

LEGISLATIVE COUNCIL.

Thursday, 20th July, 1939.

The Council met at 11 a.m. His Excellency the Acting Governor, SIR JOHN WADDINGTON, K.C.M.G., O.B.E., President, in the Chair.

PRESENT.

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

The Hon. the Attorney-General, (Acting), Mr. S. E. Gomes.

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

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

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

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

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

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

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

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

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

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

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. Jung Bahadur Singh (Demerara-Essequibo).

The Hon. Peer Bacchus, (Western Berbice).

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

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

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

The Hon. T. Lee (Essequibo River).

OATH OF ALLEGIANCE.

The President administered the Oath of Allegiance to Messrs. B. R. Wood, (Conservator of Forests), W. A. Macnie, (Commissioner of Labour and Local Government) (Acting), G. H. Smellie and F. H. Martin-Sperry (Nominated Unofficial Members), who then took their seats.

MINUTES.

The minutes of the meeting of the Council, held on the 31st March, 1939, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

SPECIAL PENSION TO MR. J. H. CREGAN.

THE COLONIAL SECRETARY (Mr. G. D. Owen) communicated the following Message from His Excellency the Acting Governor to the Council:—

MESSAGE No. 15.

Honourable Members of the Legislative Council,

The Council is asked to approve of the payment of a special pension, to Mr. J. H. Cregan, who held the non-pensionable office of Assistant Electrical Inspector, Tele-communications Branch, Post Office, from 1st January, 1923, to 31st December, 1938, when he was compulsorily retired on the ground of age.

2. The post of Assistant Electrical Inspector was created in 1923, and Mr. Cregan who was then an electrician of many years' experience gained in the employ of the Demerara Electric Company, Limited, was offered and accepted the appointment. His service with Government has been satisfactory throughout. Government has had the advantage of the considerable experience gained by him during his 22 years' service with the Demerara Electric Company; while he on the other hand has lost any superannuation benefits that he might have secured from the Company in respect of those years of service.

3. By the Council's Resolution No. IV. of the 24th of November, 1938, the post of Assistant Electrical Inspector became a pensionable one on 1st January, 1939, but as Mr. Cregan's services terminated on the previous day he does not become entitled to a pension under the terms of the Resolution.

4. The Council is therefore invited to approve by Resolution, of Mr. Cregan being paid as from 1st January, 1939, a special pension of \$384 per annum and a gratuity of \$1,280, which are the amounts to which he would have been entitled under the Pensions Ordinance, 1933, if it had been applicable to him.

E. J. WADDINGTON,
Acting Governor.

26th May, 1939.

SUBSIDIZED INTERNAL AIR SERVICE.

Mr. McDAVID (Colonial Treasurer) communicated the following Message from His Excellency the Acting Governor to the Council.

MESSAGE No. 18.

Honourable Members of the Legislative Council,

I have the honour to inform the Council that the proposals for the establishment of a subsidized internal air service in the Colony to which His Excellency Sir Wilfrid Jackson referred in his address to Council on the 21st October, 1938, have now been approved by the Secretary of State. A contract embodying the terms agreed upon has been concluded between the Government, Mr. A. J. Williams and the British Guiana Airways, Limited (the operating company recently established by Mr. Williams) which will come into force as from 1st October, 1939, subject to the sanction of the Council.

2. The negotiations with Mr. Williams and his business representative Mr. J. H. Hunter, M.B.E., occupied a considerable time and were based mainly on an examination of the financial results of his operations by Messrs. Fitzpatrick, Graham and Company, Chartered Accountants. The Accountants' report was considered by an informal committee consisting of the Colonial Treasurer and three representatives of the business community. The final terms were based on the recommendations of a committee of the Executive Council consisting of the Colonial Treasurer and three unofficial members.

3. As the Council is no doubt aware, the service operated by Mr. Williams during 1936-1937 was largely assisted by the transportation requirements of the British Guiana—Brazil Boundary Commission which has recently concluded its work in the Colony. During 1936, the total flying time was 573 hours of which 346 hours were undertaken on behalf of the Boundary Commission. In 1937, the figures were 1,248 flying hours of which 1,069 were on behalf of the Boundary Commission. The service was only moderately remunerative after taking into account depreciation charges, and it was evident from the figures of operating costs and expenses that the flying traffic available is at present insufficient to maintain a flying service without substantial assistance by way of subsidy or otherwise. (During 1938 and the early months of the current year Mr. Williams has had the benefit of special flights undertaken for the Royal Commission and the Jewish Commission).

4. The main provisions of the Contract are as summarised below :—

- (a) The Contract to be for a period of three years commencing from 1st October, 1939.
- (b) The Contractors to operate an internal air service in the Colony with the two 450 H.P. Wasp Ireland Seaplanes now in use or approved substitutes.
- (c) The Contractors to carry for reward in the seaplanes passengers and cargo offering.
- (d) The Contractors to maintain the seaplanes licensed air-worthy and to provide licensed pilots, one plane and a pilot to be always available for service if the other is not actually in flight.
- (e) All supplies (including new seaplanes) imported for the service to be admitted free of customs duties.
- (f) Government Departments to take and pay for at the rate of \$60 per hour a guaranteed minimum of 30 flying hours per annum.
- (g) The Government to pay the Contractors a subsidy of \$21,600 per annum in equal monthly instalments, provided that if a sum of \$11,280 is actually received by the Contractors in any one year as flying time revenue a deduction of \$20 for every hour of flying time revenue in excess of 200 flying hours per annum or the number of flying hours represented by \$11,280 whichever is greater shall be made from the subsidy.
- (h) The Government to have first call on the services of the seaplanes.
- (i) The ordinary rate to be charged for commercial flights not to exceed \$60 per hour except with the prior approval of the Government.
- (j) Mr. Williams' services as pilot to be continued during the period of the Agreement.
- (k) The Contract not to come into force until the Legislative Council approves of the establishment of the service and undertakes to provide the necessary funds for the subsidy.

5. It will be observed that the Contract does not stipulate for the maintenance of any specific or regular service, but in present circumstances this arrangement is preferable to any fixed schedule of services as the uncertainty as to the direction of future developments makes it difficult to settle regular rates and times in a contract. No difficulty is anticipated, however, in arranging for regular services to particular points if developments justify this course.

6. The experience of the last three years has clearly shown the immense value of an internal air service as a rapid and flexible means of communication with the interior, and has indicated the possibilities and indeed the need of developing the use of air communication with the interior to a much greater degree. There is little doubt that there is room for expansion in the use of air communication both for Government purposes and in mining and other activities. A valuable adjunct in encouraging this form of travel is provided by the tourist trade for which trips to the Kai-

teur Falls have been frequently undertaken by Mr. Williams. Altogether there is considerable scope for development of the service, and with due encouragement and effort it is possible that the number of flying hours may eventually attain a figure as high as 500 during the period of the agreement, in which case the subsidy payable would be reduced from \$21,600 to \$15,600 by means of the operation of the rebate proviso.

7. A period of three years for the duration of the Contract has been fixed because it would afford sufficient time to investigate the possibilities of establishing a permanent service, and also because it is understood to coincide with the effective life of the machines now in use.

8. An important feature of the agreement is that it provides for the continuance of Mr. Williams' services as pilot. Mr. Williams is recognized to be a pilot of exceptional skill and reliability, and the Colony is fortunate in having the advantage of retaining his unique experience of local conditions.

9. I invite the Council to approve of the establishment of a subsidized internal air service under Contract as proposed, and to undertake to provide on estimates the necessary funds to meet the cost of the subsidy.

E. J. WADDINGTON,
Acting Governor.

17th July, 1939.

ADVANCES TO TEACHERS ON TOUR.

Mr. CREASE (Director of Education) communicated the following Messages from His Excellency the Acting Governor to the Council :—

MESSAGE No. 14.

Honourable Members of the Legislative Council,
By Resolutions No. XXXII. of 12th July, 1935, and No. XXIV. of 1st July, 1937, this Council approved of advances of salary being granted on certain conditions to certificated teachers, who desired to attend the conferences of Teachers' Associations held in Trinidad during August, 1935, and in Grenada during August, 1937, and I have the honour to inform Council that the British Guiana Teachers' Association is organising another tour to enable teachers from this Colony to attend a similar Conference which will be held in Antigua during August, 1939.

2. With the advice of my Executive Council I invite Council to approve of an advance of salary up to a limit of \$96 being granted to each certificated teacher, not exceeding 50 in number, proceeding on the tour provided that :—

- (a) the advances will be recoverable from each teacher's salary in such monthly instalments as permit of the total advance being refunded within two years;
- (b) a promissory note is given by each teacher together with a guarantee for repayment signed by the manager of the school in which he is employed or some other approved person.

3. Ninety-four teachers attended the Conference in 1937 of whom only 30 applied for advances. All the advances were repaid within the time stipulated.

E. J. WADDINGTON,
Acting Governor.

29th April, 1939.

GRATUITIES TO UNCERTIFICATED ASSISTANT TEACHERS.

MESSAGE No. 16.

Honourable Members of the Legislative Council,
The Council is invited to approve of the grant of the following compassionate gratuities to the undermentioned uncertificated assistant teachers :—

Miss Rose Alexander, Hope Estate School	\$ 165
Miss Susan Glasgow, St. Barnabus, Church of England School	60
Miss Marion Suter, Mahaicony Church of Scotland School	56

2. Section 5 of the Teachers' Pensions Ordinance, Chapter 197, provides for the grant of a pension to an uncertificated assistant teacher with 30 years' service and over, but there is no statutory authority to grant either a pension or gratuity where service has been less than 30 years.

3. Miss Alexander was retired on medical grounds after 22 years' service, Miss Glasgow and Miss Suter on attaining the age limit after 15 and 14 years' service respectively, and payment of the gratuities proposed, which are the equivalent of half a month's salary for each completed year of service, is recommended for the approval of the Council.

E. J. WADDINGTON,
Acting Governor.

3rd July, 1939.

PAPERS LAID.

The following reports and documents were laid on the table :—

Report of the Board of Commissioners and the General Manager on the Administration of the Railways, Steamers, Road Transportation and Harbours Services for the year ended 31st December, 1938.

Report of the Official Receiver for the year 1938.

Report of the Commandant, British Guiana Militia, for the year 1938.

Report of the Commissioners of Currency for the year 1938.

Report of the Principal, Queen's College, for the year 1938.

Report of the Director of Colonial Audit on the Accounts of the Treasurer of British Guiana for the year ended 31st December, 1937, together with the Governor's comments thereon.

Nineteenth Annual Report of the Imperial War Graves Commission.

Report on the Georgetown Fire Brigade for the year 1938.

Report on the Aranka Goldfield, Cuyuni River, by D. A. Bryn Davies, 1937, Bulletin No. 10.

Statement of Loans from voted expenditure written off during the year ended 31st December, 1938.

Report of the Polder Ordinance Committee.
Report to Government on the activities of the British Guiana Rice Marketing Board for the period 1st September, 1938, to 28th February, 1939.

Report of the Surgeon-General for the year 1937.

Annual Report of the Comptroller of Customs for the year 1938.

The Appropriation Accounts, 1938.

Report on the Water available for irrigating the coastlands No. 1 Supply available from Bonasika River.

Hydrographic Survey of the Demerara River from Georgetown to Mackenzie City.

Report of the Broadcasting Committee.

Report of the British Guiana Commission to the President's Advisory Committee on Political Refugees, together with Appendices (Sessional Papers Nos. 11 and 12).

Statement of Supplementary Expenditure for the year 1938, additional to that included in the Schedules of Additional Provision for the year 1938, already passed by the Legislative Council.

Statement of Supplementary Expenditure which has occurred during the year 1938, and which has not been included in any previous schedule and now admitted as a charge to public funds under Colonial Regulation 265 (2).

Second Schedule of Additional Provision required to meet expenditure in excess of the provision made in the Estimates and not included in the first schedule of additional provision for the year 1939.

Schedule of petitions addressed to the Legislative Council which have been dealt with by the Governor in Council showing the decision in each case.

Report of the Colonial Treasurer for the year 1938. (*The Colonial Secretary*).

Report of the Select Committee of the Legislative Council on the Coffee industry of the Colony. (*Professor Dash, Director of Agriculture*).

Mr. LEE: I would like to draw Your Excellency's attention to the fact that the Report of the Leonora Enquiry Commission, as presented to this Council, is incomplete as the evidence which was taken has not been printed.

THE PRESIDENT: If the hon. member wishes to raise a point on that, he can do so by way of a question or a motion if he so desires.

Mr. LEE: All right, sir.

Mr. JACOB: I think, sir, that when a document is laid on this table, members

should have the right to have it complete. People are interested in that report and particularly the evidence, and the hon. member who has just spoken and I have been requested to ask that copies of the evidence be circulated to members of the Council.

GOVERNMENT NOTICES.

INTRODUCTION OF BILLS.

Notice was given of the introduction and first reading of the following Bills:—

A Bill intituled an Ordinance to amend the Criminal Law (Procedure) Ordinance, Chapter 18, with respect to the disqualifications of certain persons from serving as jurors, to provide for a majority verdict of a jury in certain cases, and to make other minor amendments.

A Bill intituled an Ordinance to amend the Criminal Law (Offences) Ordinance, Chapter 17, with respect to the verdicts that may be returned on the trial of certain offences, and with respect to the offences of Infanticide and child destruction. (*The Attorney-General*).

A Bill intituled an Ordinance to allow and confirm certain additional expenditure incurred in the year ended thirty-first day of December, 1938.

A Bill intituled an Ordinance to amend the General Loan and Inscribed Stock Ordinance, Chapter 46, with respect to the Redemption of Debentures.

A Bill intituled an Ordinance to amend the law relating to Income Tax, with respect to the deductions to be allowed in ascertaining chargeable income. (*Mr. McDavid, Colonial Treasurer*).

A Bill intituled an Ordinance to amend the Pensions Ordinance, 1933, to provide for the payment of gratuities to female officers on resignation or retirement on account of marriage.

A Bill intituled an Ordinance to amend the Post and Telegraph Ordinance, Chapter 185, to empower the Governor to require the production of telegrams sent to or from any place out of the Colony.

A Bill intituled an Ordinance to amend the Public Officers' Guarantee Fund Ordinance, Chapter 202, with respect to the certification of claims against the fund. (*The Colonial Secretary*).

FIRST SUPPLEMENTARY EXPENDITURE FOR 1938.

THE COLONIAL SECRETARY gave notice of the following motions:—

That, this Council approves the Statement of Supplementary Expenditure for the year 1938, additional to that included in the Schedules of Additional Provision for the year 1938, already passed by the Legislative Council, which has been laid on the table.

SECOND SUPPLEMENTARY EXPENDITURE
FOR 1938.

That, this Council approves the Statement of Supplementary Expenditure which has occurred during the year 1938, and which has not been included in any previous schedule and now admitted as a charge to public funds under Colonial Regulation 265 (2), which has been laid on the table.

SECOND SUPPLEMENTARY ESTIMATE
FOR 1939.

That, this Council approves the Second Schedule of Additional Provision required to meet expenditure in excess of the provision made in the Estimates and not included in the first schedule of additional provision for the year 1939, which has been laid on the table. SPECIAL PENSION TO MR. J. H. CREGAN.

That, with reference to the Acting Governor's Message No. 15 dated 26th May, 1939, this Council approves of the payment as from 1st January, 1939, inclusive, of a special pension at the rate of \$384 per annum and a gratuity of \$1,280 to Mr. J. H. Cregan, in respect of his services as Assistant Electrical Inspector, Telecommunications Branch, Post Office.

SUBSIDIZED INTERNAL AIR SERVICE.

Mr. McDAVID (Colonial Treasurer) gave notice of the following motion :

That, with reference to the Acting Governor's Message No. 18 of 17th July, this Council approves of the establishment of a subsidized internal air service in the Colony under contract with Mr. A. J. Williams and the British Guiana Airways, Limited, referred to in the Message, and further undertakes to provide on estimates the necessary funds for the payment of the subsidy.

GRATUITIES TO UNCERTIFICATED ASSISTANT TEACHERS.

Mr. CREASE (Director of Education) gave notice of the following motions :—

That, with reference to Acting Governor's Message No. 16 of 3rd July, 1939, this Council approves of the grant of the following compassionate gratuities to the undermentioned uncertificated assistant teachers :

Miss R. Alexander, Hope Estate School	...	\$ 165
Miss S. Glasgow, St. Barnabas, Church of England School	...	60
Miss M. Suter, Mahaicony, Church of Scotland School		56

ADVANCES TO TEACHERS ON TOUR.

That, with reference to the Acting Governor's Message No. 14 of 29th April, 1939, this Council approves of an advance of salary up to a limit of \$96 being granted to each certificated

teacher, not exceeding 50 in number, proceeding on the tour provided that :—

- (a) the advances will be recoverable from each teacher's salary in such monthly instalments as permit of the total advance being refunded within two years.
- (b) a promissory note is given by each teacher together with a guarantee for repayment signed by the manager of the school in which he is employed, or some other approved person.

UNOFFICIAL NOTICES.

TARIFF PROTECTION FOR LOCAL INDUSTRIES.

Mr. LEE, on behalf of Mr. C. V. WIGHT, gave notice of the following motion :—

Whereas unemployment is prevalent and rife in the Colony of British Guiana ;

And whereas it is desirable that local products and industries should be encouraged and protected as much as possible :

Be it Resolved,—That this Council recommends to His Excellency the Governor the appointment of a committee to consider the advisability of revising and re-adjusting without loss to the revenue the tariff duties now collectible with a view to the protection of local products and industries.

ENQUIRY INTO POSTAL DEPARTMENT.

Mr. ELEAZAR gave notice of the following motion :—

Whereas there is considerable dissatisfaction amounting to disaffection in the Post Office Department of the Colony ; and

Whereas the Postmaster General has actually drafted special agreements between certain employees of the Department and himself imposing conditions other than those under which those employees were originally engaged and to the detriment of the said employees :

Be it Resolved, (a)—That Government be respectfully requested to appoint a Committee of this Council to enquire into the working of the Post Office Department in all its Branches.

(b) That all innovations and special Agreements be held in abeyance until such Committee shall have enquired and reported to Government.

NOTICE OF QUESTIONS.

PRISON FOR FEMALES IN GEORGETOWN.

Mr. LEE gave notice of the following questions :—

1. Is Government aware that if a woman is convicted and sentenced to 7 days' imprisonment or less she has to be publicly escorted by a matron from Georgetown to New Amster-

dam Prison, and she is in full view of anyone travelling in the trains and steamers as an object of pity? Will Government cause this to cease by erecting a prison for women, undergoing short terms, in or near Georgetown?

IMPOUNDING OF STRAYS.

1. Will Government state how many head of cattle were impounded at the Leguan pound for the period 1st April, 1939, to 30th June, 1939. State where the animals were caught straying:—

- (a) on the public road,
- (b) on the sea defence dam, and
- (c) on private property.

State name of stray catcher in each case.

Will Government reconsider its decision and reduce the pound fees for animals found straying on public property to the same fees as those for animals found straying on private property?

DETECTION OF CRIME.

2. Is Government aware that the Detective Department of the Police Force in Georgetown has received the sum of \$4 from the Dental Association and/or from a Dentist for the detection of crime? If the answer is in the affirmative, will Government state to what item in revenue will that amount be applied? Is not the principle of receiving such money contrary to public policy?

FREE TRANSPORT OF DISCHARGED PRISONERS.

3. Is Government aware that no free pass or monetary assistance is given to discharged prisoners to get to the district in which they reside? Will Government remedy this defect by issuing free pass to any discharged prisoner from Georgetown to the railway station nearest the police station at which he was prosecuted and/or taken into custody, and if no railway or steamer service is available to that station, to give him his bus fare to his destination?

POLICE FORCE.

4. Will Government state how many new recruits to the Police Force were selected from September, 1938, to June, 1939?

Will Government state the reasons for the promotion of the policemen and officers who took part in the recent Leonora disturbances, and on whose recommendation were those promotions made, and why so early and promptly after the said disturbances?

5. Will Government state its policy in respect of the salaries of Superintendents, Assistant Superintendents, District Superintendents, Officers and Noncommissioned Officers who are acting for their superior in rank on leave—whether the person acting will receive the salary of the holder of the post or he will receive one half of his own salary and one half of the substantive holder's salary?

If the answer is that the person acting receives no increase in salary, will Government remedy this wrong and introduce the ordinary colonial principle affecting all acting appointments?

SUPPLYING OF SCHOOL BOOKS.

1. Will Government state the names and amounts voted by the Authority of any country or village district for the purpose of purchasing school books, and the names of the schools to which the books were supplied? Will Government state if it has accepted this policy and the reasons for so doing? If Government has not accepted this principle? will Government cause this vote to be discontinued and remove the Chairmen who introduced this vote into their estimates?

2. Will Government allocate annually a vote for the purchase of books for each school according to the number in attendance and the financial status and accommodation of the school?

WORKING DAY IN TRANSPORT AND HARBOURS DEPARTMENT AND PUBLIC WORKS DEPARTMENT.

3. Will Government state how many hours constitute a day's work for mechanics, porters and other labourers employed by the Colonial Transport Department and the Engineering Department at Bartica?

Was anyone ever paid for overtime work in any of these places, state names, hours and amounts for the year 1938, and up to 30th June, 1939?

4. Is Government aware that labourers who work on Sundays are paid for their labour at the usual rate when employed by the Public Works Department in Georgetown at its yard at the Fort, and at Bartica by the Transport Department?

MISS BRITTON'S DISMISSAL.

5. Is Government aware that the dismissal of Miss Britton by the Demerara Electric Company is a clear case of victimisation? If Government is satisfied that a clear case of victimisation has been made out, will Government consider the advisability of acquiring the Demerara Electric Company's business as a going concern?

PETITION.

Mr. JACOB laid on the table a petition from Florence Peterson and Alfred Livan, praying for a compassionate allowance.

ORDER OF THE DAY.

RENTAL OF CROWN LAND.

Mr. BACCHUS asked the Colonial Secretary the following questions:—

1. What was the total sum of arrears for rents on Crown Lands for Agriculture and Cattle Grazing purposes in the years ended 31st December, 1937, and 31st December, 1938?

2. Has any application been made to Government for relief of Crown Lands rents, either for Agriculture or Cattle Grazing?

3. If so, by whom?
4. Was any relief granted?
5. If so, what was the form of relief granted and to whom?

THE COLONIAL SECRETARY replied as follows:—

1. The rents due on 31.12.37 and 31.12.38 for Crown Lands held under licence, lease, or permission for agriculture and cattle grazing, were as follows:—

1937 (and previous years)	\$ 3,274 27
1938	6,291 34
Total	\$ 9,565 61

2. Yes.

3. (a) By the Honourable member on behalf of leaseholders on the West Coast, Berbice, District, and the left bank of the Abary river, asking that payment of arrears of rent due be spread over four years.

(b) By a deputation on behalf of residents of the Mahaica, Mahaicony and Abary areas, asking that the rents of Crown Lands for agricultural purposes in those areas be reduced.

4. As regards (a), yes; (b), no.

5. As regards (a) Government approved of the grant of time to 1st June, 1939, but only in respect of arrears of rent due for the year 1938; (b) Government was unable to agree to this proposal, as it is considered that Crown Land rents are already on a sufficiently low basis.

INCREASED SALARIES FOR TEACHERS.

Mr. LEE, on behalf of Mr. C. V. WIGHT, asked the Colonial Secretary the following questions:—

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

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

(1.) Head Teachers.

(2.) Assistant Teachers.

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

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

(a) Head Teachers.

(b) Trained Certificated Assistants.

(c) Untrained Certificated Assistants.

(d) Uncertificated Assistants.

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

(a) Head Teachers.

(b) Trained Certificated Assistants.

(c) Untrained Certificated Assistants.

(d) Uncertificated Assistants.

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

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

(b) promoted.

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

(b) What are the names of such teachers?

(c) By how much was each short paid?

(d) What was the reason for such short payment in each case?

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

(b) Where is each situated? What was the average attendance of each for the year 1938, and the number of standards in each?

(c) What is the name, qualification and salary of the teacher in charge of each?

THE COLONIAL SECRETARY replied as follows:—

1. Yes.

2. (a) 1. Head Teachers ...	\$ 3,660
2. Assistant Teachers including Pupil Teachers	37,488
	\$ 41,148

2. (b) (1) Head Teachers ...	\$ 915
(2) Assistant Teachers including Pupil Teachers	9,372
	\$ 10,287

3. (a) Head Teachers	165
(b) Trained Certificated Assistants	162
(c) Untrained Certificated Assistants	209
(d) Uncertificated Assistants	456
	992

4. (a) Head Teachers	54
(b) Trained Certificated Assistants	59
(c) Untrained Certificated Assistants	191
(d) Uncertificated Assistants	456
	760

5. (a) Thirty-six.

N.B.—During the period a number of schools were closed. Head Teachers surplus to requirements were absorbed on the occurrence of vacancies. This accounted for the relatively small number of appointments to Head Teacherships.

(b) This information is not readily available. Such promotion may arise by either changes in average attendance, transfers from one school to another or by the obtaining of higher qualifications, and consequently would necessitate considerable research to obtain it.

6. (a) Five.

(b) C. F. La Rose.
J. McG. Park.

R. Austin.	
K. H. Chalmers.	
A. V. Lawrence.	
(c) C. F. La Rose....	\$ 1,532 50
J. McG. Park ...	992 00
R. Austin	958 00
K. H. Chalmers	1,149 00
A. V. Lawrence	260 00

N.B.—The above amounts short paid were paid to the teachers concerned during 1938.

(d) In September, 1923, the Board of Education passed an order reducing all teachers'

salaries by 10%. As a result of an appeal it was ruled that the teachers who had suffered a deduction when the 1919 Code came into force should not be required to suffer a second deduction. The names of the teachers who were entitled to the full salary were published in the *Official Gazette* dated 29th November, 1927, but in ignorance of the notice the teachers named above continued to claim the lower salary.

7. (a) Nine.

(b) Please see table attached.

(c) Please see table attached.

Name of Branch School.	Situation.	Name of Main School.	Average attendance, 1938.	Divisions taught.	Name of Teacher in charge.	Qualifications.	Salary
1. St. Winifride's	Campbellville, E.C., Dem.	Queenstown R.C. ...	287	All	V. R. Humphrey	Class I. (trained)	\$ 37 50
2. La Bonne Intention	E.C., Dem.	St. Mary-Ye-Virgin C. of E., Beterverwagting	71	1. Preparatory 2. Lower	Miss Ina Thomas	Provisional Certificate	18 00
3. Peter's Hall	E.B., Dem.	Providence C. of E.	76	do.	Ismay Andrews	Class I.	32 00
4. Grove ...	Little Diamond, E.B., Dem.	Grove C. of E. ...	123	do.	Mrs. G. Armour-Henery	Uncertificated	20 00
5. No. 59	Corentyne, Berbice	New Market C. of E.	31	Preparatory	Alice Matheson	do.	10 00
6. Riverstown	Essequibo	St. John's C. of E., Suddie	34	Preparatory	Lena B. Lashley	Class III.	23 00
7. Bush Lot ...	Do.	Anna Regina Government	12	Lower do.	Geraldine A. King	Uncertificated	15 00
8. Mabaruma...	N.W.D.	St. Peter and Paul C. of E.	33	All	X. M. Goliath	Class III.	20 00
9. St. Joseph's	Do.	Hosororo R.C. ...	57	All	Sister Mary Amadeus	Class III.	20 00

SAVINGS BANK INVESTMENTS BY CROWN AGENTS.

Mr. LEE asked the Colonial Secretary the following questions :—

1. Having been informed that the Crown Agents are the financial advisers to Government in respect of the investments of the Savings Bank deposits, will Government state the names and denomination and value of the stocks and shares invested by the Crown Agents on behalf of the Post Office Savings Bank for the years 1935, 1936, 1937 and 1938?

2. If any of the said investments were made during the aforementioned periods, will Government state the amount paid for each and when? If any of the said investments were sold during the aforementioned periods, will Government state when, and why, and at what price?

3. Will Government state the market value of each investment now held by the Crown Agents on behalf of the Post Office Savings Bank, and when were they bought?

THE COLONIAL SECRETARY replied as follows :—

(1), (2) and (3). Investments are purchased or sold by the Crown Agents acting on instruc-

tions from the Colonial Treasurer in accordance with the financial requirements of the Savings Bank. The Crown Agents, however, have a general authority to manage the invested funds of the Bank and select on their own responsibility the securities to be purchased or sold; they are also authorized to exercise their discretion in exchanging investments for others more suitable or offering a better return. A careful watch is constantly kept by the Crown Agents on the stock markets, and opportunities are daily sought and taken by them for making advantageous exchanges.

Statements containing particulars of the investments purchased and sold during the years 1935, 1936, 1937 and 1938 are appended.

Reference is invited to Appendix VI. of the Colonial Treasurer's Departmental Report for 1938 containing a statement of the investments held on behalf of the Bank at 31st December, 1938, indicating the market value of each holding of stock. It is not possible to state the date of purchase of each investment without extensive research into old records; furthermore, each holding of stock may represent several purchases on different dates. The Honourable Member is invited to consult the Colonial Treasurer with reference to the record of any particular holding of stock as to which he may desire detailed information.

INVESTMENTS PURCHASED BY CROWN AGENTS ON BEHALF OF THE POST OFFICE
SAVINGS BANK DURING THE YEARS 1935-1938.

Date.	Description of Stock.	Face Value.	Rate.	Actual Cost.	Brokerage, etc.	Total Cost.
1935						
Jan. 18	Commonwealth of Australia 3½% 1964/74	£ 4,603 5 4	100	£ 4,603 5 4		£ 4,603 5 0
22	Do.	2,068 9 1	100	2,068 9 1		2,068 9 1
Feb. 27	Funding Loan 3% 1959/69	8,795 8 2	104½	9,224 3 8	£ 22 2 2	9,246 5 10
28	Union of South Africa 3% 1954/64	5,000 0 0	99.90692	4,995 6 11	15 7	4,996 2 6
Mar. 6	Commonwealth of Australia 3½% 1964/74	765 4 9	99	757 11 8		757 11 8
15	Do.	246 8 8	98½	242 9 10	6 2	242 16 0
May 15	Nigeria 3% 1955	5,889 11 5	101½	5,992 12 9	7 7 3	6,000 0 0
20	Queensland 4% 1940/50	4,857 0 6	102.00407	4,954 7 3	3 0 9	4,957 8 0
23	Do.	4,734 16 4	102.0061	4,829 16 1	2 19 2	4,832 15 3
June 1	Commonwealth of Australia 3½% 1964/74	43 15 2	99½	43 10 9	1	43 11 10
July 5	New Zealand 5% 1935/45	10,891 1 9	101	11,000 0 0		11,000 0 0
17	Ulster 5% 1950/60	206 10 4	119	245 15 1	5 2	246 0 3
Aug. 12	Trinidad 3% 1965/70	20,000 0 0	100	20,000 0 0		20,000 0 0
Oct. 19	India 3% 1949/52	5,156 7 0	95	4,898 10 8	3 7 0	4,901 17 8
	Do.	17 11 11	95	16 14 4	2	16 14 6
Nov. 22	Canada 3½% 1930/50	980 6 9	101.8807	998 15 6	1 4 6	1,000 0 0
Dec. 9	Ceylon 3% 1959/64	25,000 0 0	100	25,000 0 0		25,000 0 0
1936						
Feb. 1	India 3% 1949/52	3,765 5 11	98.36792	3,703 16 11	4 14 1	3,708 11 0
Mar. 12	London Electric Transport Finance Corporation, Ltd. 2½% Gtd. 1950/55	11,000 0 0	96½	10,615 0 0	13 15 0	10,628 15 0
18	Canada 3½% 1930/50	500 0 0	102½	511 5 0	12 6	511 17 6
	Straits Settlements 3½% 1937/67	461 18 1	102½	472 5 11	11 7	472 17 6
16	Bridgewater 3% 1955	2,126 4 0	100.13	2,128 19 3	2 13 2	2,131 12 5
18	London Electric Transport Finance Corporation, Ltd. 2½% Gtd. 1950/55	400 0 0	96½	386 0 0	10 0	386 10 0
May 21	New Zealand 3% "A" 1952/55	12,287 19 0	97.625	11,996 2 3	3 17 9	12,000 0 0
June 18	Federated Malay States 3% 1960/70	9,937 17 9	100½	9,987 11 6	12 8 6	10,000 0 0
July 16	Commonwealth of Australia 3% 1955/58	6,728 3 0	93.8788	6,316 6 1	8 8 3	6,324 14 4
20	Do.	11,265 2 4	93.87626	10,575 5 5	14 1 8	10,589 7 1
1936.						
Sep. 28	India 4½% 1958/68	5 5 10	119½	6 6 5	0 0 2	6 6 7
Oct. 28	Ceylon 3½% 1959	3,804 19 11	105½	4,000 0 0		4,000 0 0
Nov. 21	Nigeria 4% 1963	64 17 4	115½	74 18 5	1 7	75 0 0
"	Funding Loan 2½% 1952/57	5,000 0 0	98½	4,925 0 0		4,925 0 0
Dec. 15	Kenya 6% 1946/56	1,840 9 1	122½	2,261 9 2		2,261 9 2
1937.						
Mar. 15	Gold Coast 4½% 1956	48 1 3	144½	55 3 0	1 3	55 4 3
Apl. 8	New South Wales 3½% 1930/50	6,491 17 9	100	6,491 17 9	8 2 3	6,500 0 0
29	Nigeria 3% 1955	1,782 12 7	98½	1,755 17 10	2 4 7	1,758 2 5
	Funding 2½% 1956/61	7,227 2 2	87½	6,323 14 5	18 3 2	6,341 17 7
May 18	Do.	20,779 8 7	87½	18,246 18 9	51 19 9	18,298 18 6
June 7	Do.	5,677 1 6	86½	4,935 10 2	14 9 10	4,950 0 0
	West Riding 3½% 1957	10,000 0 0	100½	10,050 0 0		10,050 0 0
24	New Zealand	276 17 2	99½	276 3 4	7 3	276 10 7
Nov. 5	Commonwealth of Australia 3½% 1950/52	6,000 0 0	98.4415	5,906 9 10	7 10 0	5,913 19 10
15	Jamaica 3% 1956/61	8,636 11 10	93½	8,076 4 3	10 13 11	8,086 0 2
1938.						
Jan. 24	Southern Rhodesia 3½% 1961/66	19,337 16 11	102.03383	19,731 2 10		19,731 2 10
	Do.	24 6 3	102.03383	24 16 2 (a)	6 1 0	30 17 2
Feb. 5	New Zealand 3% 1952/55	33 4 10	89½	29 15 0		29 15 0
23	Canada 3½% 1968/63	600 0 0	97.711	586 5 4	11	586 6 3
28	Do.	5,000 0 0	98.01705	4,900 17 1	7 10	4,901 4 11
Mar. 7	Canada 4% 1953/58	3,871 4 4	109	4,219 12 6	4 16 10	4,224 9 4
8	New Zealand 5% 1946	10,000 0 0	107½	10,750 0 0	25 10 8	10,775 10 8
24	South Shields 3½% 1955/58	9,228 9 0	97.49325	8,997 2 4	2 17 8	9,000 0 0
Apl. 19	New South Wales 5½% 1947/57	276 19 7	111.129	307 16 1	3 5	307 19 6
22	Do.	2,566 13 2	111.1324	2,852 7 9		2,852 7 9
May 6	Do.	1,500 0 0	111.1324	1,666 19 9 (b)	2 10 10	1,669 10 7
16	Consolidated Loan 4% 1957	5,055 3 7	110½	5,604 18 8	3 3 10	5,608 2 6

(a) Brokerage, etc., on £19,362 5s. 2d. Southern Rhodesia 3½% 1961/66 Stock.

(b) Brokerage, etc., on £4,066 13s. 2d. New South Wales 5½% 1947/57 Stock.

Date.	Description of Stock.	Face Value.	Rate.	Actual Cost.	Brokerage, etc.	Total Cost.
June 2	Ayr 5% 1947/57	7,032 14 8	113.62877	7,991 4 2	8 15 10	8,000 0 0
20	Birkenhead 4½% 1951/61	10,000 0 0	112.381	11,238 2 0	6 5 0	11,244 7 0
Aug. 30	London County Consolidated 3½% 1968/73	4,639 6 4	102½	4,743 14 0	6 1 0	4,749 15 0
Sep. 13	Funding ½% 1960/90	3,967 1 0	112.83336	4,476 3 2	5 0 6	4,481 3 8
Nov. 18	New Zealand 3½% 1940	2,524 9 1	99	2,499 4 2	15 10	2,500 0 0
Dec. 10	Ceylon 3% 1959/64	5,000 0 0	92	4,600 0 0	...	4,600 0 0
	Ceylon 3½% 1995	1,181 14 7	98	1,158 1 11	...	1,158 1 11
	Nigeria 6% 1949/79	5,072 9 3	120	6,086 19 1	...	6,086 19 1
	Sierra Leone 3½% 1958/63	2,666 6 11	101½	2,699 13 6	...	2,699 13 6
	Australia 3½% 1951/54	3,480 17 0	93	3,237 3 10	...	3,237 3 10
	New Zealand 4½% 1947	1,993 6 7	94	1,873 14 7	...	1,873 14 7
	Nigeria 4% 1963	1,983 14 10	107½	2,137 9 7	...	2,137 9 7
19	Funding Loan 4% 1960/90	9,472 13 10	107½	10,224 11 9	12 1 2	10,236 12 11
		£351,871 19 0		£352,586 9 10	£ 301 9 7	£352,887 19 5

SALES BY CROWN AGENTS OF INVESTMENTS OF THE POST OFFICE SAVINGS BANK DURING THE YEARS 1935 TO 1938.

Date.	Description of Stock.	Face Value.	Rate %.	Gross Proceeds.	Brokerage.	Net Proceeds.
1935						
Jan. 18	Gold Coast 3% 1927/52	£ 4,540 16 7	101½	£ 4,603 5 4		£ 4,603 5 4
22	Natal 3½% 1914/30	2,028 10 4	102	2,068 9 1		2,068 9 1
May 20	New South Wales 3½% 1930/50	4,932 18 8	100.621	4,963 11 4	£ 6 3 4	4,957 8 0
23	Do.	4,809 0 2	100.619	4,838 15 6	6 0 3	4,832 15 3
Aug. 13	Funding Loan 3% 1959/69	962 14 11	104½	1,002 9 3	2 9 3	1,000 0 0
21	Nigeria 3% 1955	7,901 7 10	101½	8,019 18 3	19 18 3	8,000 0 0
Oct. 17	Union of South Africa 3% 1954/64	5,000 0 0	98½	4,931 5 0	12 12 10	4,918 12 2
1936						
Mar. 16	Nigeria 3% 1955	2,106 14 8	101.244	2,132 18 9	1 6 4	2,131 12
July 16	Commonwealth of Australia 3½% 1964/74	6,400 19 8	98.871	6,328 14 4	4 0 0	6,324 14 4
20	Do.	10,716 15 3	98.87367	10,596 1 1	6 14 0	10,589 7 1
1937						
May 11	New Zealand 3½% 1955/60	289 11 6	95½	277 5 5	14 10	276 10 7
1938						
Jan. 24	Funding 3% 1959/69	20,000 0 0	98.935	19,787 0 0	25 0 0	19,762 0 0
Feb. 5	Jamaica 3% 1956/61	31 7 2	95	29 15 10	10	29 15 0
25	Funding 2½% 1956/61	5,374 18 2	91½	4,907 19 3	6 14 4	4,901 4 11
22	Do.	643 17 2	91½	587 2 4	16 1	586 6 3
Apr. 20	Commonwealth of Australia 4% 1943/48	4,455 7 9	101.6183	4,527 9 9	5 11 5	4,521 18 4
14	Do.	303 8 8	101.62134	308 7 1	7 7	307 19 6
May 16	Funding Loan 2½% 1956/61	6,201 2 10	90½	5,623 13 3	15 10 9	5,608 2 6
June 13	Tanganyika Territory 4% 1951/71	10,199 10 1	110.36909	11,257 2 0	12 15 0	11,244 7 0
Aug. 30	Federated Malay States 3% 1960/70	5,000 0 0	95½	4,762 10 0	12 15 0	4,749 15 0
Sep. 13	Funding Loan 2½% 1956/61	5,000 0 0	89½ × d.	4,493 15 0	12 11 4	4,481 3 8
Dec. 19	Funding Loan 3% Gtd. 1959/69	10,832 13 3	94½	10,263 18 11	27 6 0	10,236 12 11
		£117,731 14 8		£116,311 6 9	£ 179 7 5	£116,131 19 4

SUMMARY JURISDICTION (CIVIL PROCEDURE) RULES, 1939.

THE ATTORNEY-GENERAL: I beg to move the following motion:—

That, the Summary Jurisdiction (Civil Procedure) Rules, 1939, as made by the Committee of Magistrates appointed by the Governor for making rules, including the forms for regulating

the practice and procedure of the Courts pursuant to subsection (1) of section 66 of the Summary Jurisdiction Magistrate's Ordinance, Chapter 9, on the 25th June, 1938, as printed and circulated be hereby approved.

Should any hon. member desire any information concerning the Rules or to ask any question, he may move that the

Council resolve itself into Committee to consider the various points.

Mr. AUSTIN seconded.

Mr. ELEAZAR: I am not sure whether Government really intends to put this voluminous document on the table this morning and to ask members to move that this Council resolve itself into Committee to consider it clause by clause, because one would certainly like to hear from Government what necessitated it. In the case of a Bill it is moved to be read a second time when everybody expresses his views, and after the second reading it is considered by the Council in Committee clause by clause. That is not being done in this instance, and there is no reason assigned by the hon. and learned Attorney-General why this voluminous document has become necessary in order that the Summary Jurisdiction of the Magistrates' Court should be changed. As a practitioner close upon thirty years, I am inclined to think the chapters can be reduced without doing violence to the Rules themselves. I would like to hear first of all the justification for the Rules before we are asked to consider them in Committee. There are certain clauses here which, if Government cannot justify or give any reason for their inclusion, I can hardly understand Government dropping these Rules down like a bolt from the blue on this Council. It is true that a copy had been sent to me some time ago, but I do not think that the idea is, that by my going through the Rules I would be in possession of the reason that actuated Government in having this volume drafted and put before this Council. These are certainly more elaborate than the Rules of the Supreme Court.

I do not, however, say that we should not have new things. We are told that these are modern times, but fortunately or unfortunately I have lived in ancient times and am still in the modern times, and I am yet to be able to discover any necessity which has arisen in the Magistrates' Court in its Civil Jurisdiction for a volume of Rules more elaborate than those of the Supreme Court of this Colony. I think it is due to the members of this Council that Government should justify by the usual second reading explanation its action in placing this document before this Council.

It is not fair to throw this measure down on a Council composed so largely of laymen, without stating what has been the necessity for it. With a very small minority of lawyers on the Council, Government has put forward these Rules and invited the Council to consider them clause by clause. For that reason I am asking whether Government does not think it is requisite that the necessity for bringing these Rules before this Council should be explained before the Council is asked to resolve itself into Committee to consider them clause by clause. If Government thinks it is necessary that should be done, then Government would at least withdraw these Rules to-day and so give itself an opportunity of studying them in order to explain them. If on the other hand Government denies this Council that explanation, then I would say something more about it.

THE ATTORNEY-GENERAL: I may point out to the hon. member for Berbice River (Mr. Eleazar) that the main reason for making these rules is really to be found in the last Rule. The last Rule annuls all previous Magistrates' Court Rules, and those were made in the year 1911—a matter of 28 years ago. That is very good reason why the Rules should be really brought up-to-date. I desire also to draw hon. Members' attention to the fact that the Rules are not as voluminous as may be imagined. If the substantive Rules are taken away from the Forms which are attached to the Rules, it would be seen that nearly half of the whole document consists of Forms which have been compiled for the assistance of legal practitioners. The necessity for making these Rules has arisen, and if the hon. member is not satisfied with the explanation given as to the main reason for making these Rules, then a detailed explanation can be given by the Senior presiding Magistrate, who is present and is one of the Magistrates who made the Rules. I may mention that the Rules were laid on the table as far back as the 30th of March, this year, and hon. members had quite ample time to bring forward any specific objection they desired to raise. Had they done so, the objections would have been answered and the reasons given for the changes in the Rules.

Mr. KING: I certainly take advantage

of this opportunity to congratulate Government for bringing these Rules before the Council. Lawyers are agreed that the present Rules of the Magistrates' Court are antiquated and, perhaps, even ridiculous. At present it is impossible to carry out the procedure of the Magistrates' Court in the normal way, because there is none. The Senior Magistrate of Georgetown has taken infinite pains in preparing these Rules and drafting them. Speaking as a lawyer and as one who has the liberty to speak, I see no objection which can properly be raised to any of them. Perhaps in the course of practice we may be enabled to revise them, for as time goes on little difficulties will arise, but that is only a matter of time. I am rather surprised at the request made by the hon. member for Berbice River that this Council should be asked to go through the somewhat painful ordeal of considering these Rules clause by clause.

Mr. ELEAZAR (interposing): I am objecting to that. That is what the hon. Attorney-General is asking.

Mr. KING: I have not the slightest doubt that the hon. member has read and digested these Rules and, perhaps, may give us the advantage of any objection he may have to any particular Rule. I do not think he has come to the Council in the hope of digesting the Rules as based upon any explanation which the hon. and learned Attorney-General may give. Speaking as a member of the Council and certainly as a lawyer of this Colony, I think it is high time that the Rules of the Magistrates' Court be brought into line with existing practice. Perhaps the hon. member, who is somewhat older than I, fear the difficulty in adopting a new form of practice in the Magistrates' Court. As we get older we resent the introduction of procedure which is foreign to what we have been accustomed to all our lives, but that is where the world is progressing to-day. I sympathize with the hon. member, but nevertheless he must realize as a lawyer that these Rules bring up-to-date the antiquated and very circumscribed practice which at present exists in the Magistrates' Court. Personally I support them entirely and feel sure that when they have been brought in, we would then have a proper form of procedure in the Magistrates' Court, which is lacking at present.

Mr. GONSALVES: I desire to endorse all that has been said by the last speaker, and also to agree with him that these new Rules have not been submitted to this Council too early at all. As the hon. Attorney-General has pointed out, it has taken us 28 years before we thought of revising them, and when it is considered that these Rules are more or less based upon the County Court Rules in England, it just shows the rapidity of progress made by this Colony in regard even to the simple matter of Rules governing the Magistrates' Court procedure.

I have gone through these Rules and, perhaps, I ought to sympathize with the hon. member for Berbice River, because there may be lots of things in them that very rarely occur in the Magistrates' Court in Berbice, while there are lots which occur very frequently in the Magistrates' Court in Georgetown. The difficulty has been that Magistrates do not know how to apply certain things when there are no rules of procedure regulating such matters.

One objection I thought the hon. member for Demerara River (Mr. King) might have raised—and it is the only one which can be raised—is to the abundance of forms provided, which makes it easy for laymen to use and adopt them to the detriment of members of the profession. (laughter). That is the only thing objectionable that I see about the Rules. Perhaps, they may be useful to members of the profession in following the Rules; if a Magistrate makes a mistake in doing otherwise, he can always be confronted with the Rules which had been made by him for the guidance of his own Court.

One thing I thought might be a little more complete, and that is the tariff of fees to be allowed by Magistrates should have been embodied in this document of Rules and not left in a separate Ordinance. As it is, we have Rules regulating certain things to be done, but when we want to look for the fees payable we have to go to the Magistrates' Ordinance, which is a different book altogether, to find what they are. Practitioners, therefore, have to arm themselves with the Rules and the Ordinance in order to see what costs they are entitled properly to assess. I make that suggestion in the hope that, perhaps, it may be considered and a new tariff pre-

pared and attached to these Rules. The tariff of fees also needs to my mind a certain amount of revision, and that may be done when the matter is being gone into.

Now that we have got something in the nature of proper Rules for the guidance of Magistrates in connection with civil trials before them, I do wish to emphasize the hope that we will as soon as possible get into proper shape the Mining Regulations which are so much needed for the guidance and assistance of the Commissioner of Lands and Mines and those officers who are appointed from time to time to hear mining disputes. These regulations are in a deplorable state and are open to all questions. Now that this job of making proper rules for the Magistrates' Court is finished, it is hoped that somebody will take over the next job of preparing and completing the Mining Regulations which affect such an important industry of this Colony.

MR. WOOLFORD: Both of the hon. members, who have spoken, have disclosed that they have more or less an intimate acquaintance with these Rules. They have both referred in quite undignified terms to my colleague, the hon. member for Berbice River, but I would remind these hon. members, if their acquaintance with these Rules were as intimate as mine, they would see that for less harmful remarks than those they have made here the Magistrates have power to commit them for Contempt of Court. I suggest to them that if, as some of them do, they have to make an incursion into the Magistrates' Court of New Amsterdam they should study the particular Rule better than the hon. member who represents the Berbice River.

I have risen for the purpose of asking that the new Rules be not put into operation by publication in the *Official Gazette* for a period of at least one month. It would take a considerable time, I rather fear, for practitioners to adapt certain forms. They would have to be printed and revised, and I have no doubt whatever that the Magistrates' Court throughout the Colony would also have to get a very large number of forms. It is essential that these forms should be very carefully prepared, because the acceptance of them in the Magistrates' Court itself—whether

they are submitted by practitioners or by members of the public, or whether they are issued by the Magistrates' Court itself—constitutes a source of very great annoyance if in effect they do not represent the true forms that the Rules provide for. We all know that there are in existence a large number of legal forms for public use provided by various printers. I have never been able to understand the authority given them for selling what is really legal advice. If the experiment is to continue, I suggest to the legal advisers to the printers or to the printers themselves that they should consider the advisability either of discontinuing the selling of legal forms or of consulting some skilled person in drafting them. They should not sell to the public legal forms, which are clearly worthless and should not really be issued.

I am also advising Government in this connection to see that the tariff of fees, which is approved by the Governor in Council—although it has to be sanctioned by this Council—should receive immediate and careful revision. I may give instances of what I mean. It is mere costly to subpoena a witness in the Criminal Court than one in the Civil Court. If anything, I think that in respect of public justice it is in the interest of the community that witnesses should be in a position to attend the Criminal Court at a less cost than they would in the Civil Court. As a matter of fact I think it costs four shillings (4/-) under the present tariff for a witness in the Criminal Court and two or three shillings (2/- or 3/-) in the Civil Court. That gives some idea of the difficulty in proving matters which are essential to the community. There are other anomalies of that kind. In order to make the practice less difficult in the Magistrates' Court it would be necessary, I hope, to examine the tariff along those lines.

THE ATTORNEY-GENERAL: I may say that with respect to the observation made by the hon. member for Georgetown South (Mr. Gonsalves) it has been anticipated. I feel I can safely give an undertaking that the Rules will not be published without the tariff of fees. The tariff of fees is receiving consideration, and I safely anticipate that the tariff, when approved by the Governor in Council, will be attached to the Rules not as forming part

of the Rules but for the purpose of easy reference.

With regard to the further remarks about the Mining Regulations, I may remind hon. members that there are in course of preparation not only new regulations but also a new Mining Ordinance. As regards the remarks by the hon. member for New Amsterdam (Mr. Woolford), I may remind him—I do not know whether he was present at the meeting, but I am informed that as far back as a year ago the presiding Senior Magistrate held a meeting for members of the legal profession—that at that meeting the Rules, substantially as they are now, were put before them. Legal practitioners therefore had some time to consider the various provisions in the Rules. As I have intimated, it is intended that the tariff of fees should be embodied in the Rules and so there would be no harm in accepting his suggestion that publication of the Rules be deferred for a month.

Mr. ELEAZAR: I have heard plenty—

THE PRESIDENT: Is the hon. member going to move an amendment to the motion?

Mr. ELEAZAR: I am now going to move as an amendment, that the hon. Attorney-General or the person who made the Rules be asked to go through the Rules with members of this Council or as many of them as necessary before the matter is put before us for approval. In moving that, I do so because of my previous experience in this Council. I remember very well when it was thought necessary to change the Regulations in respect of Village Administration, the then District Commissioner, Mr. Laing, came before this Council, instructed by the learned Attorney-General, and laid his cards on the table. Members were given an opportunity of seeing what had prompted Government to make the Regulations.

THE PRESIDENT: The hon. member has spoken once on the question already, and I cannot allow him to speak generally on it again.

Mr. ELEAZAR: With your permission,

as I have initiated the discussion on this subject, I am now going to move formally that either the Attorney-General or the draftsman of these Rules be summoned to explain them before they are put before this Council.

THE PRESIDENT: The hon. member will have to do that by way of a motion that the whole Council go into committee to consider the Rules. He has to move such a motion in order to raise that point.

Mr. ELEAZAR: What I am moving—Your Excellency, is that these Rules be not put at this stage before the Council to be gone through in Committee clause by clause. What I am driving at is this: I cannot understand the arguments by the hon. members who said: "We have read the Rules, and they are so good that they should not be read clause by clause." That is contrary to all the rules of this Council. I am asking that it be done by the usual procedure. To say that the Rules were made 28 years ago is no reason for changing the procedure if it is working well. I am therefore asking for the reason for the change, which cannot be on account of its antiquity. Some of the Rules are imposing fees, some are imposing legal documents which clients cannot make, some are imposing the obligation on the defendant—

THE PRESIDENT: I am afraid I cannot allow the hon. member to go on speaking for a second time on this motion. He must either move that the Council resolve itself into Committee to consider the Rules or else they will be approved as they stand. Does any hon. member wish to move that the Council go into Committee to consider the Rules?

Mr. ELEAZAR: I wish to move that we do not go into Committee to consider the Rules clause by clause.

THE PRESIDENT: If no hon. member wishes to move that the Council go into Committee, the question will now be put in terms of the motion that the Rules, as made by the Committee of Magistrates, be approved by the Legislative Council.

Motion put, and agreed to.

SUSPENSION OF STANDING RULES AND
ORDERS.

THE COLONIAL SECRETARY: It may be convenient to hon. members if the Bills on the Order Paper be read a first time, and I therefore move the suspension of the Standing Rules and Orders to enable the Bills in the Second Schedule to be read the first time.

Professor DASH seconded.

Question put, and agreed to.

BILLS—FIRST READING.

The following Bills were read the first time and notice given that at the next or subsequent meeting of the Council it would be moved that they be read the second time :—

A Bill intituled an Ordinance to amend the Criminal Law (Procedure) Ordinance, Chapter 18, with respect to the disqualifications of certain persons from serving as jurors, to provide for a majority verdict of a jury in certain cases, and to make other minor amendments.

A Bill intituled an Ordinance to amend the Criminal Law (Offences) Ordinance, Chapter 17, with respect to the verdicts that may be returned on the trial of certain offences, and with respect to the offences of infanticide and child destruction. (*The Attorney-General*),

A Bill intituled an Ordinance to allow and confirm certain additional expenditure incurred in the year ended thirty-first day of December, 1938.

A Bill intituled an Ordinance to amend the Law relating to income tax, with respect to the deductions to be allowed in ascertaining chargeable income.

A Bill intituled an Ordinance to amend the General Loan and Inscribed Stock Ordinance, Chapter 46, with respect to the redemption of debentures. (*Mr. McDavid, Colonial Treasurer*).

A Bill intituled an Ordinance to amend the Pensions Ordinance, 1933, to provide for the payment of gratuities to female officers on resignation or retirement on account of marriage.

A Bill intituled an Ordinance to amend the Post and Telegraph Ordinance, Chapter 185, to empower the Governor to require the production of telegrams sent to or from any place out of the Colony.

A Bill intituled an Ordinance to amend the Public Officers' Guarantee Fund Ordinance, Chapter 202, with respect to the certification of claims against the fund. (*The Colonial Secretary*).

THE PRESIDENT: That completes the business on the Order of the Day. As hon. members will have noticed there are several motions of which notice has been given, and included among them is one for the payment of a subsidy to an Internal Air Service. I ask hon. members to study that matter over night so that we can take it to-morrow. I do not mean by that in the slightest, that Government wishes to rush it. I would like it to be moved to-morrow, and then, if any hon. member wishes that it be deferred for further consideration, Government will be only too willing that it should be done.

The Council adjourned until the following day at 10.30 a.m.