

## LEGISLATIVE COUNCIL.

*Friday, 31st March, 1939.*

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Acting Governor, MR. E. J. WADDINGTON, 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 (Acting), Mr. S. E. Gomes.

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

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

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

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. MacLennan, Director of Medical Services.

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

The Hon. M. B. Laing, Commissioner of Labour and Local Government.

The Hon. H. P. Christiani, M.B.E., Commissioner of Lands and Mines.

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

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

The Hon. Percy C. Wight, O.B.E., (Georgetown Central).

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. E. M. Walcott (Nominated Unofficial Member).

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. T. Lee (Essequibo River).

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

### MINUTES.

The minutes of the meeting of the Council held on the 30th March, as printed and circulated, were confirmed.

### PAPER LAID.

THE COLONIAL SECRETARY (Mr. G. D. Owen) laid the following document on the table :—

Report of the Registrar-General for the year 1937.

### UNOFFICIAL NOTICES.

#### INCREASED SALARIES FOR TEACHERS.

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

1. Is there any sum of money approved by the Secretary of State to provide for increases in the salaries of teachers beyond the normal expenditure for 1939?

2.—(a) If so, what is the amount so approved by the Secretary of State for providing such increases in the salaries of teachers above the normal expenditure for 1939, under each of the following heads :—

(1) Head Teachers.

(2) Assistant Teachers.

(b) If the answer to 1 is in the affirmative, what sum is it estimated will be expended by such increases under each of the heads (1) and (2) above for the three months ending March, 1939?

3. How many teachers are at present employed in the fully-aided primary schools of the Colony? State the number under each of the following heads :—

(a) Head Teachers.

(b) Trained Certificated Assistants.

(c) Untrained Certificated Assistants.

(d) Uncertificated Assistants.

4. How many teachers have received increases as from January, 1st 1939, (exclusive of increments earned during 1938 and paid as from 1st January, 1939)? State the number under each of the following heads :—

(a) Head Teachers.

(b) Trained Certificated Assistants.

(c) Untrained Certificated Assistants.

(d) Uncertificated Assistants.

5. During the last ten years ending 1939, how many Head Teachers have been—

- (a) appointed to Head Teacherships for the first time.  
(b) promoted.

6.—(a) How many of the teachers referred to under question 4 (a) and (b) have received during any period of their Head Teachership less salary than was set out in the then existing scale of salaries.

- (b) What are the names of such teachers?  
(c) By how much was each short paid?  
(d) What was the reason for such short payment in each case?

7.—(a) How many Branch schools are there at the present time?

- (b) Where is each situated? What was the average attendance of each for the year 1938, and the number of standards in each?  
(c) What is the name, qualification, and salary of the teacher in charge of each?

#### CUSTOMS DUTIES (AMENDMENT) (No. 3) BILL, 1939.

The Council resumed consideration of "A Bill intituled an Ordinance further to amend the Customs Duties Ordinance, 1935, in respect of the duties on fish, condensed milk and certain articles used in the manufacture of brooms."

Mr. D'ANDRADE (Comptroller of Customs): Yesterday the Customs Duties (Amendment) Bill was read a second time, after which the Council adjourned. I now move that the Council resolve itself into Committee to consider the Bill clause by clause.

Question put, and agreed to.

Council in Committee.

Clause 3.

Mr. JACOB: I move the deletion of this item. I do not think it is wise for this Government to encourage the importation of evaporated or skimmed milk into this Colony. We have been importing large quantities of condensed milk to supply local requirements within the coastlands, and up to a few years ago there was a fair supply of fresh milk to meet those requirements. For various reasons that supply has been greatly decreased, and we find that larger quantities of condensed milk are being imported. I am not saying that a certain quantity of condensed milk should not be imported,

because fresh milk cannot be sent into the interior, but I think everything ought to be done to encourage the production of a greater supply of milk to be used on the coastlands of the Colony. I happen to be the President of the British Guiana East Indian Association which has taken a keen interest in the welfare of the inhabitants of the Colony, and during last year several complaints were made about the supply of milk, particularly in the Mahaica and Mahaicony districts. A survey was made in order to find out the extent of the loss of cattle, apart from that suffered as a result of the 1934 floods which were beyond control. The figures we have show that up to the end of last year 6,650 head of cattle were lost by 300 families who supplied those figures, and the milk supply has been greatly reduced. It was not possible to collect all the figures because large numbers of people had left those districts, but ten proprietors or small holders, taken at random, supplied information which showed that before 1938 they used to supply 80 gallons of milk per day between 1934 and 1937, but in 1938 they could only supply 10 gallons per day, a shortage of 70 gallons.

That shows why there has been increased importation of condensed milk. Reasons have been submitted to Government but I am sorry to say that Government has not given the matter the thought we should have expected. As a matter of fact Government has acted, in my opinion, and in the opinion of the people whom I happen to represent, in an almost callous and cruel manner. I have letters to that effect. The word "cruel" has been used, and I am inclined to think that that description is not too strong of the attitude of Government in this particular matter. Apart from cattle crops have been destroyed through gross neglect.

THE CHAIRMAN: The hon. member will please confine his remarks to the subject.

Mr. JACOB: I am referring to milk, sir. We have figures which show that in 1934 the value of the cattle destroyed was \$106,339, and in 1938 it was \$36,650, making a total of \$142,989. It was not possible to get the figures for the milk lost, or the number of cattle destroyed which supplied milk for the coastlands, but I

think it is a most retrograde step for Government to attempt to reduce the duty on skimmed milk and evaporated milk which has no butter fat content. I think some request has been made by exporters in other parts of the world, because I cannot understand the intention of Government to reduce the duty on this class of milk. I would advise Government to leave well alone. This protective tariff should remain to encourage local people to rear cattle and produce milk. I am hoping that the efforts of the Committee recently appointed to go into the question of erecting one or more dairy factories in the Colony will bear fruit, but there again, from the nature of the composition of the Committee I do not know what will be the result of it. I do protest against the policy which Government proposes to adopt to-day by allowing exporters in other parts of the world to send goods here which can be produced locally.

Dr. MACLENNAN (Director of Medical Services): I would like to attempt to clarify the position in respect of skimmed milk from the medical standpoint. Recent work in dietetics has established the fact that skimmed milk, which was formerly considered to be of little value as a food product and was usually used for feeding animals, has now been shown to be a product of considerably high food value. It contains all the constituents of milk, that is to say proteins, carbo-hydrates, sugar, etc., except the fat content. The idea in putting this product on the market is that the public would be able to buy a good food of high nutritive value at a low cost. There is no doubt at all in my mind that if we could possibly import this stuff and sell it at a low cost it would be a valuable food product. On the other hand it is not a substitute for whole milk, and if the public are to be in any way misled into thinking that they are buying a product equal in value to whole milk then I consider there is a danger involved. In this country where many of the public may possibly be to some extent illiterate, they may consider that they are buying cheap whole milk, in which case I feel that the young children of the country are bound to suffer. That is why I am not really very enthusiastic about the reduction of the duty in this particular instance. On the other hand if skimmed milk could be sold in this country at a fairly cheap rate

we would have a good product of high nutritive value, but I would like to emphasise the possible danger which the uneducated members of the public would be liable to in purchasing a product which they may think is whole milk.

THE COLONIAL SECRETARY: The object of introducing this amendment was to enable those persons who at present cannot afford to buy imported condensed milk, and who are unable to obtain fresh milk, to purchase a cheaper article containing skimmed milk, but having regard to the views expressed yesterday and also to-day by hon. members Government proposes to withdraw the amendment. That will give representative bodies an opportunity to consider the matter, and if they feel that it would be an advantage to a particular class of persons to allow this milk to come in, and they make representations to Government it would always be possible to re-introduce the amendment at a later date.

THE CHAIRMAN: I would like to say a few words in addition to what the Colonial Secretary has said. Two hon. members have made suggestions that this has been brought forward because of a desire on the part of milk producers in other parts of the world to introduce milk in this country. I wish to say very definitely that that is not the case. It has been brought forward merely in order to help the poor man, because of medical advice that has been received during recent years that it is a very useful food and it is very much cheaper than the ordinary condensed milk. It was thought, therefore, that the poorer sections of the community who were unable for financial reasons to purchase condensed milk might be able to purchase this food which is admitted to be not as good as condensed milk but is a good food. That is the whole intention of this clause. As there has been objection to it on the ground that it might be prejudicial to the sale of local milk, and as the Director of Medical Services has said that there is a danger, Government does not propose, as the Colonial Secretary has said, to proceed with it at the moment. If it is thought that for the reasons which Government had in bringing it forward it is desirable that it should come in Government will bring it up again at a later date.

Mr. JACOB: I would like to get some information on this point. I do not know whether it is considered that this class of milk can be imported and sold here cheaper than condensed milk with butter fat of no less than 9 per cent. which is sold at 8 cents per tin. Government must bear in mind that there is malnutrition throughout the Colony, and particularly in certain districts, and should consider whether the importation of this class of milk is going to help the situation in any way. I feel very suspicious about the whole matter, but we accept your assurance that Government was not approached by the sellers of the milk.

THE CHAIRMAN: I have already said that. The hon. member has heard me give a definite negative to that suggestion. I will not hear any more on the subject.

Mr. JACOB: I am not questioning that. What I am suggesting is that it is very peculiar that with condensed milk coming in at such a cheap price as 8 cents per tin it should be suggested that other milk of so very little nutritive value should be imported in the present condition of the Colony. There is something wrong in this matter. I propose, as long as I retain my seat here, to speak very freely and frankly on matters of this kind. We have been misled very grossly. I am not saying that Government has wilfully misled us, but I do say that Government is not properly informed. I am suggesting that there is something more than what you have been advised, and I have very good reason for suggesting it too. I am not going to sit here and allow things to be said and done as if they were agreed to by all the members of the Council. Things have gone on here very badly and it is time that a halt be put to them.

Mr. WALCOTT: I think it is the duty of the hon. member who has just spoken, if he knows of some bad practice going on and the reason why Government has not received correct information, to give that information to Government. I am also suggesting that the Colonial Secretary should look up past correspondence on this matter. I remember when the Poultry Association was started the Colonial Secretary was interviewed by Mr. J. G. de Freitas and others in connection with the importation of skimmed milk for mak-

ing poultry food, and if I am correct—and I think I am—they turned it down, and I think the Director of Agriculture was one of the advisers at the time. Perhaps he would remember the incident. I am opposing it purely on account of the fact that I realise that if skimmed milk is allowed in here the uneducated or very poorly educated section of the community would probably buy this milk believing they were buying milk suitable for feeding their children.

In the course of conversation yesterday with someone who knows more about these matters than I do I was told that it was a perfectly good food although it did not contain the amount of butter fat necessary for infants to have, but it would not do any harm provided an equal amount of fat was fed to them. Can you imagine poor persons in this country buying skimmed milk and adding fat in order to make up for the deficiency of the skimmed milk? I cannot.

Mr. C. V. WIGHT: I was rather pleased to hear from you, sir, that the object of the amendment was to help the poor man to obtain this class of milk at a cheaper price. If that is so may I suggest that you ask the Director of Medical Services to consider the feasibility or practicability of adopting the method in operation at the Creche by distributing a certain amount of free milk to persons in need?

Mr. AUSTIN: No one desires to have imports into this Colony of such items as milk which should be produced and circulated in proper form so that everyone living in the Colony could rely on decent milk. Unfortunately that is not the case, and the complaints we get from residents on the sugar estates against the poisonous matter in the milk sold to them by people living on the estates are numerous. The hon. member for North Western District (Mr. Jacob) has undoubted influence, and he should be able to use it in the direction of seeing that this poisoning is discontinued. We have it in Georgetown, unfortunately. We see the reports of the cases that come before the Magistrates and the fines put on the offenders, yet they carry on. If it continues in the capital how much worse is it in the outlying districts one can well imagine. What we desire and hope will come into effect is some kind of municipal control of the milk

supply of the City, and likewise in the country districts through the recognised bodies. Until we get those safeguards I consider that it is necessary to import milk of recognised nutritive value to protect the younger generation and the mothers of this Colony.

Mr. JACOB: I am a bit disappointed to hear from my hon. friend the word "poisoning." I wonder if he has the mistaken belief that added water or the abstraction of butter fat can be termed poisoning? That is a statement which is constantly being made in the Press, and it has been said here that it cannot be stated definitely that the abstraction of butter fat or the addition of water to milk would cause poisoning of babies or adults. I take strong exception to the use of that word, and I hope that those concerned, and the Press in particular, will refrain from using that word in the future. Only a few days ago I read of a case in which a Magistrate fined an individual \$100 for selling milk in which there was a lesser percentage of butter fat than demanded by the law. This Government is actually suggesting at the moment that we should import milk without any butter fat in it. I am not suggesting that people should not be penalised to some extent, but in some cases they have no control over the amount of butter fat in the milk. Government wants to encourage the importation of milk without butter fat, yet my hon. friend, one of the advisers of Government, tells us that by the abstraction of butter fat or the addition of water to milk the milk sellers are poisoning people. It is said that impure water is added to milk, but whose fault is that? I am sure that the unfortunate sellers are not in a position to make the water pure. It is the duty of Government to provide pure water. (laughter).

THE CHAIRMAN: I hope the hon. member is not suggesting that it is the duty of Government to provide pure water to put into milk. (laughter).

Mr. JACOB: I am suggesting that it is the duty of Government to put pure water within the reach of people. (laughter). Government has started to bring pure water within the reach of the people, but even if bad water is added to milk, when it is boiled it becomes pure, and the sooner the term "poisoning people" is not used the better it would be for all concerned.

Professor DASH (Director of Agriculture): I wish to make an explanation on the point raised by the Hon. Mr. Walcott. I think he referred to the possibility of using skimmed milk of high protein content for the feeding of poultry.

Mr. WALCOTT: I think the Director has misunderstood me. What I said was that the Poultry Association asked Government to allow skimmed milk powder to come in so that they might mix it into poultry food, and the reason given for refusing the request was that there was danger of the stuff being sold to the public and doing harm to the children.

Professor DASH: Powdered milk for poultry does come in duty free. Two or three years ago Government appointed a Committee known as the Livestock Trade Committee which reported on those various points, and one of the recommendations ensuing from the findings of that Committee was that certain foods of high protein content, which were usually expensive to get, should be admitted duty free, and powdered milk in a form suitable for the use of livestock is among those items, and it does come in free. It is a crude form of powdered milk which comes in sacks, and it was not felt that it could possibly be used for human consumption. It is not in such a refined form as the skimmed milk.

Mr. WALCOTT: I hope the Director is satisfied that none of that powdered milk gets into the market, and that it is purely used for poultry food.

Mr. WOOLFORD: I really cannot sit here and allow statements to be made without correction. It has been stated by the hon. member for North Western District (Mr. Jacob) that a Magistrate imposed a fine of \$100 on a vendor who sold milk from which butter fat had been abstracted. I venture to think that if the records were looked into he would find that the vendor not only sold milk from which butter fat had been abstracted but that he sold it as whole milk, thus deceiving the customer into believing that he was getting something for which he asked. I think I am also correct in stating that on further investigation it would be found that that gentleman had sold impure milk on so many previous occasions that the Magistrate considered it his duty to impose that

fine. Those statements should not be made because they encourage people to think that the Magistrate imposed a fine of that amount for what is a purely unadulterated article. The offence consists not in selling milk from which butter fat has been extracted, but in deceiving the customer into believing that he is getting pure milk. It is not an offence to sell skimmed milk if the customer is so informed. The law says that you must not sell any article of food without informing the customer of what he is buying. Of course there is a certain standard of quality required.

Question put, and agreed to.

Clause 3 deleted.

Mr. D'ANDRADE: By the deletion of clause 3 it becomes necessary to amend clause 2 by deleting the letter and brackets (a) in the third line and the whole of paragraph (b).

Clause 2 as amended put, and agreed to.

The title of the Bill was amended by deleting the words "condensed milk" in the third line.

The Council resumed.

Mr. D'ANDRADE: I move that "A Bill intituled an Ordinance further to amend the Customs Duties Ordinance, 1935, in respect of the duties on fish and certain articles used in the manufacture of brooms" be read a third time and passed.

Mr. DE AGUIAR seconded.

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

Bill read a third time and passed.

#### LEGAL PRACTITIONERS (AMENDMENT) BILL, 1939.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Legal Practitioners Ordinance, Chapter 26, in certain particulars" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

#### FIRST SUPPLEMENTARY ESTIMATE, 1939.

THE COLONIAL SECRETARY: I beg to move:—

That, this Council approves the First Schedule of Additional Provision required to meet expenditure in excess of the provision made in the estimates for the year 1939.

Hon. members will observe that there are three items which total slightly more than two-thirds of the whole amount of this supplementary estimate. Those three items appear on page 4 of the estimate. One of them is for a sum of \$33,600 for reconditioning works in the drainage areas in Essequebo. In the remarks column it is shown how it is proposed to spend that sum. The second item is one of \$23,500, to be spent on river defences at Bartica. The total amount of money which will be required is \$56,826, but the amount for this year is \$23,500. The Bartica Village Council will contribute \$1,500 a year for a period of 11 years, but it is impossible for the Council to pay the whole amount, and besides Government, as members are aware, owns considerable property on the river front at Bartica. The amount of Government's contribution to the Village Council for this year was increased from \$500 to \$800, and the Council is asking Government to consider a further increase to \$400 which is now before Government. The third item of \$30,660 is for river defences in the Stanleytown area. There again the Village Council cannot afford to spend this money on the work required to be done, but the question of the Village Council contributing a proportion annually is receiving the attention of Government.

The other main item in the schedule is an item of \$8,000 as a further subvention to the Municipality. The Municipality of Georgetown has been authorised to raise a loan of \$200,000 on the understanding that Government will increase its annual contribution from \$20,000 to \$28,000, and that \$8,000 and the sum of \$7,000 which the Town Council will be able to save on maintenance work after the reconditioning of the roads has been completed, a total of \$15,000, will go towards meeting the charges on the loan.

Beginning from the bottom of page 1 there are several small items of that nature provided in the schedule for temporary clerical assistance. It has been the custom

in the past to provide one vote under Colonial Secretary's Office to meet expenses incurred in other Departments in engaging temporary clerical assistance. It has now been decided that each Department should bear the cost of engaging its temporary clerical assistance, and therefore there will be a corresponding saving under Colonial Secretary's Office. On page 2 the first item is for two additional posts in the Colonial Secretary's Office. Owing to the increased pressure and congestion of work in the Secretariat it has been found necessary to ask the Legislature to make provision for an additional Class II and a Class III clerk in that Department.

Under Education a sum of \$5,500 is asked for to meet two recommendations made by the Primary Education Committee which expressed the opinion that the money voted for sanitary work in the schools under the Latrine grant is insufficient and should be increased by 25 per cent., and a sum of \$1,000 is asked for to enable this increase to be made. The inclusion of a sum of \$4,500 for an increase of the grant to Regulation 80 schools is also a recommendation of the Committee. There are some 57 schools in remote areas for which a very small grant is given annually. In some cases I understand the grant is from \$15 to \$30, and it is proposed to increase it from \$20 to \$35 a year.

There is an item of \$2,500 to meet the expenses in connection with the Royal Commission. I think I told hon. members when the estimates were passed that \$1,000 was put down as a token vote as there was no idea of what the cost would be. This Government had to bear the internal expenses such as travelling, etc., and a certain number of hours was devoted to flying, which was a rather expensive item, and the provision of office accommodation and furniture, apart from extra staff which had to be employed.

There is an item at the end of page 3—\$200—for overtime at the Post Office. It is proposed to increase the overtime allowance to letter carriers and apprentices by \$1 per month, a very small increase which was recommended by the Postmaster General. A request was also received from letter carriers and telegraph messengers in the country to be provided with

uniforms. Government considers it a reasonable request, and \$1,630 is required to provide those persons with uniforms. The next item of \$300 is to provide for overtime work in the Telegraphic Branch. It was decided that they should have a 45-hour week, therefore they are doing more overtime work at present. The items on page 5 are all revotes. I move that the Council resolve itself into Committee to consider the schedule.

Council in Committee.

GOVERNOR.

Item (h) Salary of Mr. E. J. Waddington while administering the Government of British Guiana—\$3,478.

Mr. JACOB: I should like to take this opportunity to make a few comments under this head. I am not opposed to the item on the estimate, which is due to reasons which we all regret, but I am wondering how long are we going to continue in this state. For the last seven or eight years we have had no fixed policy in the administration of this Government. We find one Administrator coming here and preparing schemes and before he settles down he leaves the Colony and nothing is done. We do not know whether Sir Wilfrid Jackson is returning but we do hope that his health will permit him to return. It is somewhat regrettable that it was necessary to ask you, sir, to come over from Barbados. It shows that there is something thoroughly wrong in the way these Crown Colonies are being administered, and I think the time has come when the system of administration should be changed somewhat. We have just had a Royal Commission. The elected members went before them and one member of the Commission stated quite openly—I agreed with him; he was perfectly right—that he would not give them any hearing at all. They were not able to formulate a policy and put anything concrete before the Commission.

I am wondering how long will this Government be carried on in that manner. After all it is the people of the Colony who have to make this Colony what it should be, and it is the responsibility of every member to enquire what is happening and make definite suggestions to the Secretary of

State. I do not know whether it is the intention of the present elected members to allow this state of affairs to continue. So far as I am personally concerned I do not think such a state of affairs should continue. The Administration is not being carried on in the best interests of the inhabitants. My remarks do not apply to you, sir. You have come here under very peculiar circumstances, and maybe you will leave here very shortly, but the fact remains that we are not making any progress here. We are not even marking time. The Colony is going backwards, a large number of people are unemployed and no attempt is being made to find employment for them. No attempts have been made during the last seven or eight years. Maybe attempts have been made this year. I take this opportunity to state that it is the duty of every elected member of this Council to do something for the benefit of the people whom they represent. It is the elected members who are responsible for the administration of the Colony, and if they are not to advise Government then I can see that things will go from bad to worse. Government officers come here and go away from time to time on promotion. No one blames them, but it is the responsibility of the elected members to see that the Government is properly carried on in the interest of the inhabitants of the Colony.

Item put, and agreed to.

#### EDUCATION.

Mr. LEE: It is my duty to bring to the notice of Government that as a result of certain questions I asked with respect to the accommodation of children in the schools I find that the Anglican school cannot accommodate the number of children who desire to attend that school. Within a year or two there will be more children seeking admission to that school and there will be no accommodation for them. That is a very sorry state of affairs, for the simple reason that if people are being prosecuted for not sending their children to school and the schoolmaster cannot admit them I think it is the duty of Government to build a school. I am appealing to Government to do something; either increase the accommodation at that school or build its own school.

Mr. JACOB: At Mahaicony and on the Corentyne Coast there is absolutely no

accommodation for children going to school, and apart from other things this has resulted in serious trouble in the Colony, due principally to illiteracy. Money spent in keeping children in school up to the age of 12 years is money well spent. I suggest that every attempt be made to keep children under 12 years in school. It would be a very productive expenditure, and I hope that before the end of the year something will be done to provide increased accommodation.

#### FIRE PROTECTION.

THE COLONIAL SECRETARY: It is necessary to ask for a re-vote of \$2,476 under head IX. The estimates for last year provided a sum of \$5,720 to enable nine fire escapes to be purchased and erected. They arrived late in the year and it was not possible to erect them. I therefore move the insertion of an item, 26—Hospital Buildings—Fire Escapes, \$2,476.

Item put, and agreed to.

#### MAGISTRATES.

Mr. LEE: The staff at the Georgetown Magistrate's Office is unable to cope with certain work done there and I think additional clerical assistance is required.

Mr. C. V. WIGHT: With regard to the statement made by the hon. member it is difficult at certain times to know whether the office is over-staffed or under-staffed. Only quite recently certain documents were sent there to be filed and one was informed that the receipt book happened to be upstairs. Evidently the clerk was too lazy to walk upstairs to get the receipt book, and the receipts were given off the next day.

Mr. LEE: I asked certain questions with regard to appeals and the answers given will show whether the clerical assistance is sufficient or not. In my opinion if notice of appeal is given and copies of the decision cannot be supplied within a certain time it shows that the office is under-staffed.

Mr. WALCOTT: It may be that they are too lazy to do their work.

Mr. LEE: I do not think any Government official is too lazy to do his work.

MISCELLANEOUS—(a) SUBVENTIONS, ETC.,  
MUNICIPAL.

Mr. WOOLFORD: The hon. member for Berbice River (Mr. Eleazar) who prior to your coming here, sir, has been elevated to the position of Mayor of New Amsterdam, is not in his seat and I think it my duty as a representative of the constituency to draw your attention to the unsettled problem of Municipal subvention. It was a problem when you were here and I think I am right in saying that there was a distinct understanding that when an agreement was come to with the Municipality of Georgetown in regard to a subvention for the assistance of road-building the same consideration would be extended to New Amsterdam. I would like to think that that subject is not overlooked. I am sorry that the hon. member for Eastern Berbice (Mr. Luckhoo) and the hon. member for Berbice River (Mr. Eleazar) are not in their seats to-day, but I suggest that the Municipality of New Amsterdam be given an increased subvention at a very early date. We do not want an examination of the question of what proportion of the licences the Council should receive. The fact remains that an increased contribution would not ruin Government, but it would certainly improve conditions in New Amsterdam. There are some roads in New Amsterdam which require attention, and the taxpayers have not got the wherewithal to pay increased taxation. I ought to add the district of Winkel. It has been decided that it should be merged with New Amsterdam, and if it is there will be necessity for an additional road vote.

THE CHAIRMAN: I shall be very happy to renew my acquaintance with the files dealing with New Amsterdam's subvention. I refer to New Amsterdam including Winkel.

Mr. McDAVID (Colonial Treasurer): The matter has not been overlooked by Government. The question has been considered only quite recently and Government was forced to the conclusion that New Amsterdam was doing quite well with regard to subventions, having regard to mileage of roads. We appreciate that the roads require repair, and that the Town Council is not in a position to do it.

## PUBLIC WORKS—EXTRAORDINARY.

Item 24—Drainage and irrigation reconditioning in declared areas, \$33,600.

Mr. C. V. WIGHT: I would like to suggest that Government should consider the putting of these works into immediate effect. As everyone knows, the Essequibo Coast is one of the worst drained areas in the whole Colony. At the present moment it is absolutely inundated, and it is usually inundated for several months of the year. At the present moment Queenstown is suffering. The Government compound at Anna Regina is always under water and it is difficult to know how travelling is effected, except perhaps by the use of a boat along the road. I am asking Government to consider seriously putting into effect the drainage works on the Essequibo Coast as early as possible.

THE COLONIAL SECRETARY: The works under this head have already been put in hand.

Mr. WIGHT: These are only particular areas. There are other areas which I understood from the Director of Public Works before he left would be included in these drainage works. The question of the drainage of Queenstown was raised before the Sea Defence Board and referred to the Director of Public Works.

THE COLONIAL SECRETARY: There are other works to be undertaken, and Government is coming back for more money. It is considered that these works should be undertaken immediately.

Mr. LEE: I was on the Essequibo Coast this week and complaints were made to me by some of the residents there that their houses were inundated as a result of the delay in erecting the pump and clearing the channel. I was urged to approach Mr. Wight to make representations to Government that immediate steps be taken to remedy the situation.

With regard to the river defences at Bartica I sincerely hope that Government will consider the matter and make it a colonial question. Although Government has a certain amount of property there the lands are not protected. As far as I can see half of the village is Crown land, and it would be to the benefit of the vill-

age if it were made a colonial question. There is a mile of roadway which passes through the village, for which the Transport Department is responsible. Government should asphalt that road because the dust from it affects the business premises.

Item put, and agreed to.

#### COLONIAL DEVELOPMENT FUND SCHEMES.

Item 7—Central Rice Mill, visit of Rice Expert to the Colony, \$197.96.

Mr. C. V. WIGHT: Has Government any intention of starting a central rice mill in Essequibo, and if so, when is it intended to erect the mill and put it into operation?

THE COLONIAL SECRETARY: Estimates of the cost of erection have been obtained and a small committee is examining them now. It is proposed as soon as the committee reports to approach the Secretary of State to obtain whatever assistance may be possible from the Colonial Development Fund. As soon as the details have been obtained it is proposed to place the matter before the Legislative Council to consider whether it is desirable to erect the mill.

Mr. JACOB: With regard to livestock in the Colony we are grateful for the grant of money given and the interest taken in the matter by the Colonial Development Committee, but I would like to urge that Government should do its share in trying to improve to a greater extent the livestock in the Colony. I think the Director of Agriculture will agree that the number of bulls should be doubled if not trebled almost immediately. The rate of increase has been extremely slow, especially in view of the fact that it is well known that the breed of cattle should be increased. I think that money spent in that direction will earn a great deal of revenue if it is properly handled. I think a suggestion was made that Government should have bulls at certain stations, and the fees collected would go towards the cost of those animals. The Director should be asked to make a statement on the matter.

#### MISCELLANEOUS.

THE COLONIAL SECRETARY: Under head XXIII., Miscellaneous, I move the

insertion of a new item, 20—Local allowance to officers performing temporary duties involving residence away from headquarters, \$160. The sum of \$100 provided for this year was only a token vote. It is foreseen that a further sum of \$160 will be required.

Item put, and agreed to.

The Council resumed.

Schedule as amended in Committee approved.

#### FINAL GRANT FOR TOPOGRAPHICAL SURVEY.

THE COLONIAL SECRETARY: I beg to move:—

That, this Council accepts a further and final free grant of £2,000 from the Colonial Development Fund for the continuance of the Topographical Survey now carried out in conjunction with the Geological Survey.

The original programme was estimated to last four years, and a sum of \$32,000 was granted by the Colonial Development Committee. It has been found impossible to complete the programme with that amount of money, and Government approached the Secretary of State with a view to finding out whether the Committee would allow another \$2,000 to enable the work to be carried on until June of next year. As a matter of fact the work will probably cease about January next, but the officers under the terms of their agreement are entitled to four months leave which will take them on to June. The only alternative would have been to curtail the topographical survey work, which is considered most undesirable, and the Committee therefore kindly offered to give a free grant of £2,000. The Council is therefore asked whether it will accept that gift.

Motion put, and agreed to.

#### LEGAL PRACTITIONERS (AMENDMENT) BILL, 1939.

THE ATTORNEY-GENERAL: I move the suspension of the Standing Rules and Orders to enable "A Bill intituled an Ordinance to amend the Legal Practitioners Ordinance, Chapter 26, in certain

particulars" to be taken through its remaining stages and passed.

Mr. C. V. WIGHT: Before the motion is put I would like to know from the Attorney-General if there is any great urgency for this particular Bill, and whether he is not of the opinion that the Ordinance could be amended in many particulars at the same time. If that is so there would be no necessity for the suspension of the Standing Rules, because he might have an amending Bill of much wider dimensions to place before the Council.

THE ATTORNEY-GENERAL: It has been brought to my notice from time to time that the Legal Practitioners Ordinance requires amendment in certain particulars, but the precise nature of those amendments have not been forwarded to me or suggested to me. I am personally aware of certain defects in the Ordinance, but no attempt has been made to embody those amendments in this Bill, because the time was short and there is some urgency in the present Bill. There are complaints against legal practitioners which have been pending for some months, and it is necessary to have this Bill passed in order to deal with those complaints. The question of amending the Ordinance would amount to re-casting the whole Ordinance, and therefore it would not be permissible to allow this Bill to stand over until that is done, because it would take many months.

Mr. LEE: The passing of this Bill will not affect complaints already lodged unless the Bill is made retrospective, and I respectfully submit that if there are necessary amendments to the Ordinance one Bill should be introduced. What is the use of this Bill if it will not affect complaints already lodged? Chapter 26 defines a barrister. I therefore do not see the necessity for this Bill, and I ask that it be suspended for six months.

Mr. DE AGUIAR: I do not wish to join in any controversy with the legal members of the Council, but I have risen to point out the urgency of the Bill in view of the remarks made by the Attorney-General. It has been said that certain charges have been made against certain members of the profession, and I take it that the public needs protection. It seems

to me that members of the Council owe a duty to the public to allow the Bill to go through. That is the view I take of the matter. I agree that the Ordinance requires amendment, but I take it from the Attorney-General that it is necessary to have this amendment, and that it is therefore urgent. I take it that the Ordinance as it stands debar the Legal Practitioners Committee from dealing with certain complaints. I am supporting the suspension of the Standing Rules.

Question put, and agreed to.

Standing Rules suspended.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend Legal Practitioners Ordinance, Chapter 26, in certain particulars" be read the second time. I would remind hon. members that in 1929 the Legal Practitioners Ordinance was passed, and one of the main objects of that Ordinance was to provide for the constitution of a Legal Practitioners Committee who would be empowered to enquire into any application made against a legal practitioner in order to have his name struck off the roll. The Ordinance was passed, the Committee was constituted and actually functioned, and I believe that one or two practitioners have actually been struck off the roll or suspended.

Some months ago objection was taken to the jurisdiction of the Committee in so far as any application to it was made with respect to barristers. The objection was that owing to the definition of the expression "legal practitioner" in section 22 of the Ordinance the Committee had no jurisdiction to hear any application with respect to the conduct or misconduct of a barrister, because that definition was defective. Objection was taken that before the Committee could entertain any application against a barrister that barrister would first of all have to be deemed by the Court to have practised as a solicitor. Such was not the contemplation of the working of the provisions of the Ordinance, and certainly not contemplated by this Legislature at the time. The objection, if upheld, would mean that the moment an application was made against a barrister action would have to be taken by someone to move the Court to declare that the barris-

ter in the particular matter which the Committee had to consider had practised as a solicitor. That would give rise to a very cumbersome procedure, and of course was not intended at all. The Committee, as then constituted, were inclined to that view and to uphold the objection, and on that account certain difficulties have arisen. The whole object of the Bill is not to create any right or to change the law from what it was before but to make it clear, to give a clearer expression to the intention of the Legislature at the time it passed the Legal Practitioners Ordinance.

The view is held by a good many persons that there is no necessity for this amendment, but I think the majority of persons hold that there is some necessity, and that at all events owing to the difficulties and doubts which have arisen it would be much better to have the matter clearly expressed in law. That is the whole object of the Bill. That would be the combined effect of clauses 2 and 4 of the Bill. Clause 2 amends the definition of barrister and removes the peculiar phraseology inserted in the first instance. There is a new section in clause 4. It is very clear and I do not think there should be any doubt as to its meaning. It provides that the Committee may proceed to hear an application against a barrister if it is of opinion that the barrister has practised as a solicitor. It only holds good as regards what I may call a preliminary inquiry by the Committee. When the matter goes to the Court and there is any question as to whether the barrister did act as a solicitor that would be a matter for inquiry by the Court. That power is reserved to the Court, so that it is necessary in clause 4 to make it clear that there will be no conflict between the extent of the powers of the Committee and the existing power of the Court. It would be open to the barrister to take an objection to the effect that in that case he did not act as a solicitor.

I made a remark which apparently was not understood by the hon. member for Essequibo River (Mr. Lec). I had anticipated the question would arise as to whether the proposed new section in clause 4 would have a retrospective effect. In my opinion I have no doubt that it would have a retrospective effect. There is a well known rule that all matters of procedure, all enact-

ments regulating procedure have a retrospective effect. The procedure is very clearly laid down in the present Legal Practitioners Ordinance, and all clause 4 does is to make clearer the procedure to be followed. It confers no new right on any person to make application against a barrister or solicitor, for such a right is conferred on any person by section 20 of Chapter 26 which states:—

20. The Court shall have power, upon petition or motion, for reasonable cause to suspend a barrister or solicitor from practising within the colony during any specified period, or to order his name to be struck off the Court Roll.

The Bill does nothing new. It simply provides a simpler procedure, an intermediary procedure, and there is no doubt that it will have a retrospective effect.

Mr. C. V. WIGHT : I quite appreciate the reasons given by the hon. Attorney-General. I happen to have been one of the counsel engaged in a certain matter in which the objection was raised, and I quite agree with him that there can be a great deal of elucidation with regard to the definition of barrister. As I have already indicated to the Council, there are several sections of the Ordinance which require amendment, and they should be referred to the proper authorities. The hon. member for Central Demerara (Mr. De Aguiar) is anxious to see the enforcement of the law against lawyers. Lawyers can never expect sympathy from the public, not even when it comes to the payment of fees. There seems to be great reluctance to pay us our fees, and in this respect there has to be a painful extraction. Lawyers do find themselves in the unenviable position of a class of persons who are to be protected against. I happen to be in that class myself, and where one becomes a target at the instance of certain litigants one would ask that there should be some protection for that class of persons against whom it is sought to bring into line certain enactments.

One of the provisions suggested by lawyers is that there should be a deposit of costs by applicants. One can understand that a deposit of costs may debar certain persons who may have genuine complaints, but we can incorporate the Poor Persons Rules. A practitioner may be able to get his costs if the litigant is a person of some substance, but in several instances the complaints have been groundless and the

practitioner has been left without remedy. It costs him money to go to the Court about \$17 or \$18.

There is also the question of section 21 of the Ordinance of which there might be some enlargement which would affect a practitioner himself and make him also a guilty party to what I call countenancing the practice of an unqualified person. If Government is not prepared to extend the amending Ordinance to cover those matters which I have brought to the attention of the Council I ask that at some early stage Government should amend Chapter 26 in those small particulars I have suggested.

Mr. DE AGUIAR: I would not have risen from my seat again but I cannot allow the opportunity to pass without offering a word of praise to my friend for his able speech in defence of the legal profession. I wish also to add that the reason which prompted me to rise from my seat on the previous occasion was that I always understood that as an elected member it was my first duty to protect the public whenever the opportunity occurred. I do not think the hon. member will find much support when the time arrives for a deposit of costs to be included in a Bill which would protect legal practitioners. I think I am right in saying that a deposit of costs is only permissible in certain cases, and I can hardly believe that Government will introduce a clause in any Bill whatever which would impose such an infliction by insisting that a deposit of costs be made before application against a barrister can be heard. The hon. member can depend on it that if I am in my seat at the time such a proposal is put before the Council I shall oppose it with all my might.

Mr. WALCOTT: I had hoped that the hon. member for Western Essequibo (Mr. C. V. Wight) would have gone a little further and suggested that the general public be protected against the practice which has recently arisen of bringing frivolous charges in the Supreme Court. I have suffered considerably in that respect, and if any change is to be made as regards the deposit of costs I hope it will apply generally, so that before a man can bring an action against another he must deposit costs.

Mr. LEE: We must protect a layman

when he does not know the law. (laughter) The hon. member says that barristers and solicitors have brought cases on speculation. That is professional misconduct, and if he has suffered he has the right to prosecute them. What the hon. member for Western Essequibo (Mr. C. V. Wight) was trying to point out was that the Committee was aware that frivolous charges have been brought against members of the profession simply to worry them.

Mr. C. V. WIGHT: To a point of correction—what I succeeded in pointing out. I think I succeeded in pointing that out. (laughter).

Mr. LEE: A practitioner loses his money, his time and his reputation, if I may say so, by these frivolous cases.

THE ATTORNEY-GENERAL: When this Bill was first drafted the members of the Legal Practitioners Committee were brought together in my chambers and one of the members put forward the question of the deposit of costs. Of course there was a much longer and much more heated debate, but after the heat had passed the majority of the members realised that it would be much better to leave the section as it is.

With regard to the other suggestion by the hon. member for Western Essequibo (Mr. C. V. Wight) with respect to section 21, I would be very glad to receive at any time any suggestion of an amendment of the Ordinance.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Legal Practitioners Ordinance, Chapter 26, in certain particulars" be read a third time and passed.

Professor DASH seconded.

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

Bill read a third time and passed.

The Council was adjourned *sine die*.