

**LEGISLATIVE COUNCIL.***Thursday, 16th December, 1937.*

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

**PRESENT.**

The Hon. the Colonial Secretary, (Mr. E. J. Waddington, C.M.G., O.B.E.).

The Hon. the Attorney-General, (Mr. J. H. B. Nihill, K.C., M.C.).

Major the Hon. W. Bain Gray, C.B.E., Director of Education.

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

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

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

The Hon. M. B. Laing, District Commissioner, East Demerara.

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

The Hon. B. N. V. Wase-Bailey, Surgeon-General (Acting).

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

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

The Hon. J. Eleazar (Berbice River).

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. A. G. King (Demerara River).

The Hon. S. M. Seymour (Western Essequibo).

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

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

The Hon. H. G. Seaford, O.B.E. (Nominated Unofficial Member).

**MINUTES.**

The minutes of the previous meeting of the Council held on the 15th December as printed and circulated were confirmed.

**ORDER OF THE DAY.****EXPIRING LAWS CONTINUANCE BILL.**

THE COLONIAL SECRETARY (Mr. Waddington): Pursuant to notice I beg to move that "A Bill intituled An Ordinance to continue certain expiring laws" be now read a third time and passed.

Professor DASH (Director of Agriculture) seconded.

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

Bill read the third time and passed.

**MITCHELL TRUST BILL.**

THE ATTORNEY-GENERAL (Mr. Nihill): I move that "A Bill intituled An Ordinance to make provision for the future disposition of the charitable bequest contained in the will of Walter Mitchell, deceased, and for the administration of the assets now pertaining thereto" be read a third time and passed.

Major BAIN GRAY (Director of Education) seconded.

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

Bill read the third time and passed.

**SUGAR EXPERIMENT STATIONS BILL.**

Professor DASH: I beg to move that "A Bill intituled An Ordinance to provide for the control of Sugar Experiment Stations for a period of five years from the first day of January, 1938" be read a third time and passed.

Mr. CASE (Director of Public Works and Sea Defences) seconded.

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

Bill read the third time and passed.

#### IMPORTATION OF TEXTILES (QUOTAS) BILL.

Mr. D'ANDRADE (Comptroller of Customs): I move that "A Bill intituled An Ordinance to amend the Importation of Textiles (Quotas) Ordinance, 1934" be read a third time and passed.

Mr. LAING (District Commissioner, East Demerara) seconded.

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

Bill read the third time and passed.

#### SPIRITS ORDINANCE (AMENDMENT) BILL.

Mr. D'ANDRADE: I move that "A Bill intituled An Ordinance to further amend the Spirits Ordinance, Chapter 110, with respect to the allowance to be made on taking stock of spirits in spirit stores" be read a third time and passed.

Mr. LAING seconded.

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

Bill read the third time and passed.

#### EX-GRATIA PAYMENT TO MR. CHUNG.

THE COLONIAL SECRETARY: I beg to move:—

That, with reference to Governor's Message No. 7 of the 25th of November, 1937, this Council approves of the payment to Mr. Chung of \$76.59 as an act of grace.

The reason for this is clearly explained in the Message which has been placed before hon. members. Owing to the very bad state of the roads and the very heavy rainfall during May, this year, it became necessary to close the road on the West Coast, Demerara, for a short period and buses that were operating over that road

were debarred from taking any traffic thereon during that period. There is no provision under the law for a refund of a portion of licences paid in such cases, and therefore this Council is being asked to grant *ex gratia* that proportion of the total licence which is represented by the period during which the road was closed.

Professor DASH seconded.

Motion put, and agreed to.

#### SURTAX ON TONNAGE AND LIGHT DUES.

THE COLONIAL SECRETARY: I beg to move:—

THAT, with reference to Governor's Message No. 9 of the 4th of December, 1937, this Council approves of a surtax of fifteen per centum being levied on the amount of Tonnage and Light Dues which shall be collected during the year 1938, under section eighteen of the Transport and Harbours Ordinance, 1931.

This motion is identically on the same terms as the one passed in this Council during last year. It provides for a surtax of 15 per cent. on the Tonnage and Light Dues collected under the Transport and Harbours Ordinance. Hon. members are practically aware of the provisions of this Ordinance. The total Tonnage and Light Dues collected under the Ordinance amount to \$131,000. The reason for it is fully explained in the Message which has been laid before hon. members.

Professor DASH seconded.

Motion put, and agreed to.

#### THIRD SUPPLEMENTARY ESTIMATES.

THE COLONIAL SECRETARY: I ask that the next motion standing in my name on the Order Paper be allowed to stand over until a later stage, as there are other motions on the Order Paper which refer to items included in the Supplementary Estimates.

Question "That item VIII. of the Order Paper stand over to be taken after item XII." put, and agreed to.

EX-GRATIA PAYMENTS TO DECEASED  
POLICEMEN'S REPRESENTATIVES.

THE COLONIAL SECRETARY: I beg to move:—

THAT, with reference to the Governor's Message No. 11 dated 11th December, 1937, this Council approves the award of *ex gratia* payment equivalent to one year's salary in each case to the legal personal representatives of the non-commissioned officers and constables named in the schedule to the Message.

As has been explained in the Message which was laid before hon. members, it is proposed to pay to the legal personal representatives of four Non-commissioned officers and constables of the Police Force, who died during the year 1936, amounts totalling \$1,750. The death of these N.C.O's and constables occurred after the principle embodied in a recent Ordinance had been accepted by this Council, and it is thought equitable that the amounts, which would have been paid under the Ordinance if it had been passed a little earlier, should be paid in this case.

Professor DASH seconded.

Motion put, and agreed to.

ELDORADO CO-OPERATIVE CREDIT BANK.

Professor DASH: I beg to move:—

THAT, with reference to Governor's Message No. 8 of 14th December, 1937, this Council approves the writing off of the sum of \$2,218 in respect of a loan made by Government to the Eldorado Block Co-operative Credit Bank and the waiving of the interest amounting to \$437.12 due thereon.

The facts are clearly set out in the Message, and there is little more I can say in support of the motion. I may add that a similar course was adopted very recently in the case of the Mahaica-Supply Bank.

Mr. CASE seconded.

Mr. ELEAZAR: I do not mind supporting this motion. It is very well and good that Government has brought it forward and can find so many supporters. These loans by Government were for agricultural purposes and nothing else. This particular loan was made at a time when these people were encouraged to take up to a greater extent rice growing in particular, and the money was given to

assist them. But, sir, as I have said yesterday, the insistent and persistent loss they sustained as the result of floods and drought has impoverished them. They went in for larger rice cultivation, and some of them invested in cattle to assist them in the ploughing of their fields, while others engaged labourers to assist them. From season to season they sustained loss and some of them have even lost their properties. The banks therefore could not recover what was lent to them because they had got nothing from their labours. That is how these amounts came to be due and owing to Government. I am supporting the motion because of the principle which underlies it all. There are other directions in which Government has lent money with the very best of intentions, and those who received the money had spent it as it was intended, but the debt has become a millstone around their necks. You have not got too far to go to find a case such as this, and if only those who are interested would approach Government, I think, if not in the whole as in this case, they would get some relief. Some of these cases deserve relief. I know of cases where several people in this particular block have lost their properties; the bank authorities had thought it their duty to press for what was due, and even what they had seemed to have was taken away.

I support the motion with all my heart, and I am sincerely hoping that Government will be in a position before very long to relieve many other districts where the people are suffering in identically the same way as this one. Money was given for the benefit of an important village like Buxton where they had to instal a pump at a considerable cost, much more than was estimated, and where they are still owing large sums and are paying very high taxes to meet the amount due to Government from time to time. That is not the only place, but I have mentioned that for obvious reasons because I myself have to pay some of the taxes there. Fancy paying \$40 odd per year taxes for an ordinary building and land in a village district with no proper road, no electric light, no water supply, just because of these large amounts to meet up for Government purpose. I support the motion with all my heart.

Mr. JACOB: I would like to say a word or two in respect of this motion. I desire

to endorse all that has been said by the hon. member for Berbice River (Mr. Eleazar) and to add that I should not like it to be taken that loans made to banks are not recoverable, as it may be inferred when this motion goes on record that it is a very risky proposition for Government to lend Co-operative Credit Banks, or for that matter other institutions (not necessarily those concerned with the public) engaged in the risky venture of agriculture, and that Government will not get back the money that is lent to these people. I would like to give my experience in this particular district. I had a block of land which was rented from Government, and after paying the rents for four years and receiving nothing from the land I had to sell the land in order to recover the amount I had paid to Government for the lease. That tends to show that the parties who have planted there during those four years have not been able to reap their crops, and the little bit they had reaped at times had not compensated them for their labour.

That brings me to this point and I hope the hon. member for Western Berbice (Mr. Bacchus) will support me. It is a flourishing rice district and there is necessity for irrigation and drainage; once that is established any loans made to farmers in that district would be amply repaid. My point is, let it not go on record that loans made to banks or individuals in certain districts are risky and will not be repaid.

Mr. BACCHUS: I will not say much on the motion, but on behalf of the people that are interested in this loan I would like to express thanks to Government for this concession. When the bank authorities went fully into the indebtedness of those people they were satisfied that those people could not and would not be able to meet their indebtedness to the bank for some time to come. The position is, that besides their indebtedness to the bank they owed their village rates, and I think the village debt has preference over the bank's though the bank's has preference over all other claims. Consequently if they are to be levied upon, I do not think the bank would get anything at all from them. I think the position is hopeless, and no useful purpose is served by adding interest year after year which

they will never be able to pay. In respect of the amount appearing against the bank as indebtedness, about 50 per cent. of it, if not more, is added interest. The amount lent to the bank by Government and owing by the bank is at least 50 per cent. less than what appears in the motion. As regards the fate of the farmers of that district I believe Government fully appreciates that something should be done for the district. I do not intend to take up that matter with Government to-day. I know it is receiving the attention of Government, and I hope that when the Director of Public Works has completed his survey of that district consideration will be given to the schemes which are to be submitted to Government.

Mr. McDAVID (Colonial Treasurer): With regard to the remarks of the hon. member who has just sat down, I would like to correct the impression that the amount of \$2,216 includes accumulated interest. \$187.12 is the arrears of interest and that is being waived; it is not included in the capital sum at all.

Motion put, and agreed to.

#### EMOLUMENTS OF GOVERNOR AND O.A.G.

THE PRESIDENT: The next motion concerns me personally and the Colonial Secretary. I do not propose to say anything upon it, but simply to explain how this motion happens to come before the Council. I have no personal knowledge of it and was only informed of it shortly before I left England to come here. It is not a situation that arose locally at all, but in pursuance of general suggestions made by the Secretary of State for the Colonies affecting a considerable number of Colonies. I have no personal interest in it one way or another, and I think the hon. Colonial Secretary is in the same position. We will take no part in the discussion, unless to explain any point of fact on which an explanation is required.

Mr. McDAVID: I beg to move the following motion standing in my name:—

THAT, with reference to the Governor's Message No. 8 dated 25th November, 1937, this Council approves of the adoption, with effect as from 1937, of the proposals that—

(a) the emolument of the office of Governor should be.

salary	...£19,200 per annum
allowances ...	... 4,400 per annum

and that legislation be enacted to amend the Civil List Ordinance, Chapter 5z, accordingly;

(b) the emoluments of the Officer Administering the Government, while the Governor is absent on full pay leave, should be the officer's substantive salary, the allowances attached to the office of Governor and an allowance equal to half the difference between his substantive salary and the Governor's salary; and that provision for such an allowance be made whenever the Governor is absent on leave with full salary.

Before dealing with the proposals themselves, I think it may assist the Council if I state precisely what is the present position and refer briefly to the history of the existing legislation. Perhaps every member is aware that the Civil List Ordinance now in force provides for the emoluments of the Governor—a salary of £3,500 per annum together with a duty allowance of £500 per annum and a contingencies allowance of £1,000 per annum. In the year 1917 a Civil List Ordinance was passed providing for a salary of £4,000 per annum and a contingencies allowance of £1,000 per annum, but in the same year Sir Wilfred Collet was appointed Governor of the Colony at a special salary of £3,500, and a contingencies allowance of £1,000. Shortly after, in 1920, the then Combined Court passed a resolution which was endorsed by the Secretary of State for the Colonies and which fixed Sir Wilfred Collet's emoluments at salary £3,500, duty allowance £500, and contingencies allowance £1,000. That is in force to day; nevertheless in 1927 another Civil List Ordinance, No. 47 of 1927, reverted to the position of 1917 and again fixed the emoluments of the Governor at £4,000 salary, with a contingencies allowance of £1,000. The next step was in 1928 when another Civil List Ordinance, No. 33 of 1928, was passed. It increased the salary of the Governor to £4,500 with a duty allowance of £1,500. That Ordinance was very short-lived and was replaced in 1930 by Ordinance, No. 43 of 1930, which is the Ordinance now in force, and which, as I have said, provides for the salary of the Governor at £3,500, together with a duty allowance of £500 and a contingencies allowance of £1,000.

With respect to the Officer Administer-

ing the Government, when the Governor is absent from the Colony on full pay the Officer Administering the Government now receives his own substantive salary together with the duty allowance and the contingencies allowance, but when the Governor is on half pay the provisions of Colonial Regulation, No. 35, are applied, and the Officer Administering the Government then receives half of his substantive salary, (taken at the minimum of the scale) together with all his increments plus half the salary of the Governor and of course the duty allowance and contingencies allowance. It will therefore be seen that the remuneration of the Officer Administering the Government varies in accordance with whether the Governor is on full pay or half pay leave.

I invite hon. members to study carefully the correspondence which is attached to Message No. 8 of the 25th November, 1937. It will be observed that that correspondence originated with the Circular Despatch, dated 27th June, 1937, from the Secretary of State for the Colonies, who was then Mr. Macdonald. In that despatch the Secretary of State for the Colonies stated that he had under review the question of the remuneration of Officers administering the Government in the absence of Governors from their territories. He drew attention to the lack of uniformity in the practice which prevails in the various Colonies and stated that he considered the time had come when steps should be taken to adopt some kind of common practice. He felt that whatever system was adopted it should be one that would ensure to the Officer Administering the Government adequate remuneration during the period that he bore the additional responsibility of Governorship. He also criticised as being unsatisfactory the practice by which the remuneration of the Officer Administering the Government is dependent on whether or not the Governor is on full pay leave. The Secretary of State for the Colonies also suggested that it may be considered advisable that the practice which is in force in certain African Dependencies and Hong Kong should be adopted in this Colony. That practice is that the Officer Administering the Government receives his own substantive salary together with an allowance which is equal to half the difference between his substantive salary

and the salary of the Governor plus the duty pay and, or, entertainment allowance attached to the Office of Governor. That allowance is paid whether or not the Governor is on full pay leave. The present proposal is a slight modification of that practice.

The Secretary of State for the Colonies also referred to the distribution of the emoluments of the Governor as between salary and allowance. He suggested that the ideal arrangement was of course that the amounts should be so adjusted, as on the one hand to allow a reasonable salary to the Governor while on leave and at the same time allow adequate compensation in the allowances to the Officer Administering the Government. He also went on to suggest a ratio of 3 to 1 as between salary and other emoluments.

Sir Geoffrey Northcote considered this proposal and in his reply dated September 27, 1935, which has been also printed, he agreed with the proposal that the Officer Administering the Government should receive the remuneration which the Secretary of State for the Colonies has suggested. Sir Geoffrey Northcote, having considered the question of the distribution of the emoluments as between salary and allowance, came to the conclusion that the present distribution of £3,500 salary and £1,500 allowance was rather inequitable and that it compared unfavourably with the distribution in Colonies similarly placed as British Guiana. He suggested that the distribution should be £4,000 salary and £1,000 allowance, the proportion of such distribution being as 8 is to 2. The Secretary of State for the Colonies has since sent a communication in which he has approved of these proposals and of their being placed before this Council.

It is quite clear that taken by itself the re-distribution of the emoluments of the Governor means no expense to the Government but the two proposals must be taken together, and so they are now put together before the Council. An estimate has been made of the cost and the Message points out that it might be taken to be approximately \$1,525 over a period of five years.

I want it to be quite clearly understood that one of the proposals is that this arrangement should be retrospective and

should apply to the year 1937. That means adjustments will have to be made in respect of moneys paid to Sir Geoffrey Northcote and to the Officer Administering the Government during the period Sir Geoffrey was on leave. That adjustment will take this form: The Officer Administering the Government will have to refund the amount of allowance which he drew in excess of the amount proposed by this resolution. He drew an allowance at the rate of £1,500 a year and it is now proposed that the allowance be reduced to £1,000, so that he will have to make a refund. But at the same time, he will benefit because the new arrangement provides that during the period whilst Sir Geoffrey was on full pay leave he should receive remuneration on the basis which I have already explained. Sir Geoffrey Northcote will also receive an increased sum in respect of the period while he was on leave. That amount will be calculated at the rate of £500 a year during the whole period he was on full pay leave and £250 a year for the period he was on half pay leave.

I said just now that I would explain the modification which the Secretary of State for the Colonies suggested. He suggested that this new arrangement should only apply during the period while the Governor is on full pay leave, and that the provisions of Colonial Regulation, No. 35, should apply while the Governor is on half pay leave. Actually there is very little difference between the two. The first arrangement is that the Officer Administering the Government receives half the difference between his substantive salary and the Governor's salary, and under Colonial Regulation, No. 35, he receives his full salary, plus all his increments and half the Governor's salary. The difference between the two calculations is merely that in the one case the increments are not halved. Colonial Regulation No. 35, is slightly more favourable, but the reason why the modification has been made is that during the period the Officer Administering the Government is getting pay under the Colonial Regulations, No. 35, part of his salary is available for paying the acting Colonial Secretary, and unless that regulation is applied there will be nothing from which to pay the officer who is acting as Colonial Secretary. In paragraph 3 of Mr. Ormsby Gore's last despatch he

stated that he had approved of the proposal subject to the concurrence of the Legislative Council, and he considered that the matter should be brought to the Council at the first opportunity. I think that the argument put forward in the correspondence commends itself to the Council, and I therefore now beg to move the motion.

Mr. D'ANDRADE seconded.

Mr. ELEAZAR: Like yourself and the hon. Colonial Secretary I am a little diffident to speak on the motion. I would like to ask whether this arrangement would not involve any addition at all to the amount spent now on the Governor's salary as well as on the Colonial Secretary's salary, whether we will have to contribute any more money to the Governor and the Colonial Secretary? I would like that explained. Are we going to pay a little more?

THE PRESIDENT: I think it is explained in the Message. This does involve an addition of \$1,535, estimated for over five years.

Mr. ELEAZAR: Your Excellency, I cannot be so immodest as to protest against it, so I will let it pass. What has struck me while the hon. Colonial Treasurer was trying to explain, is that we are likened to Hong Kong and African Dependencies. It has brought to my mind a story I heard some time ago. Two sportsmen went to shoot and at the end of the day all their prize was a crow and a partridge. When they came to divide in the afternoon, one fellow said to the other: "You take the crow and give me the partridge, or I will take the partridge and you take the crow." The other fellow said: "It does seem fair, but what I do not understand is that the partridge always goes to you." We have a Colonial Secretary here, and when he acted as Governor we praised him because he did his duties very well. The workman is worthy of his hire. We did not know we had to pay Sir Geoffry while he was sporting in England. We will not, however, quarrel over it.

Motion put, and agreed to.

#### COVE AND JOHN DRAINAGE RATES.

Mr. McDAVID: I beg to move:—

THAT, with reference to Governor's Message No. 10 dated 10th December, 1937, this Council approves of an amount of \$8,902.78 being provided in a schedule of additional provision for the year 1937 to meet a balance due by Cove and John Estates, Limited, in respect of drainage rates appertaining to outstanding cash advances made by the Treasury to defray maintenance and running expenses of the drainage area in which Pln. Cove and John *cum annexis*, East Coast, Demerara, is included.

There is very little to add to what has been printed in Message No. 10 of December 10, 1937. Cove and John is, or was, a plantation included in the Drainage Area (which also includes the districts of Golden Grove and Nabaclis) and was assessed drainage rates over the period 1927-1936. During practically the whole of that period it was in more or less financial difficulties. As far as I know, between 1927 and 1930 it had not been able to make a profit. Attempts had been made to collect these rates during the whole of that period, and proceedings were instituted from time to time for the recovery of the rates, but they were suspended on account of the fact that the estate was very heavily mortgaged. Subsequently that difficulty disappeared and those proceedings were taken to finality and the property sold at execution for \$8,259.84 net. The total amount of the debt is stated in paragraph 6 of the Message (\$28,792.62). Of this amount, \$17,162.62 represent the actual cash advances to the drainage area by the Treasury for meeting its expenses, and that sum must be refunded to the Treasury. After taking credit for the proceeds of the sale the balance is \$8,902.78, which is the amount that this Council is now asked to approve of its inclusion in the next schedule of additional provision for the year 1937, as stated in the Message. Regret is expressed in paragraph 9 of the Message that the attempts made to avoid a loss in connection with this estate have not met with any success.

Mr. SEYMOUR: The motion is not new. I have tabled some questions here pertaining to another estate which more or less comes under the same category, and there the amount of indebtedness has not been realised. It will be found when you investigate this intricate problem that it is going to cause Government much con-

cern. It is not a small sum involved in these arrears of taxation, but practically a very large one spread over the three Counties, which is rather regrettable and deplorable. We had large irrigation and drainage schemes fully rushed ahead with no levels, no surveys and no estimates prepared and given. Your Excellency will have a plenty of opportunity to examine the matter, and, as I understand, Government already has under consideration the conditions which pertain to this heavy debt outstanding. Just as in this case, which I may call a precedent, there are others in respect of which I fail to see how Government can do otherwise than give a sum of money.

I welcome Government's action in this matter because I am concerned, and many more also, some to a greater degree than others. But it has been in the air that in respect of the payment of irrigation and drainage taxes, the annual recurrent charges have not been paid to this day. The position is hopeless, and, as I understand unofficially, Government is entertaining fear in this matter and is going into it. I ask Government to expedite its enquiry so that people who are still indebted to Government will know where they stand. Once there is no action on the part of Government there will be no action on the part of the people, but in many cases, as has been pointed out, it has been the fault of Government, and in a good many others that of the people concerned.

The works were started around 1924, as far as I know, but there was no action taken or any Bill brought in until 1928 when they started to collect the money. That was all wrong, and had been wrong ever since. I do ask Government to take early action in seeing what can be done. It is essential that it should be settled, and I hope Government will endeavour at all times to co-operate with those interested directly in the various parts of the Colony.

Mr. ELEAZAR: This is one of those cases to which I referred just now. I only want to add that in most of these cases, and in this one in particular, Government is largely responsible for the present state of affairs. When this drainage scheme was inaugurated in that particular place,

the inhabitants of the place—men who knew their “sheep” but not their “subtraction”—protested strongly to Government that the pump which was being installed was inadequate for the area it was intended to drain. They were not only blunt in a slight degree but made a tremendous noise, and they were told: “Oh, it is sufficient and will be all right; even if it is not sufficient you will get some more.” When the scheme was finished it was found to be hopelessly insufficient and nearly as bad in inefficiency. Conditions instead of being ameliorated became worse in that district. Cove and John, a self-contained estate, was able to say how much it lost, but the neighbouring villages of Victoria, Golden Grove and Nabaclis, which were included in the scheme, could not compute their loss, because at the start Government could not appreciate the fact that they were putting down a small pump which could not drain such a large area.

As regards the maintenance cost, I want the Director of Public Works and Sea Defences to take note of what I say. The existing maintenance cost is outrageous. You pay an engine-driver \$45 per month all the year round when he is supposed to work about three months only in the year, or perhaps a little over that. The villages cannot pay—nobody can pay—and in spite of their protest the amount is owing and the debt is accumulating. I know that there are many more cases to come, and nearly all of them is as bad as this one. The people protested before the pump was put down, but Government Mathematicians knew “subtraction” but not the “sheep” and could not see what was being told them. This is a little bit of charity, and charity always comes limping, sometimes it is a little late.

Mr. JACOB: I should not like to follow the line of argument adduced by the two hon. members who have just taken their seats. Here the taxpayers of this Colony are asked to pay \$8,902.78 as overdue payments by a company that should have paid and could have paid. I should like, Your Excellency, to invite you to go into this matter somewhat closer. The suggestion has been made that requests of a similar nature will come before this Council and Government will have to agree to them. What about those people who



met their obligation—those people who had been threatened to pay and did pay? It is not fair, it is not reasonable. Certain people made promises and never kept them, and this Government allowed those people to owe for years and years, and an excuse is given in paragraph 4 of the Message. Your Excellency, these are some of the things which have been happening in this Colony and still continue to happen. Are there not officers who could have taken steps to collect this money? It is not fair to say the company could not pay. Pressure should have been brought to bear on the company to pay. I think there is provision in the law for indebtedness to Government to have a prior claim on all other indebtedness. I should like some explanation from the hon. Attorney-General on that point. I do not think that the statement in the Message is quite correct.

The hon. member for Georgetown Central (Mr. Wight) had said in this Council that when he purchased the estate he was asked to pay rates which should not have been paid by him. I invite Your Excellency to go into this matter. As one of the representatives of the taxpayers I strongly object to the payment. The Law Officers of Government are paid to do their duty but do not. If the proprietors of certain lands cannot pay their rates as the schemes are failures then it is another matter, but in this particular case I am almost certain this debt could have been paid.

Motion put, and agreed to.

#### 3rd SUPPLEMENTARY ESTIMATE.

Item VIII. of the Order Paper was at this stage reverted to.

THE COLONIAL SECRETARY: I beg to move:—

THAT this Council approves the Third Schedule of additional provisions required to meet expenditure in excess of the estimates for the year 1937, which has been laid on the table.

This Schedule contains a very large number of items, but the total is less than is customary in the Schedule which is placed before this Council in December of every year. It is inevitably unforeseen expenditure in certain directions which

took place during the year. In the Schedule now presented, hon. members will find in a large number of cases that these excesses are covered by savings under the same head of expenditure. The total expenditure involved in this Schedule is not greater than the amount that was anticipated when the impression of the financial position to the end of the year was given in this Council some two months ago, and I may add there is no reason to think that the surplus to be carried forward to 1938 will be in any way decreased. If there are any questions in regard to items in the Schedule, if hon. members consider there is anything that had not been done, I shall be happy to explain them during the discussion in Committee.

Professor DASH seconded.

The Council resolved itself into Committee and proceeded to consider the Schedule, item by item.

#### FOREST DEPARTMENT.

Item 14—Passage of Assistant Conservator of Forests to the Colony, \$189.

Mr. ELEAZAR: I see this amount is required in excess to cover the cost of passage from England of an Assistant Conservator of Forests, appointed to this Colony. I did not know that this Government used to pay everybody's passage to this Colony.

THE CHAIRMAN: It is a new appointment.

Mr. ELEAZAR: Is it not time that Government tell such a man: "You have got a job and will be living in a paradise; you will get a fat salary for twiddling your thumbs, but you will have to pay and come?" Government engage these people, give them consideration that people here do not get, and then to boot they must ask Government to pay their passage to come and get the job. I think Government is consistently hitting the Colony below the belt in this respect. The taxpayers are continually being burdened with expenditure of this nature. I am not at all surprised if we do get an item for house allowance to this officer, although Government may urge that no house allowance will be given.

Item put, and agreed to.

## LANDS AND MINES.

## Item 9—Geological Survey, §810.

Mr. ELEAZAR: In connection with this I have a great grouse, and it is in this respect. Your immediate predecessor, Sir Geoffry Northcote, gave me his personal promise when I referred to the matter in the Berbice Chamber of Commerce, that those surveyors will operate for some time or another in the Berbice River. When that promise was brought to Government a short time ago by the Berbice Chamber of Commerce, I learnt that the reply they got was that the surveyors are not going there as for the whole year the Berbice River only produced 10 ozs. of gold. It seems to me that is a reason why the surveyors should go there, instead of putting that as a reason why they should not. The Berbice River in so far as gold is concerned is absolutely unexplored. The place is as it was at the beginning. One or two men who went to the goldfields in the other County thought they should go up the Berbice River and try their fortune there. They took a few things they thought they would need, and on finding a couple of ounces of gold they returned to town. They say they cannot take enough foodstuff to last them for a period of three months and there is no shop in the vicinity. They claim that when they take the little foodstuff that they can carry in order to prospect, before they find one speck of gold their provision is diminished and they have to return to town. This district shows promise of yielding gold and diamonds, because gold and diamonds have been won from there. All that we ask for is assistance in getting the surveyors to open up the district. The surveyors are busily surveying places which are already opened up.

I know that I am more or less responsible for those surveyors being in this Colony to-day. It was the result of a conversation I had with Sir Edward Denham that the idea came about. I suggested that those men known as "pork-knockers" be subsidised to go and search for gold in unexplored areas, and Sir Edward carried it a little further. He sent geological surveyors to do the work. It was not the intention to go over the places where the pork-knockers had been, but to go farther afield. They say they have not found any new place; that is as

regards Essequibo. Berbice has never had a chance and we are now asking to be given that chance. To say that the yield is not sufficient to warrant the surveyors going there, is adding insult to injury. People have gone there and proved that there is gold in that district, but they have not the means to survey the district and Government has surveyors who can go and give the desired help. The people who worked for gold in the Berbice River were the pioneers and were principally the people who had been engaged in the balata industry, but that industry has gone out of existence practically and so they are thrown back upon their farms. Their farms are being devastated every year, and sometimes twice a year, by drought or flood. They have now turned their attention to the interior and after having themselves searched and found gold, that they are to be told that the surveyors cannot go there is not good enough. I think the reply given to the Berbice Chamber of Commerce, when the promise of a former Governor was brought to Government's notice, is nothing short of adding insult to injury. I hope Government will reconsider that decision of theirs and contrive that the geological surveyors find their way to Berbice sooner or later. That is one of the reasons why I wanted a \$26,000,000 loan, and these people could not see it. The country cannot progress in this manner.

THE COLONIAL SECRETARY: The answer of Government to the Berbice Chamber of Commerce, that the hon. member for Berbice River (Mr. Eleazar) has quoted, is only partly true. In the first place I would like to say that this particular geological survey programme is the result of an application made to the Colonial Development Committee for a grant. They made this free grant to the Colony on the basis of a programme of work which was thought by the geological authorities to be the most advantageous to the Colony to explore. Of course we would all be only too happy if we could have a big gold find in the Berbice River District. I think hon. members will agree that in spending this money, which we had from the Imperial Government to explore our gold resources, we must select those areas which give us the greatest probability of success for the whole Colony. The advices of the Geological

Survey and the geological reports generally are that the areas which have been mapped out over the next three years for geological survey are those which show the best promise of success. The Director of the Geological Survey himself does not think the Berbice River offers very good basis for the survey, and he bases his view on the geological maps that have been prepared and the amount of gold, which has been recovered in the Berbice area and which the hon. member for Berbice River (Mr. Eleazar) says is merely an indication that there is gold in that area but which is an indication that the view of the Director of Geological Surveys is correct. The programme is drawn up on the best advice possible on geological surveys. If it is possible when that work is done to extend the area beyond that in the existing programme, the Berbice area would certainly be included in it, but as far as I see the amount granted at the moment is only sufficient to complete the programme for the next three years, which had been laid before this Council.

Mr. ELEAZAR : I suppose the millennium will come before they reach Berbice because it does not show great promise now. That again is a fallacy to which I cannot subscribe, but I would like to tell this Council that I know an individual who fitted out an expedition (Government has some knowledge of it) at a cost of something like \$1,600 or \$1,700 on the assurance of one man, who said that he had worked on the Corentyne bleeding balata and knowing something of gold he took an enamel plate, filled it with earth and on washing it got a pennyweight of gold. This Government will hear something about this expedition later on.

#### DISTRICT ADMINISTRATION.

Mr. JACOB : It has been brought to my knowledge recently that the Local Government Board has not been filling vacancies on Local Authorities in respect to Nominated Village Councillors as promptly as they should. This is the month for the election of Village Chairmen and Village Councillors and for Government to appoint Nominated members of the various Village Councils. I am informed that in two specific instances the Local Government Board has not yet appointed all the Nominated Councillors.

THE CHAIRMAN : Very great latitude is allowed hon. members in discussing the Estimates, but is that matter in any way relevant to the subject under discussion—the two items under the Head (Uniform for crews and messengers, \$66 ; Overtime Allowances—collection of entertainment tax, \$80) ?

Mr. JACOB : I take it, under the Head "District Administration" we can move the reduction of an amount and speak on the subject of District Administration.

THE CHAIRMAN : You can move it under the whole Head but not under items of a specific nature like these.

Mr. JACOB : I thought of mentioning it so that some notice may be taken of it. It is only the principle—

THE CHAIRMAN : I think you may be guilty of making the debate go beyond the ordinary limit. You have, however, successfully introduced the matter.

THE COLONIAL SECRETARY : As the hon. member has mentioned that matter, I am entitled to reply to it. The hon. member knows perfectly well that all names came before the Local Government Board at its last meeting and there were only two cases in which that Board abstained from making appointments because they wished further information. The hon. member had asked me privately and I assured him that in both cases the selection will be made before the elections came forward.

Mr. JACOB : I did not gather that from the hon. Colonial Secretary when I spoke to him. I am thankful for the explanation.

The Schedule passed without amendment.

The Council resumed.

Motion put, and agreed to.

#### CANALS POLDER ORDINANCE.

Mr. JACOB : I beg to move the following motion standing in my name :—

WHEREAS the Polder Ordinance has outlived its usefulness and is out of date to suit present day conditions.

*Be It Resolved*.—That this Council recommend to Government the introduction of legislation as early as possible to amend and revise the Polder Ordinance, Chapter 174, especially with regard to the Election of Members of the Authority, so as to bring it in line with the Village Council Ordinances.

Your Excellency, this Ordinance was passed in 1910, and since then there has been revision of other legislation of the Colony regarding the election of members of Village Councils and Town Councils and even of members of this Council. This Ordinance has outlived its usefulness, particularly in regard to the election of members of the Polder Authority. Section 27 of the Ordinance has special provision in regard to the Canals Nos. 1 and 2 Polder, and it is particularly in respect to the Canals Nos. 1 and 2 Polder that I am asking Government to consider the revision of this Ordinance. I have no doubt, sir, that the whole Ordinance requires revision of one kind or another, and opportunity may be taken to revise the whole Ordinance and so bring it into line with other Ordinances. Government is spending \$181,000 so as to make conditions suitable in the Canals Nos. 1 and 2 Polder for the farmers there and it is particularly in respect of that expenditure that I would like, as a member of that Authority, to see suitable legislation provided not only in respect of the election of suitable members of the Authority but other things. It is not necessary to go into detail.

I recommend the appointment by Government of a committee of the Canals Polder Authority and one or two other persons conversant with other matters dealt with under the Ordinance, so that the matter may be attended to as expeditiously as possible. The reason for that is this. I have been a member of that Authority since 1933 and prior to then the Authority had appointed a committee to go into the question and make recommendations, but I am sorry to say that this committee never functioned, due to continual change particularly of the Chairman who is a Government nominee. It is very desirable that something be done as promptly as possible, and I have no doubt that the Chairman of the Authority, who is the Director of Public Works and Sea Defences, will agree that it is necessary to amend this Ordinance. Why it was not done in the past was

because we knew Government's complaint that there was such an amount of arrears of work in the Law Officers' Department and we thought it was useless burdening them with any more work. However, since the advent of the hon. Attorney-General things have taken a turn, and I do not think there is any longer the complaint of an arrears of work in the Department now. I am not saying that the hands of the hon. Attorney-General are not quite full, but I am going to plead with him and Government to have this legislation put forward as early as possible, so that the money which is now being spent there will be profitably spent.

In respect of specific provisions, the Authority is constituted at present by three farmers' representatives and three estates' representatives elected every three years. I think it is necessary to increase the number. I have stated in my motion that it will be advisable to bring it in line with the Village Councils legislation and urge that it should be in this respect. The number may be increased by either two or more. I make this suggestion for this reason. The Canals Polder has four sections; if there is to be a change of membership at the general election in the advent of a new candidate, it means a contest with the three members whose time expired but who were nominated again. There is no particular area represented by an elected member as for instance in the Georgetown Electoral District, which is divided into Georgetown North, Georgetown Central and Georgetown South, each area being represented by a representative elected by the people. In the interest of efficient government I suggest that in the Canals Polder area another representative for the farmers can usefully be added, thus dividing the district into four areas for separate representation on the Authority. I think it will be well to add another representative for the estates. The number that I am suggesting is similar to that on Village Councils. There you have elected and nominated representatives, and likewise on this Authority you have elected or farmers' representatives and nominated or estates' representatives. I cannot see there can be any objection to four representatives being nominated, as with an additional Chairman it will make five nominated members of the Authority

as against four elected members representing the farmer; you will then have an Authority which can work far better than at present and give general satisfaction.

At present there is no specific date for nominations and, in the event of a contest, for elections. I desire to refer Government to a letter which Government received as early as October 17, 1931, making the same complaint as I am doing at the present time and asking that the Ordinance be amended. Government replied then that the matter was under consideration and would be attended to early. It would be far better to have the election of members to the Authority conducted on the lines of the Village Councils Election—a fixed date for nominations, and if there be a contest a fixed date for the election. I think the elections should be by ballot and not as at the present time by proxy which is rather unsatisfactory and its continuance is undesirable. At the present time a farmer has one vote for each acre of land he possesses, so that a person owning 1,000 acres will have 1,000 votes. I do not think that principle is right as it causes monopoly. Whether a man has 1,000 acres or one acre he should be entitled to only one vote. I think that is a well established principle in this Colony. I suggest that the system of ballot as in the villages be adopted in the Canals Polder.

I think I have stated the case quite clearly and have made out a case for the revision of this Ordinance. I would like in addition to what I have stated to say that there should be certain safeguards in regard to these elections. I do not think anyone interested in the Authority in any way, whether by employment or in other directions, should be a member of the Authority. These are necessary safeguards in all elections in this country, and I suggest that the Ordinance be modelled on the Village Councils Ordinance, No. 16 of 1935—all the provisions in respect to the qualification and disqualification for membership of Elected Councillors. I think that Part 2 of that Ordinance can in a way be transferred to the new Ordinance that is going to be framed, I hope, very shortly. I have great pleasure in moving the motion standing in my name.

Mr. KING: In seconding this motion I

do so with very great diffidence, I must admit, as the wording does not appeal to me. I do not think it is an obligation on this Council to inquire into whether or not an Ordinance should be amended and, if possible, what form those amendments should take. I would rather be inclined to suggest that Government be asked to appoint a committee for the purpose of going into this whole question. The statement made by the hon. mover as to the form of elections, the manner in which they should be conducted, the amount of votes for an individual, are all matters which can be well dealt with by a committee, as it will be necessary to take evidence or get some evidence on which to base their report for submission to Government with the view of amending the Ordinance.

I, however, second the appeal because I feel the Ordinance is obsolete. The present Ordinance is very haphazard. There are provisions absent—the usual provisions to be found in Ordinances of this nature. Only recently at the general elections which took place in October of this year, there were brought forward very forcibly the omissions in the Ordinance in so far as election is concerned; and, as has been mentioned by the hon. mover, the obsolete nature of the provisions of the Ordinance. One of these provisions is that a person entitled or authorised to vote can do so in writing or by proxy. It is almost antiquated. The result is, that at the last general election hundreds of votes were spoilt through the voter giving more than one proxy. This system of proxy can be the cause of very great fraud or misrepresentation. Some of the people of the district entitled to vote are illiterate. All that is required to enable an illiterate person to exercise the vote is to have two witnesses to his mark. It is not unknown in this Colony that marks supposed to be witnessed and so signed have not been made by the persons concerned. It has been known to happen that persons who should have signed documents never did so. Therefore I do feel it is of very great importance to the Canals Polder Authority that the present Ordinance should be rescinded and one introduced in this Council more in line with present day conditions. There are several matters which need enquiry and which should be taken into consideration, if and when an

Ordinance of that nature should be introduced. It will be necessary for Government to be satisfied as to the form that should be contained in the Ordinance.

It is rather refreshing to hear the hon. mover state that he has been a member of the Authority since 1933 and no attempt has been made by the Authority itself to go into this matter. I rather think the Authority should put itself in order; they should appoint a committee of themselves, go into the matter, and then approach Government with some definite concrete proposal and ask that the legislation be amended along those lines. He suggested in his remarks and asked Government to appoint a committee. I am very much in favour of the motion and do ask Government to appoint a committee to go into the whole question of the Canals Polder Ordinance as well as the regulations in force for the last 22 or 23 years, some of which, I think, are *ultra vires*. Regulations have been passed, taking powers that the Ordinance never gave, and the whole matter is one which really needs some looking into. I think the quickest and easiest way is for Government to appoint a committee with full power to go into the entire question. If the terms of reference of the committee are sufficiently wide, they can consider everything and report to Government. Although a member of the Authority myself, I do feel the members of the Authority should not all be members of that committee. While I would ask that not all the members of the Authority should be members of the committee, I think that at least two of them who are more in touch with conditions and with what is required should be on that committee.

THE COLONIAL SECRETARY: Government agrees that this Ordinance requires amendment in regard to the election of members, but I am afraid that Government cannot accept the motion exactly as it is worded. I think the hon. mover himself will agree that the constitution of the Authority is not identical with that of the Village Councils, and I will be prepared to agree to the motion as it stands with the exclusion of the words; "so as to bring it in line with the Village Council Ordinances." I think that is what the hon. member for Demerara River (Mr.

King) intended when he seconded the motion. We are all agreed that some amendment of this Ordinance is necessary, and I am able to say that Your Excellency will agree to appoint a committee to consider that matter. I will therefore move as an amendment the deletion of the words "so as to bring it in line with the Village Councils Ordinances." In so doing I do not wish to infer that some proposal along the lines suggested by the hon. mover is not acceptable; that will be a matter for consideration by the committee. What I do suggest to him is that the whole object will be achieved if the motion is accepted in the amended form.

Mr. ELEAZAR: Government has decided to appoint a committee and that will be a good thing. The two members concerned have asked for the committee. I should like the hon. member for Demerara River (Mr. King) as a lawyer to read the law itself and see the conditions under which Polders emanated. Several people buy a place and beg Government to come in, and empolder and drain and put it in a certain position. The place then becomes a Polder. In respect to the villages the people had to take out hard-earned cash to have everything done to their village. The Polder stands on a different footing entirely to the Village or Country District. The villagers are not spoon-fed children of the Government. I, however, admit that after a number of years of operation this Ordinance can be amended here and there, but we must not lose sight of the fact of the vast difference between a Polder Authority and a Village Council. I see the mischief in people who cannot read and write any language being allowed to go and vote. A man goes to the Returning Officer with hundreds of people around him and says "I want to vote for Mr. A or Mr. B," and that is called voting by ballot. Voting by ballot forsooth. I warn laymen and my hon. friend who is a lawyer of the fact that all these things have a particular foundation and you cannot mix one with the other, because they cannot mix.

THE PRESIDENT: If the hon. member is prepared to accept the suggestion that a committee be appointed to consider the revision of the Ordinance, he may ask the Council leave to withdraw the motion and I would accept the amendment.

Mr. JACOB: I accept the amendment made by the hon. Colonial Secretary to delete the last line of the motion. This Ordinance covers several Polders, and that is one of the reasons why we brought it to this Council, so that an early decision can be arrived at as to the necessity for the whole Ordinance being amended. If the Ordinance relating to the Canals Polder requires amending, the others do as well. The question of ballot as suggested by the hon. member for Berbice River (Mr. Eleazar) is not so complicated. I not only insist there should be election by ballot in every case as is done in other places, but that ballot paper of different colours be used.

I am deeply interested in the development of the Colony and of the Canals Polder area. I was elected a member of the Canals Polder Authority in 1933, again in 1934, and again in 1937 when, owing to the complicated way in which the elections are conducted, a contest followed. I would like to assure this Council that if nothing is done promptly in the matter, I am not going to be associated with a scheme which is going to end in failure. It is only at the expressed wish of about 95 per cent. of the inhabitants there that this motion is brought by me, and if it is going to take several years for action to be taken I am afraid I am not going to be associated with a scheme on which \$181,000 is being spent there, as unless something is done the whole thing is going to end in failure. As a representative of the farmers, when the scheme was being drafted I was not asked to be on the committee. With the appointment of the Director of Public Works to his post as Chairman of the Authority recently much hope is entertained that something will be done and that the scheme will prove a success. If, however, the present constitution of the Authority is allowed to continue, I am afraid that the value of the expenditure of that large sum of money will not be seen. That is the reason why I am so anxious and why I urge on Government to appoint this committee as early as possible. I hope that within the next six months the new Ordinance will come up in this Council and be passed. Legal disputes arising out of the elections have been threatened, and I do not know whether they will be continued in the Supreme Court. It is not desirable that they should be,

If this Government appoints a committee, I am sure the matter will be expeditiously dealt with.

THE PRESIDENT: I understand from the hon. member's speech that he agrees with the amendment to the motion by the deletion of the last line. On those terms as the hon. Colonial Secretary explained, Government is prepared to accept the motion.

Motion as amended put, and agreed to.

#### IMMOVABLE PROPERTY SALE OF INTERESTS BILL.

THE ATTORNEY-GENERAL (Mr. Nihill): I desire to move the second reading of "A Bill intituled An Ordinance to make provision in the case of dispute for the sale of undivided interests in immovable property." I do not propose to give a detailed explanation of the various clauses of this Bill. The reasons for the introduction of this measure go back to a joint committee which sat in 1935 and reported in 1936. It was a joint committee of this Council and the Georgetown Town Council which sat to consider various matters in connection with housing and the ownership of landed property in the City of Georgetown. That committee reported in February, 1936, and made a series of recommendations. One of their recommendations has been embodied in the measure now before the Council. That was a recommendation which pointed out the difficulty which owners of house property in the city often experience where the house in question is held by a number of joint owners in undivided shares. In many cases a satisfactory partition of that property is not possible; the property itself is so small and the persons having an undivided interest in that property are so many in number that practical partition is altogether out of the question. The committee in their report pointed out that that state of affairs is very prominent in the City and that it has led to a good many disputes and ill-feelings sometimes between families who are joint owners of property in that manner. In any case some machinery should be provided by which this situation, which must arise when small property lots are held in that way, can be remedied,

The remedy which the committee suggested was that legislation be introduced by which the holder of an undivided interest in property can in certain circumstances go to Court and obtain from the Court a sale of the property in question, the proceeds of the sale being split up between the various holders of undivided interest in that property. That is really all that the Bill now before the Council secures.

The Bill is based upon the United Partition Act of 1868 which provides this application to the Court and gives the Court power to order and arrange the conditions under which the sale of the property can be carried out. The Bill was published for general information on September 11 last, and that was done because it was felt that it is a matter of considerable interest and importance not only to legal practitioners but also to all property-owners in the City. No criticism of that clause or suggestion for amendment has been received since the publication of the Bill, and I assume, therefore, that it has met with general approval from the classes interested. I myself in reviewing the measure have come to the conclusion that in one or two of these clauses the provisions may be improved from a drafting point of view, and when the committee stage is reached I shall put forward those amendments for consideration.

It will be noted that the Bill does not apply to lands in the rural areas. As the Council knows, provision for partition of rural land is provided for in the District Lands Partition Ordinance, and it is not the intention that this measure should be applied at all to land situated in the rural areas.

To go into a little more detail, clause 3 of the Bill gives the holder of an undivided share the right of action to request the Court to direct the sale of the property and the distribution of the proceeds. He may or may not obtain that sale. If he owns half or more than half of the property, or a number of co-owners together own half or more than half, he or they is or are in a stronger position to obtain a sale than if he or they owns or own less than half of the property. When the committee stage is reached, I propose to introduce a small amendment to clause 4 which provides that the Court shall direct the

sale, by the addition of the words "Unless it sees good reason to the contrary." I feel, sir, on reconsideration it is best not to limit the discretion of the Court in any way.

The whole object of this measure is that the Court should proceed upon equitable lines and do the best to carry out equitable settlements between the parties who may choose to use this measure. There is nothing coercive in the Bill; it provides means to those people who wish to use it. I believe it will have a very beneficial effect generally on the ownership to house properties in the City of Georgetown and the Town of New Amsterdam. I beg to move that the Bill be now read a second time.

Major BAIN GRAY seconded.

The Council adjourned until 2 p.m., for the luncheon recess.

2 p.m.

Mr. ELEAZAR: There is nothing very unprincipled in the Bill to be objected to. The Bill seems to me to be founded on very sound principles, only I do not know whether the details are sufficient to meet the cases which generally occur. It is quite possible for a small piece of land to be owned by three or four or more persons, and it may be left all the time to a single individual to pay the taxes and improve the land. Suppose there are four co-owners and the fourth will not contribute to the upkeep but wants the property sold, he would be justified in going to the Court, but when he goes the Court holds he has a right to his full share. I see nothing in the Bill to remedy such a state of affairs and that is generally what happens. I do not see there is sufficient time for us to put our heads together to get that in. I intimated it to the hon. Attorney-General during the recess hour so that he could do something to remedy that. Also I do not see anything in the Bill indicating by what means the person who becomes the sole owner will get title. That is something that should be remedied.

THE ATTORNEY-GENERAL: I am not quite sure of the precise point that the hon. member for Berbice River (Mr. Eleazar) has in mind, but I think that on consideration it will be found that the wording of clause 5 of the Bill is very wide



and elastic and, where there is a sale, does give the Court very wide discretion in settling the terms of the sale and what should be done with the proceeds of the sale. I am quite prepared to consider any specific amendment by the hon. member when the committee stage is reached, but I am not prepared myself to move any amendment to clause 5 of the Bill as it stands.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Interpretation.

Mr. KING: It seems to me there is an omission in this clause. "Owner" is not definite. In the laws of this Colony there are several means of acquiring title. Section 4 of Chapter 7 of the Civil Law of the Colony provides that title can be acquired by a declaration of the Supreme Court where the person has been in occupation of land for 30 years or more. I do not see any provision including such a declaration by the Supreme Court as mentioned in Section 4 of Chapter 5. I suggest, as that is another means of acquiring title in this country, that the words "declaration of title" be inserted between the words "transport" and "letters of decree."

THE ATTORNEY-GENERAL: I am quite prepared to accept the amendment that has been suggested by the hon. member, but I am not quite certain that the inclusion of those words is strictly necessary. I understand the owner who obtains a declaration of title from the Supreme Court can, if he wishes, obtain transport by presenting his declaration to the proper officer in the Deeds Registry, but I certainly want to be on the safe side. I am however, grateful to my hon. friend for pointing out that no specific reference has been made in the definition to the form of title to which he has referred. I therefore beg to move that "owner" in clause 2 be amended by the insertion of the words "declaration of title" after the word "transport" in line one, and the deletion of the word "the" in line two of the same definition.

Amendment put, and agreed to.

Clause 4—Court shall direct sale of property of parties interested, when sale requested by owners of a moiety or upwards.

THE ATTORNEY-GENERAL: I beg to move that the clause be amended by the insertion of the following words "unless it sees good reason to the contrary" between the word "shall" and the word "direct" in the fourth line of the clause. I gave the reason for this amendment in the course of my speech on the second reading of the Bill.

Mr. ELEAZAR: I am wondering whether the words at the end of the clause—"necessary or proper consequential directions"—cover what I suggested just now. The Court shall give direction for a sale, and direction for the distribution of the proceeds thereof between the parties interested, but I see nothing there to indicate that the Court has any other power. I am thinking of a case where liabilities have been incurred. "A" is on the property all the time, paying the taxes and maintaining it; "B" who is entitled to a portion of the property comes along after the sale and the proceeds are distributed evenly between them without any deduction of the portion of the taxes and maintenance that he should have paid but did not pay. I see nothing in the Bill to give the Judge power to make that deduction or to direct such deduction. I do not think, speaking from experience more or less, that where the property belongs to several persons and only one of them has been incurring the expense of keeping it up, the other persons entitled should come along and get the Court to order the sale of the property and distribution of the proceeds evenly between them.

Mr. KING: While there is something in what the hon. member says, usually the person in possession pays the taxes and is the one deriving all the revenue from the property. It is an admirable piece of legislation. In this country people who are not so well off are taken advantage of by those who hold the big stick over them. It certainly has been to my knowledge that the revenue in most cases where one man is in possession is far greater than the amount he has to pay in rates and

taxes to keep the property. I do not think the hon. member should be so exercised in mind that this Ordinance is going to give such injustice to the man who is paying the rates and taxes, as the amount he receives as revenue is far greater than the rates and taxes which he has to pay.

Mr. ELEAZAR: It cuts both sides, and, where the property is owned by several persons, the Judge should have power to say: "You must have so much." One can understand where there is some income to come from the property, that the man who receives it and does not account to his co-owners cannot hope to get an even share in the division. In like manner in the case where there is no income to come one is not entitled to come and claim his portion without making allowance for the payment of the rates by the others. That makes me feel that the Judge should have the discretion to say what the deduction should be.

Mr. GONSALVES: I think the hon. member for Berbice River (Mr. Eleazar) is confusing the matter. On reflection he would find that he is confusing the working of the Ordinance with the matter of an accounting suit. They are two different things. As the hon. member for Demerara River (Mr. King) has pointed out, if one is asked to pay a portion of the rates he is entitled to ask for a portion of the revenue from the property, and that in itself involves an accounting suit. The idea back of this Ordinance is that there should be a simple way for people to get this question settled. I happen to be a member of the committee which dealt with this matter. It was given full consideration and I am sorry that only this one portion of the committee's report has been taken up at the moment. I hope that soon the other portions of that report will come before the Council. I think the Bill, as far as I see, with the amendments suggested should provoke very little objection.

THE ATTORNEY-GENERAL: I think that the hon. member for Berbice River would probably agree that he has raised a very interesting point and has put forward a problem which is a complex one. I am sure that every legal practitioner in this Colony has had to face it at some time or

other. It is difficult to incorporate a suitable amendment in this clause without mature consideration of its terms. It is quite obvious that the Court cannot order a deduction unless the co-owner is clearly entitled by law to that deduction, and all kinds of considerations will come into play before the Court can order the deduction. I do not think that in a clause of this kind we should lay down the principles upon which deductions can be ordered. I still think that, as the wording stands, in clear cases where money is owing by one co-owner to another it may be possible for the Court in a general settlement to make an account between the parties. I think it will be better for us to see how the Bill will work out in practice.

Mr. ELEAZAR: If Berbice were not included it would not have mattered to me. Very often laws are made in this Council which are very suitable to Georgetown and not to other parts of the country. This Bill is made to apply to New Amsterdam as well. I see nothing here to give a Judge power to say: "This person has claim to the property and I order that the property be sold and the proceeds divided." There should be provision for him to order that an enquiry be made into the whole circumstances and direct what should be done. I should like to see the Judge given power to enquire into the whole circumstances and declare how much of the money the person should get. If it is too great a hurdle for the Law Officers of the Crown to get over and other lawyer-members of this Council to address their minds to, what is there to worry about?

Amendment put, and agreed to.

Clause 9—Saving Cap. 169.

THE ATTORNEY GENERAL: I beg to move that this clause be deleted. On consideration I think that in view of the proviso to clause 8 this insertion is hardly necessary. In the proviso to clause 8 the provisions of this Bill are made inapplicable to any property which may be or is subject to the provisions of the District Lands Partition and Re-allotment Ordinance. I do not think we should repeat much the same thing in clause 9. I there-

fore beg to move that the clause be deleted.

Question put, and agreed to.

Clause deleted.

Clause 10—Exclusions. Cap. 7, Cap. 184.

THE ATTORNEY-GENERAL: This clause is renumbered as clause 9, and I beg to move the deletion of this clause and its re-enactment in a rather different way to read:—

The provisions of the Limitations Ordinance shall not apply to the exercise of any right of action conferred by this Ordinance.

The effect of that is to delete reference to sub-section (3) of section 2 of the Civil Law of British Guiana Ordinance. I think on the whole it is better not to make any reference to that particular sub-section of that particular Ordinance. It is a sub-section dealing with the preservation of rights acquired under the old Roman-Dutch Law of Land Tenure. It is a section which has given rise to very many difficulties in the Courts, and I think that members of the legal profession generally are still awaiting final judicial decision as to its exact significance and purport. I think on the whole it will be wiser not to make any reference to it in this Bill.

The effect of the substituted clause will be merely to take away the application of the provisions of the Limitations Ordinance; that is to say, there will be no time bar within which the holder of an undivided interest may take the right of interest given him under clause 3 of the Bill. I think that is a wise provision, but on the whole any reference in this Bill to the Civil Law Ordinance may be dangerous.

Question put, and agreed to.

New clause 9 substituted for old clause 10.

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. (*The Attorney-General*).

DISTRICT ADMINISTRATION BILL (TRANSFER OF DUTIES) BILL.

Mr. LAING: I beg to move that "A Bill intituled An Ordinance to abolish the offices of Chief Commissary and District Commissaries of taxation and to apportion the duties of those Officers among District Commissioners and other Officers" be read the second time. From the title of this Bill it may appear that extra duties are to be imposed on District Commissioners. This, however, is not the case. The duties of the Chief Commissary and Commissaries of Taxation in the districts have been performed during the past six years by District Commissioners, and this Bill merely gives effect to what was done by the District Administration Scheme in 1932. Prior to that date there was a Commissary Department and the duties of that department were to collect the licences duties. In 1932 District Administration was introduced in this Colony, and the duties of the Commissary Department were undertaken by the District Commissioners, and, members of this Council are aware, since 1932 no provision has been made in the estimates by this Government for a Commissary Department. Opportunity has been taken in this Bill to transfer certain of the duties which were performed by the Commissary Department to more appropriate departments. Those duties are set out in the schedule to the Bill. I move the second reading of the Bill.

Dr. WASE-BAILEY (Surgeon-General, acting) seconded.

Mr. ELEAZAR: When Government brings forward these measures and has a cast-iron majority it gets them through very easy, but when the measures are put into operation then the trouble begins; then the law Courts are kept busy and lots of trouble otherwise brought into being. This District Commissioners' system is not yet complete in this country. It has been brought into a country entirely unsuited for it, and it has been bungling ever since. Nobody knows who is who. Government were warned that they were destroying a system, which had been in vogue for all these years and had almost become a specialised department, and bringing into being something which does not suit this country. Because some people come from Africa therefore we must have everything African; instead

of "Inspector of Schools" we must have "Director of Education," instead of "Government Secretary" we must have "Colonial Secretary," instead of "Colonial Civil Engineer" we must have "Director of Public Works." We have brought in "District Commissioners"—something unknown in these parts except as Wardens in the Bush and in the Rupununi—and are now destroying the Commissary Department to permit of everybody and anybody appearing as a Commissary. There is no training for the job and no special knowledge of what a Commissary has to do. I wonder how many of those employed in the District Administration Department are capable of going into a sugar estate and measuring the rum as was done in the old days. A Commissary not only collected licences, as for that matter Government could have issued the licences through the Post Office, but did many other things which the officers of this department cannot do, will never attempt to do, and will never be able to do.

When this District Administration was introduced originally, it was said that it would only cost \$6,000 or thereabout and members of this Council decided to give it a trial, but it is now costing us \$30,000, and it is now being sought to give it something to do by destroying a well-established office in the country, more specialised in their line to do the work they did. It is, however, no use bothering Government. The Bill is going through, but believe me it is making confusion worse confounded.

Mr. JACKSON: I would have been considerably surprised if the hon. member for Berbice River (Mr. Eleazar) did not belch out some of his steam against this District Administration Scheme, and perhaps it is quite good that an opportunity has been given him to divest himself of that steam. The member for Berbice River speaks of a well-ordered institution, you may call it, being disturbed by this Bill, but I wonder if he has studied the schedule to this Bill where he has the Commissioner of Lands and Mines doing a portion of the work that fell to the Chief Commissary—perhaps a portion of the work better suited to him—and also the Comptroller of Customs taking his share and the Inspector General of Police his

share. I believe if all these officers were performing the duties they are asked to perform now, and the proposal was to appoint one man to perform all those duties and to call that officer the Chief Commissary, the member for Berbice River would speak very strongly against the appointing of one man to do the work of four men. It is, however, in this instance the other way about and I do not think any harm will come by distributing the duties of the office of Commissary in this way, and I venture to think that the Bill is one which should appeal to this Council. I believe it appeals to the member for Berbice River in a measure because he feels it will pass this Council, and I think it will be well if he supports this measure by his vote if there is need for a vote or by his saying "Aye" to the various sections when they are taken in committee. Seriously I feel this is an improvement. Division of labour is a very good thing indeed, and I am quite sure the member for Berbice River will say so in certain respects. I support the Bill.

Question, put, and agreed to.

Bill read the second time.

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

Schedule—Amendments to Ordinances.

THE ATTORNEY-GENERAL: I have a small draft amendment to move in the Schedule. In the Money Lenders Ordinance, (Cap. 68) to substitute the words "Registrar of Deeds" for the words "Chief Commissary" in Section 4.

Question put, and agreed to.

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. Lairy*).

POST OFFICE SAVINGS BANK BILL.

Mr. McDAVID: As is stated in the memorandum of "Objects and Reasons" by the Attorney-General, the object of the Bill is to repeal the existing legisla-

tion governing the operation of the Post Office Savings Bank in Chapter 48 and to re-enact the Ordinance in a more suitable form in accordance with a model Savings Bank Ordinance which has been furnished by a committee which was appointed some years ago by the Secretary of State for the Colonies. I wish to make it quite clear that in so far as the relations of the Bank to its depositors are concerned, this Bill makes no change. The Bill retains the fundamental principle of the existing Ordinance that the repayment of all moneys deposited in the Bank together with the interest thereon is fully guaranteed by the Government of the Colony. It also retains the existing provisions in regard to interest, the rate remaining the same as in the existing law, namely 2.4 per cent. per annum. What the Bill does aim to do is, according to the statement of "Objects and Reasons," to establish the Savings Bank as an independent financial organization in such a manner as to ensure that the relations between the funds of the Bank and Government revenues should be such as to preserve a reasonable balance between the immediate interests of the taxpayer and his ultimate liability for the security of the Bank's financial position. The Bill does that by providing that all expenses incurred in the operation of the Bank shall be met from the Bank's funds. It also provides and lays down a procedure for dealing with the revenue or any surplus or deficit arising from the operation of the Bank, as well as provides for the establishment of a reserve fund.

All the clauses contained in the Bill have their counterpart in some form or another in Chapter 48, except clause 10, the proviso to clause 11 (1), the proviso to clause 11 (2), sub-clauses 2 and 3 of clause 13 and sub-clause 2 of clause 15. Clauses 17 and 18 are also new. It is only necessary for me to explain the effect of these new clauses. I should say, however, that all the sections which are now contained in Chapter 48 have not been introduced in this Bill. In the first place Chapter 48 really establishes the Government Savings Bank under the management of the Colonial Treasurer, and it is only in Part 3 of that Ordinance that a Post Office Savings Bank is established, applying the provisions for the management of the Government Savings Bank to such Post Office. The Government Savings Bank

run by the Colonial Treasurer has been disestablished for many years, and it follows that the major portion of Chapter 48 is redundant except in so far as is required for the operation of the Government Savings Bank. There are also many sections in Chapter 48 which deal with details of procedure which seem properly prescribed by regulations under the principle Ordinance. Section 5 of Chapter 48 which prescribes the times and the days on which the Bank may keep open to the public, and section 8 which lays down that every depositor must be given a pass-book are more properly included in regulations that will be contained in this Bill.

Clause 10 of the Bill is new and provides that the expense of the Bank shall be met from the Bank's funds. The proviso to clause 11 (1) is also new and lays down that one-third of the money which is held for the Savings Bank and no more shall be invested in securities of the Government of the Colony. At the present time there is no such limitation in Chapter 48, and none of the money of the Bank is held in securities in this Colony. The proviso to sub-clause 2 to clause 11 is also new. That permits the Colonial Treasurer to advance to the Bank such sums as may be necessary for its operation pending the sale of securities. That is a natural provision following on the establishment of the Bank as an independent organisation. Sub-clauses 2 and 3 to clause 13 are new and they provide that when there are surpluses, such surpluses are to be transferred to the general revenue of the Colony, unless the assets of the Savings Bank exceed the liabilities by not less than 15 per cent. of the liabilities to the depositors. In other words, that proviso is aiming at the creation of a Reserve of 15 per cent. Sub-clause 2 to clause 15 is new, but it merely provides a penalty for contravention of the provisions of the clause against disclosure by an officer of the Bank of the name of a depositor or amounts which may be held for him.

There is a change in procedure provided in clause 16. Under the existing law if there is a dispute between a depositor and the Postmaster-General, the depositor may petition the Governor in Council for a settlement of such dispute. The new provision is that the Governor may appoint an arbitrator to settle such dispute.

Clause 17 is new, but merely provides a disclaimer to liability on the part of the Postmaster-General for any act lawfully done, while clause 18 provides what penalties under the law may be enforced for recovery under the Summary Jurisdiction Ordinance, so that this new Ordinance when passed will make no real change in the operation of the Bank in so far as the depositors are concerned. It will, however, effect some change in the financial organisation. As members are aware the estimates for 1938 which were passed in this Council a few days ago had certain changes which initiated that. The initial expenses of the Bank have been excluded from the revenue of the Bank in keeping with the policy which this Bill seeks to introduce.

Mr. D'ANDRADE seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 11—Disposal of moneys.

Mr. KING: I am somewhat surprised to see the statement in the proviso that not more than one-third of the moneys of the Bank shall at any time be invested in securities of the Government of this Colony. I view that as a rare statement in a public Ordinance of this nature. The Government and people of this Colony are not sure of the securities of the Government of this Colony, because that is what it amounts to. You are telling the people abroad that we are not satisfied with the securities of the Government of this Colony, and therefore we cannot invest money that we have and for which we are responsible, because if the funds of the Post Office are unable to satisfy the deposits and interest thereon the revenue of British Guiana will be liable for that shortage. You are making a public statement to the world that this Colony is not sure that the securities offered by Government Bonds, etc., are good enough for investment of this nature. I do not know whether Government has given serious consideration to a statement of that kind.

Mr. McDAVID: In the first place

British Guiana is in very good company because that proviso appears in 90 per cent. of the Savings Bank Ordinances throughout the Empire. It must be realised that these moneys are Trust moneys, and I do not think for one moment it is right for the Government of this Colony to use that money for the purpose of Loan Funds. It seems that we will be taking Trust money and issuing bonds for them while pretending that they are locked up or held for those depositors. I am not suggesting that the bonds of the Colony are not safe, as they are covered from loss by revenue and sinking fund, but it is wrong in principle to lock up Trust money in bonds more than is allowed by this clause. The securities held for the Savings Bank must be absolutely realisable, which will not always be the case with the bonds of this Colony especially as they will not be readily marketable. The greater part of these securities should be readily realisable in a market. One cannot pretend that it can always be readily realised in the local market.

Mr. KING: As far as I know, the bonds of this Government are trust security in this Colony. While 90 per cent. of other parts of the Empire has it, I do not think it is good enough. I certainly think it is safe security and good enough for us. As regards the question of the immediate realisable value of the bond, I am certain that we can have our bonds realised as easily as some of the bonds of the other British Possessions. I am surprised to see that proviso in a public Ordinance.

THE CHAIRMAN: I might explain that this clause and a great deal of the rest of the Bill are the result of careful investigation by a Committee appointed by the Secretary of State for the Colonies some time ago to review the conditions of Savings Banks generally. It certainly has no special local application whatever. Simply adopting it in that sense certainly does not imply a reflection on the soundness of the reliability of those bonds. It is a provision, as the Colonial Treasurer has pointed out, that is generally adopted in the case of nearly all the Colonies now, in pursuance of general principles which had been laid down. It has no special local implication at all. It is a provision for the safeguard of depositors in Savings

Banks. It may be an unnecessary provision but it lays down a principle.

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. McDavid*).

#### TAX (AMENDMENT) BILL.

Mr. McDAVID: I move that "A Bill intituled An Ordinance further to amend the Tax Ordinance, Chapter 37, in certain particulars" be now read a second time. Hon. Members will already have understood, from the Hon. the Attorney-General's statement of "Objects and Reasons" printed at the foot of the Bill, that the main purpose of the measure is to grant tax relief in certain directions and that nothing in the way of additional or increased taxation is included in the Bill. Amendments as set out in the clauses of the Bill appear to be somewhat complex in form and their effect is not ascertainable without reference to all the Ordinances which they purport to amend. But this is inevitable owing to the fact that the existing tax legislation is governed by a principle Ordinance—Chapter 37 in the consolidation edition of the laws—together with no fewer than twelve separate amending Ordinances passed between 1929 and 1936.

The Bill refers to the principal Ordinance, Chapter 37, and to the provisions of five of its amending Ordinances, namely Ordinances No. 39 of 1930, No. 29 of 1931, No. 26 of 1932, No. 3 of 1933 and No. 31 of 1936. I shall therefore explain briefly the purpose of each clause.

The object of Clause 2 is to effect a reduction in the rate of stamp duty which is payable on a conveyance or transfer *otherwise than on sale* of any bond, debenture, scrip, stock, share, etc. The rate of duty under the Law as it exists now is \$5 for each such conveyance or transfer and the Bill proposes that it shall be \$2.40. It is important to note the kind of transaction to which this special rate of duty relates. Conveyances or transfers of bonds, stocks, shares, etc., *on sale* in the ordinary way are liable to

this higher duty at the rate of  $\frac{1}{2}$  of one per cent. on the face value. But where the conveyance or transfer relates to a transaction which is not a normal sale the special rate of duty may apply. An example of such a transaction is a transfer of shares by a borrower to a bank as collateral security for a loan with a condition of re-transfer to the owner on repayment of the loan.

It is also important to note that under the Law as it now stands it is a condition that the nature of the transaction must be evidenced by statutory declarations by both parties thereto annexed to the conveyance or transfer before it can attract the special rate of duty. Paragraph (b) of Clause 2 of this Bill, however, provides that statutory declarations may be dispensed with where the transferee is a Bank or the nominee of a Bank and a statement evidencing the nature of the transaction is signed by the banker as an endorsement on the conveyance or transfer. The reason for this is to protect the privacy of banking transactions; it will I think be agreed that a banker's certificate is a reasonably satisfactory guarantee as to the nature of the transaction. As regards the rate of duty it has been strongly represented to Government that \$5 is an unduly high figure. The corresponding duty in England is 10/- and it is proposed to adopt the same rate in the colony. I am pleased to be able to say that notwithstanding this reduction it is unlikely that the revenue will suffer as a result of the change. It is an open secret that it has been the practice of the local Banks in the past to accept as collateral security for loans blank transfers of shares which were not completely executed and were not stamped. I understand that this practice has been discontinued and properly executed transfers duty stamped will be insisted on in future so that we can safely say the revenue would actually profit as a result of the change.

Clauses 3 and 4 of the Bill should be read together. The purpose of this is to re-enact the provisions of the existing legislation with respect to the duty chargeable on the registration of share capital and loan capital of a limited liability company, the only change being that contained in paragraph (3) of clause 4. The object of this change is to allow relief in the case of loan capital which is issued by a Com-

pany wholly or partly for the purpose of paying off existing loan capital or for the purpose of the conversion or consolidation of the existing loan capital. Let me illustrate. A company has issued debenture stock, say, \$100,000 on which it has paid duty at the prescribed rate of one per cent. Subsequently the Company issues new debenture stock of \$200,000 in order to raise new capital to the extent of \$100,000 to pay off, convert or consolidate the old debenture stock of \$100,000 into the new issue. Under the existing law it must pay duty on the whole of the new issue although in fact the Company is only raising new loan capital to the extent of \$100,000 and has paid already 1/4 of one per cent. on the old stock. Paragraph 3 of Clause 4 proposes to allow such a company to claim a rebate of duty at the rate of 1/5 of one per cent. of the amount of capital—~~which~~ is shown to have been applied for the purpose of the conversion or consolidation of the then existing loan capital—other words 4/5 of the duty will be returned. It will, I think, be agreed that the existing law is harsh. Relief has been allowed in England in similar circumstances since 1907. There the rate of duty is 2/6 per £100 and the rebate 2/- per £100, that is to say, 4/5 on the duty paid, so that if and when this Bill becomes Law the procedure in the Colony will correspond precisely to that in England.

I shall not say anything about clause 5, as I propose to move its deletion.

Turning now to Clause 6, the purpose of this clause is to re enact the related section of the principal Ordinance in such a form as to remove doubts as to the applicability of the licence duties on local vessels and boats used for coastal or river trade. The duty is payable only in respect of craft used for the purpose of trade or hire and not when used by the owner for private purposes only. In the case of the smallest size of boats it is often difficult to distinguish the use to which the craft is put, and partly to remove the administrative difficulty and partly as a measure of relief it is proposed to exclude from licence duty a craft under 25 feet in length, but such craft will still be liable to annual inspection under the River Navigation Regulations. An error has crept into the wording of this clause

and I shall move a slight verbal amendment to correct this when the Bill is in committee.

Clause 7 provides a special rate of licence duty for motor hearses which is fixed at \$20. At present there is no such duty and motor hearses used in Georgetown and New Amsterdam are being charged at the rate of duty for hire cars which is a very high rate of duty. When the Bill is in committee I shall also move an amendment to this clause to provide for the exemption from duty of vehicles owned and used by local authorities when approved by the Governor in Council.

Clause 8 repeals the provision of the existing law for the imposition of a licence duty on radio broadcast receiving sets. The reason for this is that under the Post and Telegraph Ordinance, Chapter 185, power is given to the Postmaster-General to make regulations with the approval of the Governor in Council to licence such sets and to impose a fee in connection with the issue of such licences. In the circumstances it is proper that the duty charged by the Tax Ordinance should be removed.

Finally I should say that when the Bill is in committee the Hon. W. A. D'Andrade, Comptroller of Customs, proposes to move in a new clause as Clause 2 with reference to an item of excise duty on matches. Hon. members have been furnished with copies of this amendment. I now beg to move that the Bill be read a second time.

Mr. D'ANDRADE seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Repeal and re-enactment of section 8 (1) of the Principal Ordinance Cap. 37.

Mr. D'ANDRADE: I beg to move the insertion of a new clause after clause 1, as clause 2 :—

REPEAL AND RE-ENACTMENT OF SECTION 8 (1) OF THE PRINCIPAL ORDINANCE CHAPTER 37.

2. Subsection (1) of section eight of the Principal Ordinance as enacted by section four of the Tax Ordinance (No. 2), 1930, is hereby repealed and the following substituted in lieu thereof—



“Excise duty on matches made & sold in the Colony.

8—(1) Upon all matches manufactured in the Colony there shall be raised, levied and collected a duty of—

(a) if in boxes containing not more than sixty matches each —at the rate of twenty-five cents per gross of boxes;

(b) if otherwise packed, at the rate of twenty-five cents per eight thousand six hundred and forty matches.

Duty is now payable on matches at the rate of \$2.50 per case of 10 gross boxes, each containing not more than 100 matches. If packed otherwise than in boxes the rate is \$2.50 per 144,000 matches, that quantity being the equivalent of the contents of 10 gross of boxes each containing 100 matches. On examination it will be observed that in the case of matches packed in boxes the duty payable in respect of boxes each containing 50 matches will be exactly the same as that payable in respect of boxes each containing 100 matches, but if these matches are not packed in boxes the duty payable in respect of 50 matches is just one half of that payable in respect of 100 matches. The object of this amendment as well as that of a similar clause which appears in the Customs Duties Bill to be shortly introduced in this Council is to so regulate the duties, that the same amount will be payable on equal quantities regardless of the manner in which they are packed.

Locally manufactured matches have always been and are still being marketed in boxes containing between 50 and 60 matches, while the position in regard to the imported matches has been the same until fairly recently. During this year there have been several importations of matches in booklet form, the total quantity imported to the end of November being 377,400 matches. It is not a very large quantity, but if these matches continue to grow in favour the local manufacturer will no doubt be compelled to manufacture a competitive match, and the duty collectible on them will be less than that collected now on the matches manufactured by them. The rate now proposed is twenty-five cents per gross of boxes. This is equivalent to \$2.50 per case of ten gross of boxes, which was the rate previously payable, but the essential amendment is the substitution of the words “not more than 60 matches” for the words “not

more than 100 matches” in each box. With that provision the duty, as I said, will be the same whether the matches are packed in boxes or otherwise.

Question put, and agreed to.

Clauses, 2, 3 and 4 were re-numbered 3, 4 and 5 respectively.

Clause 5—Insertion of new sections in the Principal Ordinance.

Mr. KING: In respect to the provision giving a rebate on the duty payable on loan capital where such loan capital has been raised for the purpose of paying off existing loan capital, there seems to be an omission. I had a case the other day where a company increased its capital for the purpose of paying off then existing loan capital and the rate of duty which had to be paid was ~~one~~ one-fourth of one per cent. levied by law. **If it is the intention of Government to give relief in cases where the loan capital is raised for the purpose of paying off then existing loan capital, then Government should be willing to give relief in cases where the subscribed capital of a company is being increased for the purpose of paying off any existing loan capital. It is the same relief, only in the one case you are increasing the capital of the company for the purpose of paying off the loan capital instead of raising new loan capital for the purpose. I do appeal to Government to amend the clause so that relief may be given where the company increases its nominal or subscribed capital for the purpose of paying off existing loan capital. It places the company in a better position by issuing capital itself rather than by raising money by means of a loan for the purpose of paying off existing loan capital.**

Mr. McDAVID: In this matter we have been really guided by what is contained in the English Act on the subject. I know of no such provision in the English Act as desired by the hon. member. It is entirely a new point. I can only promise that the matter will be looked into. As I said, I know of no corresponding provision in the English Act.

Mr. KING: I quite agree, and I suppose the point has not so forcibly arisen before. What I do feel is, that if it is

the intention of Government not to tax doubly for the same purpose and as it is going to grant relief to a company raising fresh loan capital to pay off existing loan capital, exactly the same relief should be given where the company increases its subscribed capital for the same purpose of paying off existing loan capital.

Mr. McDAVID: The transactions are slightly different. The class of capital is an entirely different thing. You are introducing a different class of person to the existing class. You are introducing shareholders to take the place of debenture-holders, whereas in this instance we are taking a class of the same character.

THE CHAIRMAN: We will look into the point and see what the practice is. An amendment might be very difficult to frame and very much more far-reaching than anybody can see on the spur of the moment.

Clause 5—Amendment of section 14 of the Principal Ordinance, Ordinance 31 of 1936.

Mr. McDAVID: I move that this clause be deleted. It was an attempt to settle a difficulty that had arisen. It was intended to delete the word "mercantile" from the provision, but it has been found that it will create difficulties which are greater than those likely to occur now.

Question put, and agreed to.

Clause 6—Repeal and re-enactment of Section 29 of the Principal Ordinance, Ordinance 29 of 1931.

Mr. McDAVID: I beg to move the following amendment:—In line 7 delete the word "over" occurring after the word "boat" and substitute the word "being," and insert the words "or over" after the words "twenty-five feet." The intention is to exempt from duty all small boats under 25 feet in length. Formerly they paid a licence of 24 cents which disappears from the schedule.

THE ATTORNEY GENERAL: The effect of it is that a boat of 25 feet will have to pay a licence.

Question put, and agreed to.

Clause 7—Amendment to item (20) of

section 31 of the Principal Ordinance, Ordinance 31 of 1936.

Mr. McDAVID: I beg to move that the clause be amended as follows:—

(1) the marginal note to read: "Amendment to items (1) and (23) of sec. 31 of the Principal Ordinance." (2) the insertion of "(a)" before line 3, (3) the addition of the following after line 5—"(b) by adding the following words after the words 'municipal purposes' occurring in subparagraph (ii) of paragraph (c) of the proviso to item (23)—or by any local authority approved by the Governor in Council."

The effect is to give the Governor in Council power to approve of the exemption from duty of any vehicle used by a local authority for its own purpose. A case has occurred in connection with the Local Authority of Bartica Village District. That authority has been ambitious to acquire a motor vehicle which is liable to a licence duty of \$120. In order to provide relief to that authority and any other in similar circumstances, this particular provision is being inserted.

Mr. ELEAZAR: Why make the Governor in Council the authority for that? If you do not want them to pay the licence say so in the Ordinance.

THE CHAIRMAN: It depends on the nature of the vehicle.

Question put, and agreed to.

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed. (*Mr. McDavid*)

#### BENJAMIN DISRAELI McDUGALL PENSION BILL.

Mr. McDAVID: I beg to move that "A Bill intituled An Ordinance to make provision as to the pension rights of Benjamin Disraeli McDougall" be now read a second time.

The preamble to this Bill states very fully the facts of the matter, and it is not necessary for me to say much. Mr. McDougall was appointed Official Reporter and Librarian in May 1914, and the condition of his appointment was, that should he reach the age of 55 years

while in the service of this Government he would on retirement be granted the same pension to which he would have been eligible had his post been a pensionable one. The post was not then a pensionable one, and there was reason for that. Mr. McDougall apparently overcame those reasons and reached the age of 55 while still in the Service on December 6, 1930. On January 1, 1932, his post was placed on the Fixed Establishment. That did not serve however to fulfill the condition of his appointment, as his pension thereby could only be computed as from the date on which his appointment was made pensionable. His previous service on the other hand was liable to be counted at only two-thirds. In order to give effect to the condition of his appointment it is necessary that

special legislation be enacted, and this Bill is intended to effect that.

Mr. D'ANDRADE seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Notice was given that at the next or a subsequent meeting of the Council it would be moved that the Bill be read the third time.

The Council adjourned until the following day at 10.30 o'clock.