

LEGISLATIVE COUNCIL.

Thursday, 17th January, 1935.

The Council met pursuant to adjournment, His Excellency the Officer Administering the Government, SIR CRAWFORD DOUGLAS-JONES, Kt., C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Mr. P. W. King (Acting).

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

The Hon. T. T. Smellie, O.B.E. (Nominated Unofficial Member).

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

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

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

The Hon. R. E. Brassington (Western Essequibo).

Major the Hon. J. C. Craig, D.S.O., M.E.I.C., Director of Public Works.

The Hon. E. F. McDavid, M.R.F., Colonial Treasurer (Acting).

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

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

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

The Hon. J. A. Henderson, M.B., Ch. B., B.Sc. (P.H.), (Edin.), D.T.M. & H. (Edin.), Surgeon-General.

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Gonsalves (Georgetown South).

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

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. J. L. Wills (Demerara River).

MINUTES.

The minutes of the meeting of the Council held on Wednesday, 16th January, as printed and circulated, were confirmed.

GOVERNMENT NOTICE.

POST AND TELEGRAPH BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs) gave notice of the following Bill:—

A Bill to amend the Post and Telegraph Ordinance, Chapter 185, with respect to Wireless Telegraphy, and to the making of regulations.

UNOFFICIAL NOTICE.

SUPPLIES THROUGH THE CROWN AGENTS.

Mr. DE AGUIAR gave notice of the following questions:—

1. What is the value of merchandise ordered through the Crown Agents on hand as at December 31, 1934, or the last date of stock-taking in 1934, for the following Departments:—

- (a) Public Works Department.
- (b) Transport and Harbours Department.
- (c) Public Hospitals (including Mental and Leprosy Hospitals)?
- (d) Police.

2. Give each Department separately.

3. Would Government lay on the table stock lists in connection with (1) showing quantities and respective values for the information of Members of the Council?

ORDER OF THE DAY.

SUPREME COURT OF JUDICATURE BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Supreme Court of Judicature Ordinance, Chapter 10, with respect to the acceptance or performance by a Judge of any office or place of profit or emolument not authorised by law" be

read the second^d time. The change proposed by the Bill is contained in Clause 2 which substitutes for sub-section 2 of section 10 of Chapter 10 a new sub-section. The present sub-section reads as follows :—

“(2) The acceptance by any judge of any other office or place of profit or emolument not authorised by law shall be and be deemed *de facto* an avoidance of his office of judge, and his salary as judge shall cease accordingly from the time of his acceptance of that other office or place.”

The new sub-section reads :—

“(2) A judge shall not accept or perform any other office or place of profit or emolument not authorised by law without the consent of the Governor. Provided that this sub-section shall not apply to a judge temporarily appointed under the provisions of section eleven.”

The object of the amendment is to take away the *de facto* avoidance of office which is contained in sub-section 2, and the reason is that it can be readily understood that circumstances may arise whereby it may be necessary under certain special conditions that a judge may be required to accept any office for which fees or something might be payable, or such an appointment may be made even by mistake. The result of it is that a judge avoids his office as the law now stands, and what is more, if the matter is overlooked, anything that is done by him as judge after the acceptance of such office will be invalid. The change is being made in other Colonies where similar provision is made, and I imagine that it will commend itself to Members of this Council.

Mr. DIAS 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 1 was amended by the substitution of the figures “1935” for the figures “1934” in the second line.

The Council resumed.

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

DECEASED PERSONS' ESTATES' BILL.

THE ATTORNEY-GENERAL: I move that “A Bill to amend the Deceased Persons Estates' Administration Ordinance, Chapter 149, with respect to certain small intestate estates and to extend the application of the provisions of section thirty-one to British Protectorates and Protected States and Mandated Territories” be read the second time. The object of the Bill may be shortly stated thus: By the addition of a new section, 20A, power will be given to the local Banks, Barclays Bank and the Royal Bank of Canada, to pay over a sum not exceeding \$50 where such sum is deposited in savings bank account, on the death of the person to whom it belongs, or who deposited it. The manager of the Bank may, in the absence of Letters of Administration and upon application in writing by any person claiming to be the surviving spouse or heir or heirs on intestacy, pay over the money. “Provided always that the manager may in any case call for such proof as to identity or as to the statements in the application as he may think fit.” Sub-section 2 provides :—

“(2) Where any sum is so paid a receipt from the person or persons receiving payment shall be a legal, valid and effectual discharge to the bank for the amount in such savings bank account: Provided that payment of any such sum shall not affect any remedy which any person claiming to be entitled thereto may have against the person or persons to whom payment has been made.”

I may mention that this is a Bill which, if brought into law, would be of very great assistance to the poorer class of people in this country. It would enable the banks to do exactly what is done in the Government Savings Bank under Chapter 48, section 21, which provides :—

“21—(1) Where any depositor dies leaving a sum of money which, together with the interest thereon, does not in the whole exceed one hundred and fifty dollars, the Colonial Treasurer if he is satisfied that no will was made and left by that deceased depositor, may pay and divide the sum to and among the heirs on intestacy of the deceased depositor.”

Here the amount is limited to \$50. A great many cases have arisen where probably the whole estate is just a small amount in the savings bank, and it is eaten up by law costs which may be more or less avoidable, and the person who ought to benefit gets nothing. I think the Bill should commend itself to the Council.

A third clause of the Bill provides for an amendment of section 31 (1) of the Principal Ordinance. The idea is to extend the facility with regard to probate of wills to British Protectorates and a protected state, and any territory in respect of which there is a mandate. That is also a facility dealing with estates of deceased persons.

Mr. DIAS 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 1 was amended by the substitution of the figures "1935" for the figures "1934" in the second line.

The Council resumed.

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

GEORGETOWN TOWN COUNCIL BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Georgetown Town Council Ordinance, Chapter 86, with respect to the disqualifications of councillors and with respect to the payment and recovery of taxes" be read the first time.

Mr. DIAS seconded.

Mr. GONSALVES: I thought I would have heard some statement from Government in view of the representations made by the Town Council to Government. I understood that the Bill was not being proceeded with at the present time. The Council is yet to receive a reply to the cablegram which was sent to the Secretary of State through Government, and I thought the Bill might have been held over at least until some reply was received. I suggest that in the circumstances this Bill and the other with respect to the Georgetown Sewerage and Water Ordinance might be held over.

THE PRESIDENT: Government has

transmitted at the request of the Town Council a telegram to the Secretary of State, but no reply has yet been received. The intention of Government is to proceed with the Bills now.

Mr. GONSALVES: Without getting a reply? Do I gather that Government regards the request of the Town Council as being a useless one and that no regard should be paid to it? That is what it amounts to. The Council has made a request to Government in connection with the matter. No reply has been received but Government says:—"We are not bothering about your request, we are going on with the Bills." I should not have thought Government would have taken up that attitude.

THE PRESIDENT: I do not regard it as a request but simply representation.

Mr. GONSALVES: There was a request in the cablegram which was sent to the Secretary of State through Government. I do not know whether the cablegram has been changed in any way without the knowledge of the Council.

Mr. BRASSINGTON: I do plead with Government that these two Bills be held over until a reply is received from the Secretary of State. Your Excellency has always been very considerate in these matters when representations come from a large body of ratepayers. I therefore ask you to hold the Bills over.

Mr. WIGHT: I also join in the request that the Bills should be held over until a reply is received from the Secretary of State. In reply to the hon. Member for Georgetown South Your Excellency said you were going to proceed with this Bill. I do not think that is the attitude Government should take up towards a responsible body as the Municipality of the City. It is composed of men of some standing in the community. If it is your wish to extend to them a gross insult—

THE PRESIDENT: I think the hon. Member has no right to suggest anything of the kind. I ask the hon. Member to sit down. I cannot allow the hon. Member to suggest that anything I have done is an insult to the Town Council. I will take steps to ascertain from the Secretary of State whether he is prepared to reply

to the representations made by the Town Council.

Mr. GONSALVES: I hope Your Excellency regards my request as a reasonable one.

THE PRESIDENT: It does not prevent the Bill being read the first time. The matter will only be dealt with on first reading.

Question put, and agreed to.

Bill read the first time.

GEORGETOWN SEWERAGE AND WATER BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Georgetown Sewerage and Water Ordinance, Chapter 96, with respect to the payment and recovery of the rate under section twenty-two" be read the first time.

Mr. DIAS seconded.

Mr. GONSALVES: I make the same appeal with regard to this Bill.

THE PRESIDENT: Yes.

Question put, and agreed to.

Bill read the first time.

SUPPLIES THROUGH THE CROWN AGENTS.

THE PRESIDENT: The fifth Order will be discharged because there are two items on the Estimate waiting to be passed, and they are being held over until the hon. Member for Central Demerara has moved his motion with regard to purchases through the Crown Agents. It would be of some assistance to Government if those two items could be passed so as to complete the passing of the Estimates, and if as the result of the discussion those items would not be required on the Estimates the money would not be spent. It would be to the advantage of Government if we could dispose of the items and have the motion taken next week.

Mr. DE AGUIAR: I am willing to get rid of the motion as soon as possible. I have no objection to the items being passed as printed. Suppose I suggest that

the items be carried out at the 1934 figures and that Government could always come back with a Supplementary Estimate?

THE PRESIDENT: I have no objection to that being done as long as we dispose of the Estimates and get on with the financial statement. The Council has not yet been informed of the financial position. The Colonial Treasurer will be prepared to do that to-morrow, or on Tuesday next week. I do not think it can affect the hon. Member's arguments in support of his motion if these items are carried.

Mr. DE AGUIAR: I was hoping that there would be no necessity to increase the items.

THE PRESIDENT: If in the light of the discussion there is no necessity to spend the money of course it will not be spent.

Mr. DE AGUIAR: It all depends on what undertaking Government gives when the motion is discussed. I have in mind Regulation 347, and I might find myself in the position that Government might clothe itself under that Regulation in spite of arguments that might be brought forward in support of purchasing in the Colony.

Mr. McDAVID (Colonial Treasurer): There was really no increase in 1934. That amount was purely a tentative sum. The actual expenditure is about \$5,000 and the remainder has been put on Supplementary Estimate. There is really no difference between the actual expenditure in 1934 and the estimate for 1935.

Mr. DE AGUIAR: We do know that it was in 1934 that Government got away with the goods. The sum put down in the 1934 Estimate only led us into a blind alley. Government ordered through the Crown Agents in a most reckless manner.

Mr. McDAVID: Those items were spread over several votes in various Departments. We used one new Head in 1934, but it is not an increase on what was spent in the previous year.

Mr. DE AGUIAR: I would remind the hon. Member that I hope his replies to my question will include those figures. If Government is going to pay the Crown

Agents commission in respect of any particular orders those charges must go against the cost of the goods. I do not know whether Government has introduced a separate Head for the purpose of saying that those charges are not included in the cost of the goods.

Mr. SMELLIE: On page 54 of the Estimate, under Hospitals and Dispensaries, I ask that the item "Freight, \$5,040" be held over. That is one of the items we are speaking about now. There is an increase of \$1,000 on the 1934 vote, and when we get the information asked for in connection with supplies through the Crown Agents I shall be prepared to speak on the matter of freight.

THE PRESIDENT: Does the hon. Member object to our taking the item now?

Mr. SMELLIE: It makes no difference to me as long as we have an opportunity to discuss it.

THE PRESIDENT: I anticipate that the debate may take a whole day or will go over the week-end, in which case we shall be hanging up our Estimates. If the hon. Member allows the item to be passed, and if as the result of the debate any variations are made the money would not be spent.

Mr. DE AGUIAR: With that assurance I will agree to the items being passed.

Mr. WIGHT: Are we in Committee?

THE PRESIDENT: We are discussing whether we should go into Committee.

ANNUAL ESTIMATES.

The Council resolved itself into committee and resumed consideration of the Estimates of Expenditure to be defrayed from Revenue for the year ending 31st December, 1935.

HOSPITALS AND DISPENSARIES.

Item 16—Freight, \$5,040—agreed to.

MISCELLANEOUS.

Item 25—Crown Agents charges on store purchases (including commission, inspection and marine insurance), \$5,000—agreed to.

THE CHAIRMAN: I thank the hon. Member for allowing us to do that because it is of considerable assistance to Government. We have no more business to-day, and I do not think it is necessary to sit to-morrow. I will carry out the undertaking I have given with regard to those two Town Council Bills, to ascertain from the Secretary of State when we may expect a reply. I propose to adjourn the Council until Tuesday next week, and I would like to know whether the hon. Member would be prepared to proceed with his motion on that day.

Mr. DE AGUIAR: As soon as I get the replies to my questions I will be prepared to go on with my motion.

The Council resumed and adjourned until Tuesday, 22nd January, at 11 o'clock.