who has had anything to do with the Magistrate's Court, more especially the lawyers, that there is need for an increase of the number of Magistrates in the Colony. I do not know what case has been put up to the Secretary of State, or whether it was confined to any particular district. That might have been the weakness of the case put up, but if a case was put up for the appointment of an additional Magistrate for the Colony, and the reasons advanced here to-day were put forward I am sure the question would be considered in a different light.

As regards the work of the Magistrates in Georgetown I would suggest for the consideration of the Attorney-General that certain duties now performed by the Magistrate in the Civil Court might be assigned to the Chief Clerk in the Magistrate's Office. I refer to applications for warrants of distress and possession which undoubtedly take up a certain amount of the Magistrate's time. I think practitioners will agree that very often they are delayed at the Court as a result of those applications for possession, and in the morning the business of the Court has to wait until the Magistrate signs applications for warrants of distress. Those are duties of which the Magistrate might well be relieved. In cases which involve legal argument the Chief Clerk could refer the matter to the Magistrate.

I have not yet got replies to certain questions I submitted a few days ago with regard to Magistrates. I was concerned particularly with regard to a Magistrate having to travel to the Potaro Court. I heard the hon. Member for New Amsterdam (Mr. Woolford) refer to Potaro, but I do not know whether he referred to that matter. It is a waste of time and money

to send a Magistrate to Potaro. He leaves Suddie on Monday, arrives at Potaro on Friday and does not get back to his district until the following Tuesday. He spends nine days away from his district in order to attend the Potaro Court in which he disposes of his work in an hour. I think the Warden of the district might well be able to hear the cases which come up there, and such cases as involve any questions of law could be transferred for hearing at Bartica. The Magistrate does not travel to Potaro alone: he is accompanied by his clerk, and I think a bailiff also. If on the other hand it is thought that a legal man is necessary—it has been contended more than once that a Magistrate should be a legally qualified man—I would suggest as an alternative that a legal man might be appointed as a travelling Magistrate in the mining districts of the Colony. I think there is sufficient work in the mining districts to justify such an appointment.

With regard to the work done by the Magistrates of the Colony I think one of the great difficulties is that the districts are much too large for the Magistrates. The work is too much, and it seems almost cruel to expect one man to work under the conditions the Magistrate in Berbice has to work. The question of the appointment of an additional Magistrate for the Colony should be further considered. I hope that a much stronger case will be put to the Secretary of State, and I appeal to members of the Executive Council to bear that in mind.

Mr. DE AGUIAR: I do not propose to say anything with regard to the salaries of the Magistrates, because that matter has been well represented by the hon. member for New Amsterdam (Mr. Woolford). I listened attentively to the remarks made by previous speakers with regard to the need for an additional Magistrate, and I have been wondering for whose ears those remarks were intended. I have a recollection of having heard the same speeches last year, and successful speeches they were, because the Governor agreed to the appointment of an additional Magistrate. I thought I would have heard hon. Members refer to the note appearing on the Estimate and make an enquiry as to why the proposal which had been put forward was not approved. I think that perhaps our time

might have been more usefully occupied if we had debated that phase of the matter. So far as this Council is concerned it was generally agreed that the appointment of an additional Magistrate was not merely required but absolutely necessary, and the vote was amended accordingly. We know now that that appointment was not approved by the Secretary of State. Perhaps Government might save further debate by stating now that the need for such an appointment has been established.

Mr. C. V. WIGHT: The hon. Members for New Amsterdam (Mr. Woolford) and Georgetown South (Mr. Gonsalves) have made an appeal in respect of the district which I have the honour to represent, and the explanation made by the hon. Member for New Amsterdam indicated how well behaved the inhabitants of that district are. Perhaps I may state very shortly what I consider has caused the dissatisfaction which has arisen. I make no attack on the present holder of the office or his predecessor; it goes back to the time when the Magisterial Department was removed from the supervision of the Colonial Secretary's Office. That may be a matter for the Colonial Secretary and the Attorney-General, but I submit to Government that the Attorney-General's Department is not the department which should be considering whether 5 cents is spent by a Magistrate on travelling. Those are matters which I consider could be better dealt with by the Colonial Secretary's Office or the Treasury. The Attorney-General should be relieved of such matters so as to be able to devote his time to the drafting of legislation. The strike referred to by the hon. Member for New Amsterdam might be obviated when the Attorney-General has had an opportunity of meeting the members of the legal profession at their request with a view of having a legal body registered, because through such an organisation these matters may be put right.

I have indicated some of the anomalies that exist as regards salaries in the Civil Service, and the remarks from the Chair have to a certain extent supported my statement. Perhaps some day I will be able to show, by questions I propose to ask, that there are several posts above the line the salaries of which are not commensurate with the responsibilities of those posts.

I refer not only to the Magistrates but to the Attorney-General and the Judiciary. The salaries of those posts have been reduced, and it is a matter of considerable importance. The whole question should be debated at another time.

Mr. LEE: I think the hon. Member for Central Demerara (Mr. De Aguiar) struck the right note in asking the Colonial Secretary to explain why after this Council had unanimously approved of the appointment of an additional Magistrate, the Secretary of State has turned it down. As regards the work in the Magistrate's Courts I can positively state that 90 per cent. of my practice is in those Courts, and I can say that in several of those Courts justice is not fairly given because the Police cases are tried first and the public has to wait until after lunch. The result is that with a pile of cases before him the Magistrate can do nothing. He simply says "Guilty or not guilty?" and takes a few notes. If a defendant is represented by a lawyer perhaps the Magistrate would give him a good hearing. I am appealing to Members of this Council to urge that strong representations be made to the Secretary of State for the appointment of an additional Magistrate.

With regard to the question of the Essequibo Magistrate going to Potaro, if Government would look up its records it would find that there have been several instances in which persons have been tried and convicted by Wardens, and on those convictions being reviewed by the Attorney-General those persons were released. In view of that Government considered it advisable that a legally qualified man should be sent there, and for reasons of economy the Essequibo Magistrate was sent to hold Court at Potaro. There is a cry in the Mazaruni district now that there should be a legally qualified Magistrate there. Cases have occurred in which certain decisions of the Wardens have been reversed because of their lack of knowledge of law.

With regard to the assistant clerks in the Magistrate's Office I asked certain questions and I was given the assurance that they would be treated as probationers, and would be transferred to other Departments as the opportunity arose. Some of the assistant clerks at the Magistrate's

Office have served several years, yet there were probationers in other Departments with less service who have been promoted to other Departments above the line.

I agree with the remarks of the hon. Member for New Amsterdam with regard to the salaries of Magistrates, and would like to record my opinion that the salaries paid to them are too small.

THE ATTORNEY-GENERAL: Eight hon. Members have spoken at the moment and seven of them are strongly of the opinion that another Magistrate should be appointed. I can assure hon. Members that I am perfectly well aware of the amount of work being performed by the Magistrates. The hon. Member for New Amsterdam (Mr. Woolford) mentioned the possibility of a Warden acting as Magistrate in the Potaro. That is not an arrangement which can be made at one stroke. There is one travelling Warden who acts as a Magistrate now, and on the whole the arrangement works quite satisfactorily. He is able to do several things, and saves the appointment of a Magistrate. But there is another point of view—the Warden has a full day's work in connection with his own duties and would have to be relieved so as to be able to perform other duties. However, I give an assurance that I will again approach the Head of his Department to see if anything can be done in the matter. The hon. Member for Georgetown South (Mr. Gonsalves) made the suggestion of a redistribution of the work, particularly in Georgetown. The suggestion was that there are certain duties which the senior clerk can perform, thereby relieving the Magistrates. There is not very much time in this Council to consider matters of that kind, and I would be very glad if the hon. Member would speak to me later, and if his suggestion is practicable I shall be glad to support it.

One hon. Member suggested that a travelling Magistrate would relieve a good deal of the congestion. Of course everybody agrees that he would. But here the question of the appointment of an additional Magistrate arises again.

The hon. Member for Western Essequibo (Mr. C. V. Wight) suggested that it would relieve my Department if the

control of Magistrates were taken away and placed elsewhere. I do not think his suggestion as to where it should be placed would be received with much enthusiasm. (laughter). I have already made a suggestion in one or two directions, but it was not warmly received. Whatever the hon. Member can do in the matter will have my complete support.

Mr. WOOLFORD: To be fair to Government I would like to indicate one or two directions in which the Secretary of State might be approached. If an additional Magistrate were appointed and given full powers, one of his duties could be, for instance, to take evidence in indictable matters. Indictable cases are started by what is known as a preliminary enquiry. The Magistrate has to take verbatim notes of the evidence, but when he is dealing with a summary matter he may or may not take short notes. In an indictable case he has to be very careful to take down succinctly the notes of evidence given by witnesses, because he is not the final arbiter. The notes of evidence are transmitted to the Attorney-General who forms the opinion whether or not a *prima facie* case has been made out. That takes a lot of time, and everybody else is kept waiting. It is the time occupied by the Magistrate which causes him to postpone other cases. If the Secretary of State knew that the congestion is in part due to circumstances of that kind, in the prevention of crime—that is the way it should be put—he must come to the conclusion that the representations are well founded. If as many indictable cases as possible could be thrown on the additional Magistrate it would relieve the other Magistrates and give them a fair opportunity to get through their work. That is why I support the idea of the hon. Member for Berbice River (Mr. Eleazar) that there should be an additional Magistrate with full powers.

Let me state an incident of which I got evidence during the interval. An application was made to the Georgetown Magistrate for bail for a person who was under arrest on the West Coast, the Magistrate of the district being at the present moment at Christianburg. Do you think any member of the British public would stand for anything like that—that he should be

kept in prison because a Magistrate is out of town and the Magistrate in Georgetown has no power to release him on bail? Would anybody like to be kept in custody until a Magistrate returns to his district? When the Magistrate goes to the Potaro district and a person is placed under arrest in his district there is nobody to grant bail. I have tried over and over again to get the Attorney-General of the Colony to alter the law to allow greater facility in matters where bail should be allowed. It almost amounts to false imprisonment. Is it fair to keep a man in prison because the Magistrate of the district is not present to grant him bail? Your Excellency, do you think any Barbadian would stand that? (laughter). We are too respectable and too quiet here. I have said so so often that it would seem that I am becoming a socialist. Do you think that either Trinidad or Jamaica would stand it?

The Attorney-General of the Colony has the opportunity of his life. I have submitted in writing my views on the subject gained as a result of experience, to every Attorney-General who has come here, and they have all told me "It is a splendid idea, I quite agree with you," but they have never done anything. I know that the present Attorney-General has a fine sense of humour, and he has one recommendation, he is a bachelor (laughter). I will therefore ask him to devote some of his spare time to this question. He could give some police officer or N.C.O. certain powers to grant bail if a person is arrested overnight. I do ask that if a Magistrate is available the man I refer to should be taken before him and granted bail.

Mr. LEE: I support the suggestion of the hon. Member that there should be a change in the law to permit any Magistrate to grant bail to a person under arrest.

THE CHAIRMAN: With regard to the appointment of an additional Magistrate, hon. Members have asked that their views should be represented to the Secretary of State. I may say that the Secretary of State was influenced to some extent in the decision he made by the views which had been expressed in this Council, and which were forwarded to him, that the Crown Counsel should act as a

relief Magistrate. That point, together with the general financial position of the Colony and the very large deficit for the year, influenced him against the appointment of an additional Magistrate. Hon. Members have asked that their views, which have been strongly expressed to-day, should be specially represented to the Secretary of State, and I can assure them that I shall cause that to be done.

MEDICAL.

Mr. C. V. WIGHT: My views on the subject are well known to the Director of Medical Services, but I would ask Government to increase the number of persons, especially in the outlying districts, who are entitled to give pauper certificates. I know from personal experience that there has been a considerable amount of difficulty in obtaining those certificates in view of the limited number of persons who are allowed to issue them.

I would also ask the Director to give further consideration to the question of the erection of an out-patients hospital at Charity. I do not know what is the position with regard to the one at Vreed-en-Hoop, but if it is not going to be used the material might be utilized for the erection of a hospital at Charity, provided it is not private property.

Mr. JACOB: Sir, during the last special session in July you were good enough to give an undertaking that the Central Board of Health Ordinance would be amended in order to meet certain objections I had raised, and to allay the situation which was considered very bad then. I do not know what has happened, but I understand that prosecutions have been going on, and several cases of hardship are still existing at the present time. I am not very familiar with all that has happened quite recently. In fact it is a very big subject, and I propose with the assistance of the East Indian Association to interview the Director and go into several matters under this head in detail. I have just raised the matter here in order that the Director might be apprised of the fact that the people are not at all satisfied with the general administration, and that something should be done very early.

Dr. MACLENNAN (Director of Medical Services): I had several remarks to

make on the general debate but probably they may arise when we begin to consider the estimates in detail. To-day I shall merely reply to the various hon. Members who have spoken. With regard to the question raised by the hon. Member for Western Essequibo (Mr. C. V. Wight) in connection with the increasing of the number of persons who are permitted to issue pauper certificates, that is really a very intricate question, and I think the opinion of Government at the moment is that there is a sufficient number of people doing this. We have evidence that this method has in some cases been abused, and I can quote one instance in which a person came to the hospital with a pauper certificate, got treatment and telephoned for a car. That sort of thing is very unhappy. I see the point raised by the hon. Member with regard to his particular district, because he informed me some time ago that there was not a sufficient number of persons in Essequibo authorized to issue pauper certificates, and the people have difficulty in reaching them. I gave him the assurance that I would go into the matter.

With regard to the question of a small casualty post at Charity I regret very much that I have not been able to include provision in these estimates. Approximately \$3,000 was the figure estimated by the Director of Public Works, and I was hopeful that we might have been able to get it, but we will have to wait for a year or two. The need for it on the Pomeroon river is very great as the ambulance at the Suddie hospital is frequently called to remove cases to the hospital, but when it arrives the cases have disappeared. There are people on the Pomeroon river who might be attended at the hospital, and a medical officer from the Suddie hospital might visit them and see whether they should be taken to the hospital. There are sometimes urgent midwifery cases which come down the river at night and might be brought in.

With reference to the remarks of the hon. Member for North Western District (Mr. Jacob), he will remember that at the July session the whole question of hardships occurring under the Public Health Ordinance was discussed, and at that time he was given the assurance that the Central Board of Health would go into the

question. The position now is that the Central Board has discussed the question very thoroughly and has appointed a sub-committee to go into the whole question of hardships under Part XII. of the Ordinance. The terms of reference gave the sub-committee power to take evidence from anybody interested, the Local Sanitary Authorities and associations such as the East Indian Association. Unfortunately, that sub-committee has not been able to meet yet owing to pressure of work, because through the war the members of the sub-committee have been extremely busy on other important work. The sub-committee also requires the services of one of the Law Officers, and I think the Attorney-General has not been able to spare one of his officers up to now. However, I have his assurance that now that the real pressure of work is over we will probably get an officer and the sub-committee will be able to function very early. In the meantime the Department is endeavouring to collect information with regard to individual hardships, so that when the sub-committee sits it will have that information at its disposal,

Mr. JACOB: I am glad to hear that a sub-committee has been appointed, but I am sorry to learn that it has not yet begun to function. While these things are going on hardships are occurring and people are being prosecuted and told to pull down their houses. I would like that aspect of the matter to be given closer consideration. The sub-committee may take several years, and these things will continue. I do not think that is very satisfactory. I do urge that prosecutions should not be carried out, especially as the matter is under review.

The Council resumed.

INCREASED PAY FOR SUBORDINATE EMPLOYEES.

Dr. SINGH then asked the following questions to which the Colonial Secretary replied:—

Q—In view of the increased, and still increasing cost of living will Government consider a raise of pay for employees in all Government Departments including the Hospitals, Post

Office, Police, Prisons, Transport and Harbours Department, Public Works Department, etc., who are in receipt of not more than One Hundred and Fifty Pounds (£150) per annum?

A—The position of the junior employees of Government is receiving consideration in the light of the increased cost of living. The matter is one which requires reference to the Secretary of State and it is being dealt with as expeditiously as circumstances permit.

RESOLUTION FROM JOINT LABOUR UNIONS.

Mr. LEE asked the following questions to which the Colonial Secretary replied:—

Q—1. Has Government received any resolution from the joint Labour Unions and Associations in this Colony through the British Guiana Labour Union, if so, when?

A—1. Yes, on the 13th November, 1939.

Q—2. Will Government state what steps are being taken to meet their requests and when will they be taken?

A—2. The action which Government is taking in the matter was communicated to the General Secretary of the British Guiana Labour Union in a letter dated 16th November, 1939.

Council in Committee.

Mr. DE AGUIAR: I would like to say for the benefit of the hon. Member for North Western District (Mr. Jacob), who has just returned to the Colony, that the Director is not as bad as he was painted in July last. A great deal of leniency is being exercised as regards the working of the Ordinance, and I can assure him I am one of the unfortunate individuals on the sub-committee. He may be assured that something is going to be done very shortly. I am sure he will agree that we have all been hard pressed during the last two or three months.

With regard to the proposed amalgamation of the Public Health Department with the Medical Department I wish to say at once that I am entirely in agreement with the views expressed by the competent authorities in that respect, but what I do not understand in regard to the estimates of those Departments for next year is that only the medical officers concerned have been included in the estimates of the Medical Department. The subordinate officers still remain under Head XX. I had hoped there would have been a complete merger of the two Departments. It seems to me that we are making more than one bite at the cherry. I have no desire to press it, but I thought I would mention it so that the Director might consider the advisability of bringing

the two heads into one. It would be more convenient for Members to follow.

With regard to the post of Deputy Director we know now that with this merger the senior Government Medical Officer of Health will act as Deputy Director, and as his office has been properly designated by publication in the *Gazette*, I think for the benefit of hon. Members his post should be similarly designated on the estimate, otherwise it might be felt that the Deputy Director is an entirely different individual from the officer who will occupy the position of Government Medical Officer of Health.

I regret to observe that it is proposed to defer the appointment of a School Health Officer which is absolutely necessary, I had hoped that the necessity to delete that item would not have existed. If Your Excellency thinks that we might withdraw this memorandum and allow the item to remain as printed I feel that you would be doing a very good turn to the school children. I am sure they are in need of this help, and it would be a retrograde step, in my opinion, if that proposal was deferred. I think it is hardly necessary for me to refer to the fact that we are helping them at the moment on the dentistry side. I think the need exists all the more on the medical side, and I feel sure that when the matter was considered the necessity for it was carefully gone into, which gave rise to the proposal being favourably considered. I do ask that the item be left as printed.

Item (2)—Deputy Director of Medical Services, \$4,800.

Dr. SINGH: I move the deletion of this item because there are senior Government Medical Officers in the Service who have passed through the various grades and have an intimate knowledge of the work of the various departments of the Medical Service. Those G.M.O.'s are capable men, and I think they could deputize if the occasion arose. The medical officer whom Government has nominated for this position only joined the Service in 1937. I do not know whether he has served his apprenticeship as yet. He is quite a baby in the service and I believe when he came out as a Medical Officer of Health he was attached to the

County of Berbice as an assistant. There was much criticism in the Press of his appointment, and the community at that time was not quite satisfied, but I believe the Secretary of State made the appointment. As far as I know this gentleman does not possess a diploma from the United Kingdom. I am surprised to see such an officer promoted over the heads of so many other senior men in the Service. That is the reason why I move the deletion of the item.

Mr. JACOB: I think I must support the hon. Member, if for no other reason, that the Council should adjourn before 4 o'clock. I am sorry it has been found necessary to add a Deputy to this Department. In fact I am opposed to deputies being appointed to any Department, and especially at this time of emergency when we have to look after our finances. The creation of these new posts means additional expenditure. I do not know what salary this officer was getting in his substantive post. I am told it was \$4,320, and as Deputy Director he will now get \$4,800. I am not familiar with the qualifications of this gentleman, but I understand that he has not got an English diploma. We have to be very particular about diplomas and where officers of the Department come from.

THE COLONIAL SECRETARY: The hon. Member was not here when we dealt

with the last supplementary estimate. I would like to inform him that this item has been passed by the Council.

Mr. C. V. WIGHT: I do not know whether the hon. Member has read the marginal note. He may be able to prolong the debate another minute if he makes a deep sigh.

Mr. JACOB: Whether the item is passed or not I wish to say I am against it. I can say that at any session of the Council.

Item agreed to.

Mr. De AGUIAR: I suggest that the item might be described as Deputy Director of Medical Services and Government Medical Officer of Health so as not to lose sight of the officer's substantive post.

The CHAIRMAN: I see no objection to that being stated in the notes, but I do not want to make a very long title to the post if I can avoid it. Reference may be made to it on the Estimate.

The Council resumed and adjourned until Tuesday, November 28, at 11 a.m.