

LEGISLATIVE COUNCIL.*Thursday, 30th March, 1933.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR EDWARD DENHAM, K.C.M.G., K.B.E., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Mr. C. Douglas-Jones, C.M.G.

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).

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

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

The Hon. E. F. Fredericks, LL.B. (Essequibo River).

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

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

The Hon. Q. B. de Freitas, M.R.C.S. (Eng.) L.R.C.P. (Lond.), Surgeon-General (Acting).

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

The Hon. F. Birkitt, Postmaster-General.

The Hon. L. G. Crease, M.A. (Oxon), Director of Education (Acting).

The Hon. E. F. McDavid, Deputy Colonial Treasurer.

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

The Hon. N. Cannon (Georgetown North).

The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. A. E. Seeram (Eastern Demerara).

The Hon. V. A. Pires (North Western District).

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

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

The Hon. G. E. Anderson (Nominated Unofficial Member).

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

The Hon. Peer Bacchus (Western Berbice).

The Hon. W. S. Jones (Nominated Unofficial Member).

MINUTES.

The minutes of the meeting of the Council held on the 29th March, as printed and circulated, were confirmed.

ORDER OF THE DAY.**SEA DEFENCE BILL.**

The Council resolved itself into Committee and resumed consideration of "A Bill to make better provision for the maintenance and construction of sea defences."

Clause 2—Interpretation.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): When the Council adjourned we were dealing with the definition of "Sea defence." The position contended for is that as it stands now it is somewhat vague and more precise language should be used. I suggest that the word "intended" be struck out and the words "constructed or used by the Board" substituted. I think that will meet the objection. The hon. Member for Berbice River raised the point that in many cases sea defences have been con-

structed on the seaward side of private lands. In recent years there has been an accretion of land going some distance seaward and the road dam is no longer a sea defence. Under the law the foreshore would have receded by reason of accretion and the land outside the dam becomes the property of the owner. As the original dam is no longer sea defence the question does not arise. If in the opinion of the Board something happens that it becomes necessary that these portions of land should be protected by sea defence, the Board will have to construct the sea defence where there is three miles out substantial land.

The definition as amended was agreed to.

Clause 4 (1)—Constitution of Board.

Mr. ELEAZAR : I suggest that for paragraph (ii) the words "four persons chosen from a panel submitted by the British Guiana Sugar Producers' Association" be deleted and the words "three persons selected by the Governor in Council" substituted. Provision is made for inclusion on the Board of the Commissioners for the East Coast and West Coast Demerara Districts, but the Commissioner of the Berbice District is omitted. It seems to me that the Commissioner of the Berbice District should be the only Commissioner on the Board, because he is an engineer and the only one who ought to know anything about sea defences. That shows the necessity for not tying down Government to the appointment of any specific persons. Government should have a free hand and persons having the particular knowledge should be preferred.

Mr. CRANE : I do not think I can subscribe to the view of the hon. Member for Berbice River, expressed yesterday, that two Elected Members of the Legislative Council whose electoral districts are affected by sea defences should not be included on the Board. It seems to me that it needs no specially qualified persons to serve on the Board, but that the important point is that those persons who are taxed should be represented on the Board. The Electives on the Board would be jealous of the interests of their constituents and would see that no tax is imposed which is unnecessary, and I think the people would be more satisfied with representation through their accredited representatives.

I agree with the hon. Member with regard to the Commissioners. Why not the Commissioners in Essequibo and Berbice, both of whom are engineers? But I repeat that I do not think it requires any special knowledge to be a member of the Board. I agree with my late colleague, Mr. Webber, that the Colony can be carried on by Boards, and that system would necessarily involve an army of experts if the theory is adopted that there must be experts on Boards.

Mr. GONSALVES : Perhaps the feelings of Electives may be met by amending the clause to provide for representation of Berbice and Essequibo and by reduction of the number of other members of the Board. I think that all districts with sea defences should be represented.

Mr. ANDERSON : I cannot agree with the proposal to decrease the representation of the sugar producers, who will pay the major portion of the tax. The sugar producers possess long experience and valuable local knowledge. However expert a man may be he cannot sum up the whole position and is guided by the man on the spot. Managers of estates have the advantage of the advice of their own technical men, like Mr. Seaford for example. On a Board of 11 four representatives of the Sugar Producers' Association are not too many. There are two other persons to be appointed at the Governor's discretion and there is no reason why the Commissioners for Berbice and Essequibo should not be appointed under that part of the clause.

THE COLONIAL SECRETARY (Mr. C. Douglas-Jones) : The criticism which has been made, I think, can very easily be met. In considering the constitution of the Board the Committee were primarily concerned with having a Board that would be able to deal effectively with the problem entrusted to their care and it was considered that a Board of 10 would be a reasonable number. I think a Board of 12 would be an equally reasonable number, and there would probably be more chance of there being a full complement at each meeting. The reason why the Commissioners of the East Coast and West Coast were particularly mentioned was that we regard the District Commissioners now as representing the

villages and country districts in regard to matters of this kind, and we could not have representatives of the villages themselves as the Board would have been unwieldy and selection would have been difficult. There is no necessity to name the District Commissioners as it may be equally convenient to appoint the Commissioner for Berbice or Essequibo. I suggest that paragraph (a) be altered to two Commissioners instead of Commissioners of any particular districts. As regards the Elected Members of the Legislative Council, there, again, the Committee were anxious that the Electives who represent the districts particularly concerned should be on the Board, and the two districts most closely connected with sea defences are the East Coast and West Coast, Demerara. Government is willing to increase the number of Elected Members to three but is not prepared to make any reduction in the representation of the Sugar Producers' Association. After all, the sugar estates will pay the highest rates, they are the largest estates owners, and in addition the sugar planters have a considerably larger amount of capital involved in the land. It is therefore necessary, and I think desirable, that they should be brought very closely into contact with this problem on the Board. I move that sub-clause (1) be amended by deleting the words "the Commissioners for the East Coast and West Coast Demerara Districts" in paragraph (a), by substituting the word "three" for the word "two" in paragraph (b) (i), and by substituting the word "four" for the word "two" in paragraph (b) (iii).

Amendment put, and agreed to.

Mr. CRANE: I suggest that in sub-clause (8) (c) the word "Board" be substituted for the word "Governor." Leave to a member should be granted by the Board and, if necessary, reported to the Governor. Constituent matters should be dealt with by the Board itself and any constitutional matter referred to the Governor.

THE CHAIRMAN: I think that suggestion is a good one and I accept it. The Board may give leave but the appointment will be filled by the Governor. It will have to come before the Governor in any case.

Amendment agreed to.

Clause 7—Application of Ordinance to sea defence district.

Mr. AUSTIN: The Colonial Secretary said yesterday that the Governor-in-Council would not insist on any arbitrary alteration of the boundaries of districts. But the Governor-in-Council and Government change from time to time, and from the point of view of the planters I should like to move in a proviso to clause 7 (2), which will read:—

Provided that no district as defined in the First Schedule which may be found to be unable to pay its rates for the costs and expenses of construction and maintenance of its sea defences shall be incorporated in any other district.

That will make absolutely safe any question arising in respect of any district which is for the time being not financial.

Mr. BRASSINGTON: I beg to support the amendment. Such a happening is likely to take place in some districts in the Colony. Yesterday we were told that the rate on the Essequibo Coast will be 12 cents, but we were also told that there is a part of the Coast which is giving trouble. I am afraid that on the Essequibo Coast parts will be tacked on to others least able to bear the rate. The islands of Wakenaam and Leguan have no drainage or irrigation rates and an assessment of 12 cents per acre in Essequibo is the most that can be borne. My constituents consider that there ought to be some provision in the Ordinance to avoid tacking on one portion of the Coast that may be badly affected to another which has no trouble. There are heavy assessments for drainage and irrigation in Essequibo, some of which have not been met, and if there is to be any differentiation owners of rice or other estates ought to know where they stand. Any alteration of the boundaries of districts is wrong in principle and unsatisfactory.

THE ATTORNEY-GENERAL: If the principle intended is accepted the amendment will have to be in another form. In its present form the amendment is ineffective. A district does not pay rates but the proprietors. Then the question will arise as to the degree of incapability of payment of rates. It may be provided that a district which has been in default of payment of 25 per cent., or whatever

the per cent. of rates may be, for a given period shall not be incorporated in any other district. The degree of default and the duration of the period will have to be arrived at.

THE COLONIAL SECRETARY: The hon. Member asks that it should be made definite in the Ordinance that the boundaries of no district shall be varied. It has been accepted both by Government and the sugar producers and others that there shall be no variation of these boundaries as they at present appear and perhaps it might be well to state it in the Ordinance. I ask the Attorney-General whether it can be met by deleting sub-clauses (2) and (3) or by putting other words in the Bill. As regards the question raised by the hon. Member for Western Essequibo, that is covered by clause 19 (1), which definitely states that all rates and estimates are for each district.

Mr. BRASSINGTON: I do not think the area from Walton Hall downwards to Somerset should be made liable for sea defence assessment.

THE CHAIRMAN: I suggest that the matter stand over for further consideration. It is impossible to make alterations in the boundaries if they are going to result in a variation in the rates of the districts.

Clause ordered to stand over.

Clause 8—Procedure by Board preliminary to construction of sea defence.

Mr. CRANE: A question was raised in the debate on the second reading of the Bill in relation to this clause and I have drafted an amendment which reads:—

(3) On completion of the plan the Board shall cause to be deposited at the office of the Public Works Department in Georgetown a copy thereof and, if the land is situate in the County of Berbice or the County of Essequibo, a copy thereof in the office at New Amsterdam or in Essequibo as the case may be, and shall give notice thereof in the *Gazette* and two newspapers. The plan shall be open to inspection at all times during office hours for one month from date of the notice.

(4) Any proprietor or local authority within the area comprised in the plan may at any time during the month aforesaid give to the secretary a notice in writing setting forth any objections and the grounds thereof to the plan.

Clause as amended agreed to.

Sub-clause (3) renumbered (5) was amended by the addition of the words "together with any objections which may have been lodged within the time prescribed."

Clause 12—Sea defences the property of the Crown.

Mr. CRANE: I beg to move that this clause be amended by the substitution of the following for sub-clause (3):

(3) There shall be no right to compensation in respect of any property which is vested in the Crown under this section, but the Governor in Council may, if he think fit, direct the Board to pay a specified sum to any person in respect of any such property and the Board shall make the payment so directed.

Amendment agreed to.

Clause 17—How costs and expenses of construction and maintenance of sea defences to be defrayed.

Mr. DE AGUIAR: I beg to move the addition to sub-clause (3) of the following proviso:

Provided that all moneys advanced on loan to the Board for work of a permanent character in a particular district such loan and expenses shall be a first charge on the property and assets of the Board in that district and shall be paid from the rates collected in that district.

THE ATTORNEY-GENERAL: I am afraid that this proviso conflicts with sub-clause (3) as it stands and if accepted it will have to be redrafted.

Clause ordered to stand over.

Clause 18—Sea defence rates and contribution from general revenue.

Mr. CRANE: Sub-clause (1) provides for the payment by the proprietor of every estate and the local authority of every village of such annual rates as may be fixed by the Board and sanctioned by the Governor-in-Council, and sub-clause (2) for a contribution from general revenue of an amount equal to one-half of the estimated expenditure of the Board. The effect of sub-clause (2) is that a sum equal to one-half of the estimated expenditure is being appropriated here and now for the use of the Board. Any annual sum granted to any Board must be granted by the Legislative Council year by year. That principle was recognised in connec-

tion with the Forest Trust. I propose that sub-clause (2) be deleted and the following substituted:

(2) There shall also be paid for the use of the Board such sum, not exceeding one-half of the estimated expenditure of the Board submitted pursuant to section 19 hereof, as the Legislative Council shall vote from the general revenue in respect of each financial year.

THE COLONIAL SECRETARY: There was no intention in the wording of the clause that any amount voted should not come before the Legislative Council for consideration. That is the basis of the agreement with the sugar planters. One of the conditions of the agreement is that the taxpayers' contribution in any one year shall not exceed \$50,000 unless any excess is voted by the Legislative Council. It was never intended that there should be an arbitrary statutory sum voted. What was intended and is part of the bargain is that the contribution of the taxpayers shall not exceed \$50,000 unless it is specially voted by the Legislative Council.

Mr. CRANE: This Council cannot bind its successor and the proviso should not form part of the Bill.

THE ATTORNEY-GENERAL: The effect of the amendment will appear to preclude the Legislative Council from voting more than half of the estimated expenditure, and the amendment will to a certain extent fetter the Legislative Council. I am not sure that the proviso would be useful if the amendment is passed.

THE CHAIRMAN: I think we need something to indicate how much is going to be paid out as against the contribution paid in by the estate owners. It has to be remembered that the Board has to draw up estimates every year, and the sum that will be available as the contribution from general revenue ought to be incorporated in the Ordinance. It will restrict the Board in putting forward commitments and also call the attention of the Council to the fact that the Colony is to be asked to contribute. It will also be a restriction on the districts which may want to reduce their rates in the hope of getting all they want from Government.

Mr. CRANE: I agree that there ought to be in the Ordinance something to show the taxpayers' liability.

THE CHAIRMAN: This clause will stand over with the others for consideration by the Attorney-General.

Mr. SEERAM: Before that is done I wish to move that sub-clause (1) be amended by the addition of the words "for sugar estates and twenty-five cents for other estates and land owned by villagers" at end of the sub-clause.

THE COLONIAL SECRETARY: As a member of the Committee the hon. Member knows that the arrangement was that the villages should be assessed at the same rate as estates. It is a basis for consideration that rice and coconut estates should pay one-half of what sugar estates pay, but there may be estates other than sugar which can afford to pay not as much as a sugar estate but more than a rice estate. I do not think Government can accept any arbitrary rate as the hon. Member suggests. Anything which is outside the agreement cannot be agreed to.

THE ATTORNEY-GENERAL: The amendment is in conflict with the decision. I venture to think that a much safer course has been adopted in the Bill, which fixes the maximum rate together with the power conferred on the Governor in Council by clause 19 (3) of fixing different rates for different classes of estates in any district. It would not be fair to limit to 25 cents the rate for other estates for all time when in the course of a year or two some particular kind of estate may be able to pay considerably more than 25 cents. Clause 19 (3) gives ample power to deal with the matter according to varying economic conditions.

Mr. DE AGUIAR: As a member of the Committee my recollection is that the parties affected were divided into three classes, viz., sugar estates, other estates and the villages; and it was definitely understood that so far as the villages were concerned they would not be made to pay the same rate as sugar estates and even other estates. From their financial position they will never be able to pay the same rate, and they should not be called upon to pay the same rate as sugar estates. I should like to see it clearly laid down what the villages will have to pay.

Mr. ELEAZAR: A village is not a commercial concern and the assessment

should be indicated. The villages were not represented at the meetings of the Committee and the assessment they are to pay should be specified in the Ordinance.

Mr. ANDERSON: I was a member of the Committee and I think the villages' interests were very well looked after by Mr. De Aguiar and others. It was more or less understood that the villages would never pay, but it was also understood that a little extra taxation would make no difference to them. There was no definite undertaking that the villages would pay half the rate of the sugar estates, but there was an understanding that they would pay a lesser rate and that rate was left to the discretion of the Governor in Council.

THE COLONIAL SECRETARY: The position which Government will consider is that each estate should pay just what it can afford. No estate, sugar or any other, should pay more than 50 cents per acre. That is part of the bargain and I deprecate any departure from that agreement. The sugar estates have allowed us to vary the bargain and I ask the hon. Member to do nothing apart from the agreement or make it difficult to come to an equitable agreement with respect to any particular estate. While it is true that the villages might not be able to pay more, yet I will not accept the view that they never will be able to pay more. The villages are always willing to honour their obligations and I am sure they will be able to pay at some future date. There are estates other than sugar estates which can afford to pay and should pay something. The amount to be paid will be assessed by the Board and submitted to the Governor in Council for approval.

Mr. ELEAZAR: If this Bill is passed Buxton, with an acreage of roughly 1,000 acres, will have to pay \$500 a year in addition to the present assessment for drainage and irrigation, which will put the village in a very difficult position and necessitate increased taxation.

Mr. BRASSINGTON: I do not think the amendment of the hon. Member for Eastern Demerara is going to help rice or any other estates. Section 19 (3) and (4) gives all the safeguards any proprietor needs, provided that the promises of Gov-

ernment are good and honest. I take it that the districts and estates will be treated on their merits.

The Committee adjourned for the luncheon recess.

Mr. BRASSINGTON (resuming): The hon. Member for Central Demerara referred to the findings of the Committee in respect of the question under discussion, but Mr. Anderson differs with him in his recollection of what took place. For my own part I desire to see fairplay meted out to the villages and small proprietors. In the islands of Wakenaam and Leguan the proprietors are not able to pay at the present time any assessment whatever because all cane lands are abandoned. The position is somewhat different on the Essequibo Coast where the rice estates are fully established, but there they have the added burden of a heavy assessment for drainage and irrigation which the people in Wakenaam have not. The people on the Essequibo Coast are unable to bear anything but a very small tax. The hon. Member for Eastern Demerara has a distinct distrust of the word and promises of Government.

Mr. SEERAM: I rise to a point of explanation. I said nothing to warrant the hon. Member to make that statement. While the Colonial Secretary is in office and Your Excellency is also here, having regard to all that has been said, I have no doubt that I can safely leave the matter in the hands of Government. But the Colonial Secretary may get promotion—which we all hope will come his way—and no doubt Your Excellency will be similarly placed in getting promotion that will be far more lucrative—and with the law in operation we shall have the Governor-in-Council guided by it.

THE CHAIRMAN: What is the assurance the hon. Member wants?

Mr. SEERAM: The Colonial Secretary yesterday expressed the view that the tax on rice lands will not exceed 25 cents per acre and also admitted that that was the decision arrived at.

Mr. BRASSINGTON: I think the explanation of the hon. Member goes to prove that he entertained that distrust, because he has stated that Your Excellency

and the Colonial Secretary will not always be here. I will not pursue that argument further. This is not a bare verbal promise given. We have it in the Bill that the Governor-in-Council may by order exempt any estate or village from the payment of any annual rate or part thereof, and that the rate can and will be varied according to the financial condition of the districts or estates. With that I am satisfied. I do not think a fixed rate would help the rice estates or villages because in many instances no rate can be justifiably exacted. Many villages are not in a position to pay, and for that reason I do not think the amendment is going to help the situation.

THE COLONIAL SECRETARY: I have risen to correct what is obviously a misunderstanding. I am reported in the Press as saying that as regards rice lands the assessment will be 25 cents per acre. I never said what the rate on rice lands will be but was endeavouring to show what rice estates will pay under the Sea Defence Bill in comparison with what they would pay under the $1\frac{1}{2}$ per cent. export tax on the value of all rice exported. I showed that if we reckon that 10 bags of rice were obtained from an acre and that rice was graded No. 2 it would be worth only \$2.50 per bag and the seller of the rice would have to pay $37\frac{1}{2}$ cents per acre under the $1\frac{1}{2}$ per cent. export tax. Under this Bill, on the East Coast at all events, he would have to pay 27 cents. I also said that Government and the sugar producers realise that it was possibly not fair or reasonable to expect that estates other than sugar should pay the same rate as sugar, and therefore provision had been made in the Bill to vary the rates in respect of other estates. I also referred to the difference which the sugar producer will pay per acre under the Bill in comparison with the $1\frac{1}{2}$ export tax, and I do not think it is necessary to go over the figures again.

Mr. DE AGUIAR: May I ask that a similar comparison be made with regard to the villages: what they paid before and what they will pay under the proposed Ordinance?

THE COLONIAL SECRETARY: The comparison is that under the old sea defence provisions they were responsible for the whole cost of the sea defences. If

they could not pay sea defences the houses and villages would have been washed away. Now we have gone further than that. We have defended the villages and village lands against the sea. We realise that at the moment the villages cannot pay and do not suggest asking them to pay any rate. The arrangement with the sugar proprietors was that the villages should be assessed at the same rate, but Government has included in the Annual Estimate, in addition to the \$50,000 to which reference is made in the Bill, a contribution from general revenue to enable the villages to bear these expenses. The position of the villages is very much better to-day than under the old sea defence provisions under which they had to maintain their own sea defences.

Mr. ELEAZAR: We are saying that Government realise that the people cannot pay the same as the sugar estates. If they cannot pay now, when is that day? The villages are being made to shoulder the burden which the sugar and rice estates should be made to bear. The sugar estates are doing business and stand to suffer more than anybody, and it is their selfishness that has caused the position to be what it is to-day. They would not allow themselves to be taxed for the benefit of the villages. We say "Whatever the assessment is to be, put it in the Bill."

THE CHAIRMAN: I will try to make the position a little clearer. If land is to be assessed for a specific purpose the assessment has to be on some basis. The best basis would be to have a valuation of all lands and then assess them on that valuation. That undoubtedly is the fairest way, but in this case it would take a very long time before it is done. What is proposed is to put a valuation on all empoldered lands to be benefited by sea defence, therefore villages, rice, coconut and sugar estates all appear on the same basis. But it would be unfair to charge villages at the present time anything. It would be also unfair to charge rice and coconut estates the same rate as sugar estates, so Government has made a provision in the Bill to enable lower rates to be paid by these other estates and is not charging the villages at all. There must be a basis for expenditure and that basis is calculated on the total appraisalment or value of property in each district, and Government under-

takes to contribute an equal sum to the proposed expenditure. Provision has been made to charge estates other than sugar estates a lower rate. The purport of the amendment is that under no circumstances should rice and other estates be assessed at more than 25 cents while sugar estates must pay 50 cents per acre. That is not so satisfactory. If the Council were to accept the amendment it would mean that for all time sugar estates must be assessed as always able to pay twice as much as any other estate. It does not follow. I am sure that hon. Members will be delighted if a rice estate becomes as valuable as a sugar estate; it is not as valuable at present, but that position may change. Sugar may not be worth even 50 cents per acre while rice and coconuts may increase considerably in value. Something else may also be discovered, such as pineapples, more valuable than sugar. The only way it can be done is by leaving the basis open for exemption of estates which are not able to pay the maximum of 50 cents, and it is 50 cents only in respect of one district.

Mr. ELEAZAR: I appreciate the explanation, sir, and thank you very much. The planters say they shall not at any time pay more than 50 cents, while the villages say you may not charge them anything at all but when you charge them anything it must not be more than 25 cents.

Mr. SEERAM: I urge on Government acceptance of the amendment. If it is carried it will not deprive Government of the right of waiving any charges. The tax of 50 cents includes construction and maintenance work, but we hope that in the next five or six years there will be no necessity for any construction work.

Mr. DE AGUIAR: I am supporting the amendment in the interest of the villages. Chapter 118, section 48 (5) provides that "(a) the assessment shall not exceed five shillings per rhymland acre in the case of estates and villages; and (b) in the case of villages any sum payable above half-a-crown per rhymland acre shall be defrayed from public funds." That shows that at the time of the passing of that Ordinance it was realised by Government that the villages should not pay more than one-half of the assessment paid by sugar estates. The

position of the villages to-day is worse and provision should be made, or an undertaking given, that the villages will not be assessed at any time more than half of the assessment of sugar estates.

The Committee divided on the amendment and voted:

Ayes—Messrs. Peer Bacchus, Dr. Singh, De Aguiar, Pires, Seeram, Gonsalves, Eleazar, Crane, Cannon and Woolford—10.

Noes—Messrs. Jones, Austin, Anderson, McDavid, Crease, Birkitt, Mullin, Dr. De Freitas, D'Andrade, Major Craig, Brassington, Professor Dash, Dias, Smellie, the Attorney-General and the Colonial Secretary—16.

Clause 19—Board to publish and submit to Governor-in-Council estimated expenditure and revenue and proposed rates. Rates to be finally sanctioned by Governor-in-Council.

Mr. CRANE: Before moving an amendment I propose asking what are the arrangements under which Government propose to pay rates for the villages to be assessed under this Bill. It is well known that no sum of money can be included in the Estimates without the approval of the Secretary of State and the Imperial Treasury. The Council should be told what arrangements have been made by Government to meet the obligations of the villages, what is to be the duration of time, the terms on which the money will be advanced and other matters material to putting on the Estimates the sum required.

THE COLONIAL SECRETARY: The actual arrangement as to how the position will be met is a matter still open for consideration. An estimate of assessments was made in the process of drafting the Bill so that the Committee should have some idea of how the calculations will work out. It was an example of what will happen when the Board actually makes its first assessments. When the Board has made its actual assessments they will be submitted to the Governor-in-Council for approval. Provision has been made to meet what is estimated to be the assessed contributions by the villages throughout the Colony and they are shown by districts

under item 8 of the estimates for Sea Defences. Those figures will be subject to some variation, but I doubt whether the total of \$55,788 will be varied. If it is varied then the amount estimated to be spent will have to be increased, because it would mean that the villages have not been assessed at the proper rate but at a lesser rate, and Government will have to share the difference with the estates that are assessed at the higher rate. These estimates of expenditure have been submitted to the Secretary of State and it has been explained that the contributions of the villages, if the Secretary of State approves of the principle, will be paid each year as a free grant. That is Government's proposal. Whether it will be accepted by the Secretary of State or not I do not know, but I believe it will be.

THE CHAIRMAN: I explained to the Council previously that I was awaiting a despatch from the Secretary of State on this question. I do not think that the Secretary of State will insist that the villages should pay if the Legislature thinks their contribution should be paid by the taxpayers of the Colony.

Mr. CRANE: I do not think anybody should be made to take a loan against his will, nor that the obligation to repay a loan should be imposed on people who cannot afford to repay it. I shall reserve what I have to say on this question until Your Excellency can make the statement you promise. There are a good many things in the Bill that are taken for granted, but I am not prepared to take for granted the intention of Government to pay this money on account of the villages for an indefinite period. I believe Government has the best intentions, but if the necessity arises for making a law there should be definite proposals, and nothing should be left to chance or the caprice of individuals. My point is that in this clause and all the other provisions relating to the financial ramifications of the Board everything is being provided as though the villages are going to pay. There is no indication in the Bill that the money is to be paid for the villages for one or any number of years, but the Governor-in-Council may exempt any estate or village from the payment of any annual rates. I think we ought to go further, and with that end in view I propose to move an

amendment, the verbiage of which I have to thank the Attorney-General for. It will be a new sub-clause (5) and will read:—

(5) Rates shall not be paid in respect of any village in a district until the Legislative Council shall by resolution direct that rates shall be paid, and thereafter the local authorities in the district shall pay rates as required by this Ordinance:

Provided that if after the passing of a resolution as aforesaid it shall appear to the Governor-in-Council that it is expedient by reason of their financial condition that rates shall not be paid by villages in a district he may make an order to that effect, and thereafter no rates shall be paid unless and until the Legislative Council shall direct payment by resolution as aforesaid.

This is a safeguard against the villages being called upon at any time to pay when they are unable to pay. There might be a great difference of opinion as to the ability of the villages to pay, but Government might honestly believe that the time has come for them to pay. There might be further financial stringency and it might be thought that the villages should contribute. Before that is done we are asking Government to introduce a resolution and take the opinion of the Council upon it. I am prepared to accept the position that the villages should some day be called upon to pay the assessment, but I prefer that it should be with the approval of this House and not of the Governor-in-Council. We have heard that the villages cannot afford to pay any more taxation and are asking for a statutory assurance. If a resolution is passed for payment by the villages the Ordinance would become operative in the ordinary way. If in the course of years the Governor-in-Council considers that the financial condition is of such a nature as not to enable them to pay he may apply the exemption referred to in sub-clause (4).

THE ATTORNEY-GENERAL: Sub-clause (4) seems to point to the case of a particular village and not to an exemption of villages generally. The new sub-clause (5) seems to refer to all villages in a given district.

THE CHAIRMAN: I think further consideration should be given to the amendment. There is a great deal to be said for it and Government is prepared to give it consideration. I am suggesting that the second part of the amendment might be omitted. The Governor-in-

Council may not wish to exercise his powers, and if the Legislature passes a resolution there should be no departure from it except also by a resolution of the Council. I think payment must be enforced by a resolution of the Council. Government will consider the wording of the amendment and deal with it later.

Clause 21—Town Council of Georgetown to pay annual contribution of \$2,500.

Mr. GONSALVES: I have listened to strong and persistent appeals of representatives of districts affected by sea defence and I hope with their support to get this clause amended. I do not intend to enter into the history of this contribution. There was a time when there was some difficulty in getting a cheque signed for the payment. If the villages are to pay a sum not exceeding 50 cents per acre—I am not suggesting that Georgetown should be regarded as a village—I cannot follow the process by which the Georgetown Town Council is asked to pay \$2,500. The area of Georgetown is approximately 1,600 acres and, if 50 cents an acre is a fair charge for other districts, the amount Georgetown should be asked to pay should not exceed \$800. It must also be considered that it is not only the lands of the Corporation to be defended but also Imperial and other lands directly affected by the sea. Government should pay its proportion of the cost of that section. While certain members of the Town Council might be inclined to say that the clause should be deleted, I do not go to that extent because minor repairs might have to be done to the sea wall from time to time, but these repairs should be infinitesimal compared with repairs along the coast. I move that the sum be reduced to \$500, which I submit is an adequate amount.

Mr. CRANE: I gather that the principle of the Bill is that every estate, whether sugar, coffee or rice, should pay for sea defence work constructed for its benefit on the basis of acreage. The Colonial Secretary made it clear that nothing is included in this Bill with respect to the cost of permanent works. We are dealing in this Bill with maintenance and small constructional works. Applying that principle to Georgetown it cannot be assessed on an

arbitrary basis, and the best way of deciding the obligation of Georgetown is on the principle of the Bill. The contribution demanded of Georgetown must be for maintenance and small constructional work and the town must be assessed on the same basis as other parts of the Colony.

Mr. CANNON: I decided yesterday to take no part in this discussion but the hon. Member for Georgetown South has brought me into it. He has told the House that there was a little history in connection with this matter and perhaps I had better assume responsibility for that history. When I happened to occupy the Chair of which he is now the occupant we had an excellent Attorney-General with whom we were the best of friends but fought like catcher cats in this hall. That Attorney-General caused to be imposed on the Town Council a tax of \$10,000 for sea defences, but although he was very persuasive he could not induce me to see that it was a reasonable sum. I refused to sign the cheque, which resulted in a "doubtful Bill" being passed, and someone else signed that cheque. The contribution has been reduced from \$10,000 to \$2,500, but I do not see why the Town Council should be called upon to pay even that sum. I am in favour of \$500.

THE COLONIAL SECRETARY: I appreciate the efforts of the members of the Town Council to relieve Georgetown of its assessment, but I do not think I shall have any difficulty in refuting their claim. The hon. Members for Georgetown North and Demerara River have given me the best ammunition to reply. The hon. Member for Demerara River claimed that the rates were fixed mainly on the acreage. That was not the only consideration. The Committee also considered the capital invested in the estates and the value of the property protected by the sea defences. I do not think there is any injustice in asking the Town Council to continue the contribution towards the maintenance of sea defence. For the sum of \$2,500 property to the value of \$14,000,000 is protected from the sea, whereas on sugar estates property worth only \$500,000 is being protected. I admire the hon. Members in trying to get this contribution reduced, but I don't think they are justified.

The Committee divided on the question that the clause as printed stand part of the Bill and voted:—

Ayes—Messrs. Jones, Austin, Anderson, De Aguiar, McDavid, Crease, Birkitt, Mullin, Dr. De Freitas, D'Andrade, Major Craig, Brassington, Professor Dash, Dias, Smellie, the Attorney-General and the Colonial Secretary—17.

Noes—Messrs. Peer Bacchus, Dr. Singh, Pires, Seeram, Gonsalves, Eleazar, Crane, Cannon, Woolford and Fredericks—10.

Clause 25 (1)—Estate rates to be paid to District Commissioner.

Mr. ELEAZAR: I do not like the words "in default of payment the rate and interest (if any) and costs may be recovered by parate or summary execution." Those words have been in the law but were never used to any extent until the Financial Commissioners came here. Instead of levying on land and putting it up to execution, the authorities responsible have been going into a man's house and levying on his movable property. It is creating a great hardship. Let the rate be recovered by summation, as in the past, and if he does not pay within 14 days his property will be subject to execution. In that case the costs are \$2.25 but I have known of cases where the procedure by parate or summary execution has resulted in costs of no less than \$10 and as much as \$13. It savours of oppression and should be inquired into.

THE ATTORNEY-GENERAL: Summary execution is the manner in which all Government taxes and rates of Local Authorities are collectable and there is always a statute to provide for it. The same procedure is adopted in most Ordinances of the Colony dealing with finance. The method is nothing new and has been the custom of the country beyond the memory of the hon. Member himself. This clause and the other clauses in this part of the Bill are the same as in the existing Sea Defence Ordinance. It is the cheapest form of procedure within my knowledge.

Mr. WOOLFORD: I believe what the hon. Member wishes to call attention to is that there will be no previous intimation by this procedure and a bailiff may enter a man's private dwelling and levy on a dining table or some other piece of furniture. The process may be by summary proce-

dure, but in the case of a levy on property the property cannot be sold until summation has been attached to it, thereby giving notice to the proprietor of his default and of the intended sale. There is a substantial difference where recovery is to be made against movable as against immovable property, and it may create a distinct hardship to enter premises and distrain on movable property of a man against whom such a contingency may never arise.

Clause 26—Enforcement of rates not exceeding \$100.

Mr. CRANE: The existing Sea Defence Ordinance gives power to seize a tenant's goods for rates in arrears and also gives the tenant the right to bring an action for the full value plus 10 per cent. by way of damages. If the existing law is bad it ought to be made good. I think it would be a very undesirable thing to enable the Sea Defence Board to seize property, whether goods in a house or a building, on an estate for the debt of an estate when the sum due for rates is infinitesimal compared with the value of the estate itself. There can be no possibility of the Board losing the rates on an estate. I think that objection can be met by deleting clause 27 and amending clause 26 (1) by inserting in the eighth line between the words "property" and "upon" the words "belonging to the proprietor of such estate and being."

THE ATTORNEY-GENERAL: These rates are made a charge on the property and as such is a charge on everything on the property. The process of levying on movables is less destructive than the process of selling immovables, and that is an advantage. It is much better to carry out what is provided in this Bill. If rates are due in respect of an estate and it is necessary to levy for the recovery of those rates, the person who makes the levy is entitled to levy on any movable. If he levies on property belonging to other than the proprietor, the owner of that property has an action against the proprietor. To follow the course suggested by the hon. Member, the bailiff will have to levy at his risk of ascertaining what belongs to the proprietor or does not. The procedure is a sound one and the one which creates the least possible difficulty in the administration of the Ordinance, as it does under the

present Sea Defence Ordinance and the Drainage and Irrigation Ordinance. The amendment I should like to move is the insertion of a new sub-clause (4), the object of which is to confer on the Magistrate power to revoke or suspend the operation of a warrant. The effect of that will be that the Magistrate will be able to exercise his discretion with regard to the cir-

cumstances in connection with the warrant. Such a provision exists in the corresponding section of the Irrigation and Drainage Ordinance, and it would modify to some extent the view put forward by the hon. Member for Demerara River.

The Council resumed and adjourned until the following day at 11 o'clock.