

## LEGISLATIVE COUNCIL.

*Thursday, 31st January, 1935.*

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

### PRESENT.

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

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

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

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

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

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

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

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

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

The Hon. E. F. McDavid, O.B.E., Colonial Treasurer (Acting).

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

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

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

The Hon. F. Birkitt (Postmaster-General).

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Gonsalves (Georgetown South).

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

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

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

The Hon. F. J. Seaford (Nominated Unofficial Member).

The Hon. R. V. Evan Wong (Essequibo River).

### MINUTES.

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

### PAPER LAID.

The following document was laid on the table:—

Report of the Surgeon-General for the year 1933. (*Dr. Henderson*).

### ORDER OF THE DAY.

#### POST AND TELEGRAPH BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to amend the Post and Telegraph Ordinance, Chapter 185, with respect to Wireless Telegraphy, and to the making of regulations" be read the third time.

Mr. DIAS seconded.

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

Bill read the third time and passed.

#### GEORGETOWN TOWN COUNCIL BILL.

The Council resumed the debate on the second reading of the following Bill:—

A Bill to amend the Georgetown Town Council Ordinance, Chapter 86, with respect to the disqualifications of councillors and with respect to the payment and recovery of taxes.

THE PRESIDENT: I understand that the hon. Member for New Amsterdam wishes to continue his speech, but he is not here. I daresay he will have an opportunity to deal with any further points in Committee. Perhaps the Council will not object to the hon. Member resuming his speech at a later stage.

Mr. DE AGUIAR: I think I understood from him yesterday that he might not be here to-day.

THE PRESIDENT: He told me afterwards that he hoped to continue.

Mr. SEAFORD: The hon. Member took his seat before the time for adjournment arrived yesterday afternoon.

THE PRESIDENT: We must continue. If the hon. Member wishes to continue perhaps the Council will allow him to do so.

Mr. SEAFORD: It is always a pleasure to hear the hon. Member. (Laughter).

Mr. DE AGUIAR: This Council heard yesterday the views of members of the Georgetown Town Council who are also Members of this Council, and I think it could be gathered from the remarks made by those Members that the duty of Government is to assist the Town Council in the collection of its revenue for the purpose of enabling the Council to meet its obligations to Government. I think every Member of this Council would be only too glad to lend that assistance, provided, of course, that in doing so no undue hardship would be inflicted on the ratepayers of the City. I have examined this Bill very carefully, and as I said at the beginning, I must join with Government in its effort to compel the Town Council to collect its rates in order to meet its obligations, but under this Bill it seems to me that some hardship will be created not only on the ratepayers but probably in the working of the Town Council. It is well known to Government that the ratepayers of Georgetown—some of them at least—are not in a position to pay the heavy assessment when due, and I believe it is the desire of all of us to give relief in any direction that might be found practicable.

I think it was the hon. Member for Georgetown South who suggested yester-

day that perhaps the present arrears of rates might be funded. I do not think there would be many differences on that score, for the main reason that those people are in arrears on account of the fact that they are unable to pay their rates. It seems to me that the suggestion is one that might be gone into and considered from various angles, as I feel sure that now it is the desire of Government that rates should be paid promptly, the effect would be lost unless some relief in respect of arrears is given. To make that point very clear I will give a case. If, for example, X. is in arrears in the sum of \$100 and his assessment in respect of 1935 is \$50, and this Bill is passed, it is evident that that individual would have to pay the entire sum of \$150 not later than the date prescribed in the Bill, otherwise his property would go to execution. To my mind that would undoubtedly would create a hardship on that individual, more especially if it is found that he is a person who is unable to pay his rates. I am in agreement with the view that if a man can he should be made to pay his rates, but we do know there are quite a number of people, perhaps not a large number, who are unable to pay their rates, and why? For the main reason that they are unable to obtain satisfactory returns from their properties, in consequence of which they are unable to fulfil their obligations to the Town Council.

On the proposition the hon. Member for Georgetown South put up yesterday, if the arrears are funded X.'s payment in 1935 would be very small or very much less than he would have had to pay, and in that way he must make every effort to pay his 1935 rates as well. That to my mind would be substantial relief. Of course it might be said that that would probably interfere with the interests of those companies which made representations to Government. I refer to those companies which hold mortgages on the various properties in Georgetown, but let us examine the position further and see whether those mortgagees would be in any different position if the proposition of my friend is accepted. If X. to-day owes the Town Council \$100, which he cannot pay, and his assessment for 1935 is \$50, X.'s property would be liable to the Town Council for \$150. If, therefore, during 1935 X. is unable to pay his rates again and his

property goes to execution, the mortgagee would be liable for the full sum of \$150, being the amount of rates due on the property by X. But if relief is afforded X., in consequence of which he is able to pay his 1935 rates, namely \$50, and his proportion of arrears, it seems to me quite evident that the interests of the mortgagee would be better served, because X. would be able to pay \$65 out of his indebtedness of \$150.

We know what happened in the case of the last funded debt of the Town Council, and it might be said that when that debt was funded the payment of it was not up to expectation. That may be so in some cases, but perhaps it can also be said that that debt was funded for a very short period—I think it was five years—and in that case the substantial relief that was hoped for did not materialise. I understood the hon. Member for Georgetown South to suggest that the present debt might be funded for a period of 25 years, and I think he had in mind that the payment by a single ratepayer would be so small in liquidation of that debt that he could hardly have any excuse whatever if he did not make that payment, and at the same time meet his current liability to the Town Council. I strongly support the view of the hon. Member who referred to it, and I sincerely trust that it is a proposition that will find favour with Government, and that Government will assist the Town Council to bring the whole matter to a satisfactory solution because, like every other Member of this Council, I would like to see the Town Council meet its obligations to Government. The debt is not such a large amount—I think it is \$225,000—but whatever it is let us sweep the stables and start with a clean sheet so as to put those people in a position to pay their rates when they are due. It must also be borne in mind that if a proposition of that nature is accepted, neither the Town Council nor Government stands to lose anything by it, because in funding the debt the proprietors who are in arrears will have to agree to pay interest on any loan that might be raised, and it seems to me that those people who do not care to pay interest would go in and pay what they owe.

Before I pass on to any contentious item in the Bill, and while dealing with

the question of payment, I should inquire of Government whether the method of payment proposed in the Bill is one that will find favour with the Town Council. I think at present the rates are being paid in two moieties, and in addition to that certain people are allowed to pay in instalments of \$5 or \$10 each. This Bill is going one step further and is providing for payment in four instalments. It seems to me that will involve a great deal of work on the present staff of the Municipality, and the question for Town Councillors to consider is whether in the interest of ratepayers additional staff should be employed, because if they have to increase their staff to meet the requirements of the Bill it seems to me that additional expenditure would fall on the ratepayers. Perhaps it might also be said that by collecting the rates in four instalments instead of two the Council would afford ratepayers some measure of relief. There can be no doubt about that. This Council is really not concerned about whether the carrying out of those obligations by the Town Council will result in additional staff being required by the Council. I think the Town Councillors themselves ought to take that point into consideration.

I have to join those Members who have spoken at considerable length on the question of the disqualification of Councillors. I can hardly conceive this Government introducing legislation, to use a phrase of my friend the hon. Member for Berbice River, to make fish of one and fowl of another. That is exactly what this Bill contemplates. We are going to disqualify a Town Councillor who owns, let us say two properties—it is not necessary to say that he owns 10 or 100 properties—merely because he has not paid his rates in respect of one property. The hon. Member for New Amsterdam drew attention to the fact that in respect of the villages it was clearly pointed out by the Committee that sat that so long as a village councillor is not in arrears in respect of the property on which he declared his qualification he would not be disqualified, no matter how many more of his properties are in debt to the village authorities. I think that is a principle that might well have been adopted in this Bill. One hon. Member pointed out yesterday that other important matters

were excluded. With that I also agree because my experience in public companies is that it is clearly stated that an individual of that type would not be permitted to occupy a seat on the directorate of a company, and it seems to me that is something that might have been included. On the other hand, if Government thinks it should not be there I am with Government, but at the same time Government cannot reasonably exclude what seems to me to be a reasonable measure and include one that is undoubtedly unreasonable.

As regards the length of time that should be allowed ratepayers to meet their obligations to the Council before their properties are put up at execution, I must join those Members who expressed the view that a period of three months is too short. On the other hand I disagree with the suggestion of nine months; I think it is too long. I do not know whether the Member who suggested nine months thought he should take an extreme view, but if it is borne in mind that the obligations of the Town Council to Government must be met not later than at the end of each year, and if it is proposed to adopt the usual procedure of payment of rates in two instalments, it seems to me that the adoption of nine months would extend the payment of those rates to a period very much later than when the Council would have to meet its obligations to Government. It seems to me that if the length of time proposed in the Bill is increased to six months the benefits that are expected from this legislation would undoubtedly materialise. I do not know whether the hon. Member will seriously press his suggestion that the period should be nine months, but if he does I would appeal to him to meet Government half-way in the matter and, provided of course that the suggestion is acceptable to Government, agree to the suggestion I have made that the time be extended to six months.

THE PRESIDENT: I do not know whether the Council will allow the hon. Member for New Amsterdam to continue his speech.

Mr. WOOLFORD: I must thank you, sir, and the Council for the unusual indulgence granted to me. I appreciate it very much. It was because of my desire, and a not insincere desire, that our exist-

ing representative institutions should be maintained at their full strength that I ventured to criticise the actions of the Council as freely as I have, and to give reasons why it is becoming increasingly difficult for Government to allow the Council to continue to exercise what appears to be a spirit of opposition to the suggestions made in the Bill. I was emphasizing that in some instances it had become necessary for legislation to be imposed on the Council. Not only have we all witnessed in this Colony, as I have already pointed out, that when the appointment of an important executive officer like the City Engineer has to be made the Council is merely in the position to offer suggestions as to the nominee, but the actual appointment has to be vised by Government. One necessarily asks why isn't that the case in respect of the Town Clerk? It is a most anomalous position. The appointment of the Town Clerk of New Amsterdam has to be confirmed by the Governor in Council, but it is not so in the case of the Town Clerk of Georgetown. On the other hand a junior executive officer in the position of the City Engineer cannot be appointed by the Council, and I am going to give the reason why.

It is my belief and opinion that in the past the City Engineer, or the City Engineers of the more recent past have been considerably hampered in the execution of their duties by a false sense of duty that they should please the whims and fancies of certain Councillors. I daresay I shall be challenged and told it is not so, but will any Councillor or ratepayer deny that in certain Wards in the City greater attention has been paid, for instance to the making up of roads and to the amenities of a particular Ward, to the neglect of others? Isn't the present Town Clerk placed in the embarrassing position of having to please a Councillor who says "This poor person's property is in my Ward, do not levy?" That is done every day. That is the position of the Town Clerk, and it has been so for years past. He is approached by the Mayor, Councillors and individual ratepayers and asked to hold up some levy. I have done it myself both as Mayor and as a Councillor, and I know what I am saying. (Hear, hear). Therefore, when it is sought to impose on the Town Clerk an imperative

duty making it obligatory on him, when a certain time arrives, to instruct the Registrar to serve summations on property and proceed to levy, Government is relieving him of a most embarrassing position and making it possible for him to perform his duty as he should. The proposed amendment reads :—

“ Where default is made in the payment of any tax or instalment the Town Clerk may, and if the default has continued for more than three months shall, proceed for the recovery of the tax or instalment with interest, if any, by parate execution.”

I say with full knowledge of what I am saying, and a full sense of responsibility, that the Town Clerk would welcome the suggestion, or the duty imposed upon him, of being able at some time or other to send those instructions to the marshal to levy on property. At the present moment he does not know when and how to act, and I agree that although that discretion has been exercised by him, sometimes wisely and sometimes capriciously, the Town Clerk should not be placed in the position of having to please one Councillor, or one Mayor or one ratepayer in the performance of his public duty. Those are the circumstances that make it possible for legislation to be imposed on the Town Council against its will, and as I have said before, whilst I regret, and very greatly, the necessity for the initiative in legislation affecting the Municipality having to be taken by Government, and much as I would like the Council to be able to stand up to Government and say “ We will not have this legislation imposed upon us,” the position of the Town Council is that there has been a tendency by its own acts of omission, or whatever the reason, to allow Government to assume complete control over its affairs. If by any calm reasoning further encroachment on what should be the privilege of the Town Council can be avoided by this or any other measure it will have my hearty support.

The suggestion has been made by the hon. Member for Georgetown South that the arrears should be funded. I agree that some expedient of that kind is both desirable and necessary. Members know how impracticable it is for a Bill authorising this very desirable state of things to be introduced. Let me state plainly what I mean. At the present moment we all

know that several properties in the City are encumbered, and we all know that in 90 per cent. of cases the first instalment of a mortgage remains unpaid. The average mortgage covenant provides for a loan for five years and the payment of the first instalment after a period of two years. It also provides for the payment of interest, usually half-yearly, and there is provision not only that the property should be insured and the premiums maintained, but that for non-payment of taxes the mortgagees would have the right to foreclose. If we admit these to be the usual covenants, and they are to be found in every mortgage bond, isn't the position to-day that all those companies are in a position to foreclose? If additional consideration is being given to the mortgagors for non-payment of their taxes, and if this suggestion is going to be adopted I fail to see how Government can give practical effect to it without coming to some arrangement with the mortgagees, either requiring their written agreement or inserting in this or some other Bill a provision which would prevent mortgagees foreclosing. The mere statement that all these arrears should be funded would not help the position at all. I am convinced that what I am saying is correct. Fund the arrears if you like, but have you the consent of the mortgagees that they are going to wait? Unless you interpose between this indulgence some remedial legislation which would prevent mortgagees foreclosing, these suggestions are unavailing.

Therefore the position is this: that whilst some of us, or all of us I daresay, are of the same opinion and would like to see this extension of the period and the indebtedness of the Corporation provided for by loan, the benefits of which the Council could pass on to the ratepayers, Government has an important element staring it in the face, that it has not yet obtained—and it seems to me it will never obtain—the consent of the trustees of those funds to a postponement of payment for a breach by mortgagors of any of their covenants in their bonds for any period whatever. In actual practice we know that the insurance companies do not in some cases insist on the payment of the first instalment if the property remains at the same value, and if wear and tear on the property is not very apparent, but they insist on

the payment of interest dues, and I cannot conceive how this suggestion could be adopted unless we had the individual consent of every mortgagee, and how that is to be obtained by the postponement of this measure I do not know. Until we can be assured that that is going to happen it would not be right on the part of Government or this Council, after contracts have been entered into between the parties, to introduce a clause or provision in a Bill which would prevent the legal exercise of that right. I cannot conceive that any of us would be parties to any such legislation except by consent.

Mr. GONSALVES : Has the hon. Member considered the point as to how it was done when the 1932 arrears were funded? The Bill was passed and mortgagees continued to hold mortgages on properties.

Mr. WOOLFORD : I am not concerned with what was done then. I do not remember the circumstances, and I do not think I contributed to the debate in any way. I am here voicing my own opinion as the result of mature study, about this particular proposal which I would like to see practical effect given to. I venture to think that the obstacles I have indicated are sufficiently permanent to prevent this legislation being given effect to even in the form of a suggestion. It raises a very big issue, and until we can be satisfied that those corporations which we have been told are responsible for this legislation, and which feel anxious about their security as matters stand to-day, and with people unable to repair their properties and with other obligations accruing which were not contemplated at the time the loan was made, it is a matter for very grave consideration whether that suggestion can be given effect to.

I have been told by my friend on the left that he has not witnessed any lack of unanimity among the Councillors.

Mr. BRASSINGTON : I did not say so. ~~I said there was no more disunity in the Town Council than there is in this Council.~~

Mr. WOOLFORD : If there is any lack of unity in this Council hon. Members must remember that they have to serve so many interests. It seems to me that in this Colony the general taxpayer avoids

going to the Member who represents his constituency, but usually tries to get his wishes carried out through some other Member because he thinks he is more influential. I do not consider there is less lack of unity here than in the Town Council. Town Councillors have only rate-payers to serve whilst we have to consider the interests of ratepayers and taxpayers, a very difficult combination.

It is my duty to support the amendment with regard to the limitation of the disqualification of Councillors to such cases only where, if a Councillor who owns more than one property has paid his taxes and rates for that property on which he is qualified, he should be allowed to represent a Ward. To that extent I am against the principle of the Bill. If Councillors' wives are to be brought into the matter then we will have to limit the partnership and make it impossible for a Councillor to represent a Ward by this provision through his wife. If his wife's property is in arrears *ipso facto* the Councillor is also held to have committed an act of disqualification. I also agree that it should not be possible for a bankrupt to be in the position of a tenant and be elected a Town Councillor. All these things can be improved by amendment as time arises, and as Members' ingenuity increases I am convinced we should be able to find a way out of the difficulty. But the main question is that the Council should see that all its privileges are being whittled away, not as the result of its own wish but as the result of Government pressure, and should address itself to what seems to me to be the object not only of this Bill but of past legislation, and is going to be in the future the policy of Government. I am convinced. The time has come when Councillors should realise, rightly or wrongly, that they have to do their duty to the rate-payers and try to collect this money, because I feel there is going to be considerable difficulty in collecting from rate-payers the sum of \$225,000 or more within a period of six months. If and when the assurance does reach this Council or Government that the question of the basis of assessment is being inquired into by the Council willy nilly it will take several years, or a year or two to arrive at any agreement on so vexed a question.

Mr. BRASSINGTON : I do not think

any member of the Town Council, certainly not myself, considers for one moment that an indefinite period should be given to ratepayers to pay their overdue taxes. I have never claimed that, and I hope I will never be so short sighted or unintelligent to put forward any such contention, but I do claim that with regard to the proposal to proceed by parate execution, three months is too short a period considering the distressing circumstances of the majority of the ratepayers, the tremendous charges that have to be met by way of repayment of the sewerage loan. If we did not have the sewerage scheme we would not be in the position we are in to-day. I am not against the scheme, but it is the tremendous cost that has brought about the present situation, coupled with the economic condition of the Colony and of the world generally. I heard a very able speech from the Attorney-General who very rightly pleaded for peace and for coolness. I do not know if he used the word "peace," but it amounted to that. The hon. Member for New Amsterdam delivered a very eloquent speech. We always expect when he rises to get eloquence, and he very rarely disappoints us, but I think he was unnecessarily hard on the Town Council of which he was for many years a member and also Mayor. I hear on all sides that we are very proud of the City and its buildings, and the improvements that have been made. I would ask the hon. Member whether those improvements were carried out and supervised by Government or by the Town Council?

My hon. friend thinks there is too much talking in the Town Council. He would restrict the meetings of the Town Council to once a month. I do not know whether that obtained when he filled the Chair. I have not had the time to find out the number of special meetings of the Council held when he was Mayor, or the length of the speeches, but this I can say: that when he was Mayor, there were several members of the Corporation who are amongst the present members of the Council. I think Members of this Council visualise who those members were. One of the chief spokesmen was a Councillor when he filled the chair. But that is a very unimportant part of the question as to how an amicable understanding can be arrived at between Government and the Town Council. I have not been on the

Town Council as long as the Hon. Mr. Dias, the hon. Member for New Amsterdam and the hon. Member for Georgetown North have been, but I have been a Councillor for a considerable number of years, and had the honour of filling the chair for two years. It has always struck me from the time I was elected to the Council, that a war was being waged between the Town Council and Government, on one subject or another. The hon. Member for New Amsterdam takes the Town Council to task for not heeding the advice of its chief executive officers. I must defend the Council because the hon. Member for Georgetown South, the present Mayor, and the hon. Member for Georgetown North spoke before he did. I can say that if the City Engineer was here I am sure he would readily admit that no recommendations of any importance made by him have been turned down.

Mr. WOOLFORD: I never referred to the present City Engineer. I emphasised the marked improvement since the appointment did not rest with the Council.

Mr. BRASSINGTON: As a matter of fact I am not as familiar with the Town Council Ordinance as I might be, and it is not expected that I, an ordinary layman, should be so well acquainted with what is after all merely a matter of law, in my opinion, in regard to the appointment of executive officers of the Town Council, as the Council appoints the officers subject to the approval of the Governor in Council. I would be very much surprised to learn that Government nominated or appointed the present City Engineer or the Town Clerk. I think those appointments emanated from the Council itself. But that is outside the question we are here to consider to-day. The question we are here to consider is what is the best arrangement in the interest of the ratepayers, the people of the City, in regard to these proposed changes. I consider that the time given to pay arrears of taxes—three months—is far too short. I think the suggestion made by the hon. Member for Georgetown South a very good one, but I am not sufficiently acquainted with the intricacies of the law to say if such a suggestion can be carried out. I think a similar suggestion was made some time ago by the Colonial Treasurer, but the period he suggested was much shorter. I think the period suggested by the hon. Member for Georgetown South is too long.

I think if a period of 10 or 15 years was agreed upon it would greatly subdue the discontent and the unfortunate wrangling that has been going on for a considerable time.

I have been at pains not to refer to the vexed question of the qualification or disqualification of Councillors. I can sincerely say that I think it is extremely regrettable, it is unfortunate that it should go out to the world at large and to the West Indian Colonies that Government has such a poor opinion of the Town Council that it should think it necessary to insert such a clause in this Bill. I always try to avoid making statements that I cannot substantiate, but I do not think it is possible that such a clause exists in the laws governing the Councils in the West Indian Colonies. The Attorney-General will be able to set me right in regard to Jamaica. I do not think any intelligent person can arrive honestly, dispassionately, at any other opinion than that it is a gross slur on the Council as a whole, and that it is a provision that can do no good to the name of this Colony. I have a reputation for being a plain-spoken man, and of being something of a fighter, but the fight has not been carried to Government by the Town Council. Government, while pleading for peace, while recommending coolness, has come to the Council with a sword in one hand and a pistol in the other. That is my honest opinion.

I regret that I will have again to make reference to some of the attacks made by my friend the hon. Member for New Amsterdam against the Council. He said that as regards unity this Council is in a different position from the Town Council. I agree that it is in a different position; it is the head of all councils and corporations and should show an example and the value of unity. The lack of unity and co-operation is the cause of the lack of prosperity in this Colony, in my opinion. (Hear, hear). It has always been the same thing. My old colleague, the Hon. Mr. Dias, used to plead and preach unity and co-operation. It is nothing new here. I have always attributed the lack of co-operation to the diversity of races here. I have a great admiration for Barbados. I once moved a motion in this Council that we should adopt the political constitution of Barbados. It fell to the ground. I am not blaming the Government. Govern-

ment is united; it has to be united and it votes solidly even if it does not think solidly. That is a state of affairs that does not exist amongst the Electives. I plead with Your Excellency that you will give heed, and that your Government will put into effect the plea for moderation, coolness and dispassionate thinking. We are all here for unity. Unity is strength, and it is only by strength that we can proceed to what we all wish for, no matter what our differences are, and that is the prosperity of the Colony, but I am afraid that unity is sadly lacking in our representative institutions.

In my opinion there is only one thing for the elected members of the Town Council to do, and that is to hand in their resignations to the Town Clerk, because it would appear that Government has not the slightest faith in the Council as a whole. Why should Government expect perfection from the Town Council? We know what happened in Trinidad, and I believe in Jamaica too the Government had to put a period to the existence of the City Council. In Dublin, of course I will be told that is what we are to expect of Irishmen. (Laughter), but I do think that the heel of Government should not be pressed too heavily on the neck of the Corporation, as Government is, as far as I can see, determined to do. It has been said that no matter what is being said here, if we had a Member with twice the eloquence of the hon. Member for New Amsterdam it would be of no avail with Government. I do not believe it. I still have a little faith in Government, and I would ask Government to accept the suggestion put forward by the hon. Member for Georgetown South. I do not think there would be any difficulty in raising a loan. If Government has no mercy for individual Councillors, and rightly so, it should have mercy on the ratepayers who would be thrown on the streets if this Bill goes through, and bitter would be the wailings of those unfortunate people, the widows and young children.

Mr. DIAS: My name was called so many times yesterday that I dare to rise to speak on this subject because much of what has been said seems to be inadvertently a misrepresentation of the true position, and might in a way cause some misleading ideas to be formed by newspaper readers. In the first instance the Bill provides that Councillors will be

required within a period of three months after due date for payment of their rates and taxes, to make payment, if not they forfeit their seats by reason of having become disqualified. The period was referred to when I was associated with the Town Council. I was there for many years, and I think I had no less than six or eight years' service as Mayor. It was the law then that we had to pay our rates and taxes otherwise we became disqualified. I ask hon. Members who know, to take their minds back to the gentlemen who sat on the Town Council in those days, and ask themselves whether those individuals were of less importance than the present occupants. They were men who were respected in the community just as the present members are. They held responsible positions in the Colony, therefore it can hardly be said that it would be any more an insult to the present members than to those men who did not consider it so in those days.

I think it was within the last 8 or 10 years that the law was changed. Why that provision was omitted I am not in a position to explain. However, it is not there, and one might ask the question why is it necessary to re-enact something that was removed from the Ordinance? We have heard many statements, and we have heard the speech of the hon. Member for New Amsterdam. Although he has been charged with exaggeration, a good deal of what he has said is correct. I do not think Councillors themselves will challenge that. For one thing I know that the Town Clerk is always in an embarrassing position, getting applications from everybody. I myself within the last two or three years have asked him to hold over payment of somebody's rates, and lots of other people do it. We all do it. The question is what must he do when he is inundated with applications from every quarter? It is not possible for one to repeat all that he has heard, but it is known that the Town Clerk's position is very embarrassing at times, and I say it here so that it may be known by all, that some time last year the Town Clerk was proceeding against certain people for rates and taxes for 1933 while the Council was holding up proceedings against certain persons in respect of rates and taxes due for 1932. I do ask hon. Members and the public whether that is a

proper position to put the Town Clerk in. To put a stop to that it is necessary to pass legislation, and I think every Member should agree that it is desirable that legislation should be passed.

In dealing with the question of the qualifications of Councillors I will begin by making a few observations on the objection to the comparison made by the Attorney-General when he was introducing the second reading of the Bill. He drew the attention of the Council to the fact that in New Amsterdam this very law obtains. Exception was taken to that on the ground that New Amsterdam had only one Ward, but I venture to suggest that the size of the town has nothing to do with it. New Amsterdam is an important town, and the fact that it only has one Ward does not alter the principle which was the guiding element in the preparation of the provisions of the Ordinance which affects that town. But supposing New Amsterdam was so small that it could bear no comparison with Georgetown, might we not leave New Amsterdam out and deal with the men who are members of the New Amsterdam Town Council and compare them with the men who occupy seats on the Georgetown Town Council? Two of the members of the New Amsterdam Municipality are Members of this Council. Are they to be put beneath the members of the Georgetown Town Council who sit here also? To take an objection of that kind without thinking of the individuals you are speaking of might land you into difficulties from which you cannot escape. There are men on the New Amsterdam Town Council capable of occupying a seat on any public body in this Colony. So that if it is a reflection on the members of the Georgetown Town Council that this law should be introduced then it is also a reflection on the members of the New Amsterdam Town Council who have taken no objection to it.

I have one suggestion to make to Government. The last speaker said he still had some faith in Government—that Government would do what is right. I would be very sorry to lose faith in Government. Years ago when I was inexperienced I used to form the opinion at times that Government could never be right because I thought otherwise, but as one matures in age he soon discovers that

he cannot be any more always right than Government. Therefore when we differ on important points we should not attribute anything to bad faith on the part of one of the parties. The proposal is that Councillors who are in arrears of rates for three months should forfeit their seats. The hon. Member for Georgetown North made a point yesterday which, in my opinion, is worthy of consideration. He pointed out that a person might own several properties, and because he is in arrears of payment of the rates and taxes in respect of one of them he might lose his seat. The suggestion has been made that as long as he pays the rates and taxes in respect of the property on which he has declared his qualification he should still remain a Councillor. That proposition is open to question. It is one which could be debated at considerable length, and while there might be much to be said in favour of it I think much can be said against it also. As it is difficult to form an opinion about the far-reaching effects, to give full consideration to a suggestion of that nature it seems to me that Government might consider whether it would not extend the period from three months to six months. I think no harm could be done in that way. What we want is that Councillors should realise that they have an obligation to perform, and as long as there is a liability for failing to perform that obligation that would be enough. Three months might be considered too short, therefore it is suggested that it might be extended to six months. In that way Government might meet to a great extent the point made by the hon. Member. I have sufficient faith in Government to think that on consideration of the suggestion Government might yield ground in that particular respect, and I make the suggestion in the hope that it will receive the consideration of Government and effect be given to it if it is considered reasonable.

My hon. friend the Member for Central Demerara fell into a little error just now in observing that under the present system rates and taxes are paid in two instalments. If he meant two instalments each I agree with him, but the instalments are four in number. The Bill proposes the same four instalments. All it does is to vary the dates, so that no extra staff will be required. Those hon. Members who are

not acquainted with the practice that obtains in the collection of rates and taxes should be made aware of it, and I think the public should know too because extraordinary ideas enter the minds of people who read the newspapers, when the full position is not disclosed. The period of three months in reality means six months in actual practice, so that a man who is in arrears in respect of rates and taxes for three months really gets six months to pay. It is a most complicated procedure in this sense that it involves such a lot of clerical work in the first instance. The Town Clerk has to get his documents ready to file them with the Registrar. It is not an uncommon thing for him to take two months to do that. I appeal to those Members who are members of the Town Council to say whether that is not correct. Eventually the documents reach the Registrar's office, and each one has to be entered into a book, and go before a Judge for his fiat. It takes one more month before the process is served, and then there must be three weeks' advertisement before the sale at execution.

In contending that three months is too short hon. Members should bear in mind that the actual collection, after taking legal process, will take six months. If, therefore, the period is made six months instead of three it would mean nine months. Therefore, assuming that a man pays his first instalment in three months, all he pays in any one year is the first quarter's rates and taxes. We know that the Council cannot carry on its business without collecting its rates and taxes, and that is the reason why it is given authority in the Ordinance to get an advance from its bankers in the early stages of the year, because taxes and rates are not recoverable until later in the year. Therefore, in making those calculations it is absolutely essential that one should get down to what the actual position is. If the Town Council were a business concern it would go into bankruptcy straight away, but because it has the privilege of getting an overdraft it is able to carry on. From that point of view I personally do not think—I may be wrong—when it is taken into account the period of time it takes to go through the procedure I have explained and collect the rates, that it would be more oppressive than it is today.

I would like to explain that it was remarked that the Town Council to-day accepts payment of rates in instalments of \$5. It does, but it does not do so with the authority of law. There is no law to that effect. It does so in order to assist the public. There is nothing in the present Bill allowing the Council to collect \$5, but there is nothing to prevent it doing so, provided the rates are paid within a certain time. That is stated in the present advertisement. So the position is not altered at all if this Bill is passed. I suggest that what is needed is calm consideration and deliberation, because the Council has to meet its liabilities, and while we all know that there are lots of poor people in this City the Council is not necessarily bound to distress any particular person who is in great need. It is not intended that at the end of every year the Council must have collected 100 per cent. of its taxes and rates. That is an impossibility, but what I gather from the correspondence is that it must not allow so much to be in arrears because it would involve the central Government. It is contended that there is no necessity for borrowing such a huge sum of money. If there are a dozen or 200 cases that deserve help there is nothing in the law to prevent the Council from extending sympathy to people. It is a bogey that Government is trying to hound down people. It is being said to mislead people. I am sure the Town Council would not take away people's property where it is satisfied that there is inability to get the money, as long as the Council does not allow the position to get into the state that is now alleged against it.

The suggestion was made by the hon. Member for Georgetown South that the outstanding liability to the 31st December last, amounting to about \$225,000, might be funded for a period of 25 years. I personally would like to support him but I see the difficulties which have been pointed out by the hon. Member for New Amsterdam. Having regard to the fact 90 per cent. of the properties in Georgetown are mortgaged—and I venture to suggest that of that number 70 per cent. are overdue mortgages—Government cannot legislate now to affect the right which mortgagees have acquired to foreclose, and prevent them from collecting their money. We know that all those lending companies

are trustees of the funds which they invest, and that there are certain funds in which minors' money is invested. Just picture what position one would land himself into if we passed a law funding these arrears and debarring all those who hold mortgages from collecting their money. I fancy that before such an Ordinance got through the Council there would be a hundred foreclosure proceedings filed against properties. There is still another question, and that is whether it would be wise to do so in the interest of the very people in respect of whom the suggestion has been made. It must be remembered that the funding of a debt creates a liability on the property, and those people would find it extremely difficult to sell their properties with that liability on them. I suppose Members will remember the grievances of the people in Lacytown against the Lacytown lien. It was impossible for years to sell a Lacytown property on account of the lien on it, and insurance companies lent very small sums on properties in that Ward. Owners of property would not be able to obtain loans on mortgage because the lending companies have entered into an agreement that before they lend money on mortgage the owner of the property must produce receipts showing that he has paid all his rates to the Town Council including the funded rates. On no other condition will they lend money. If Government adopted the suggestion of the hon. Member it would be creating a further slump in immovable property just when it is lifting itself out of the awful rut it had got into. The position would be worse in the future than it has been in the past.

I share with everyone the view that those people who cannot find all the money at once might be given consideration by the Town Council, and I have no doubt that they will receive consideration from the Town Council, but it should not be said that because it is proposed to pass the Bill in its present form the Council's hands would be tied, everybody's property would be sold and poor people would be put on the streets. What is the good of saying that when in practice it will never come to pass? I think if the Council were to take a businesslike view Government would be the last to oppress the people. If I saw Government bringing about oppression on the people I would be the first to say so.

Mr. WIGHT: I desire to correct a statement made by the last speaker. I made no reflection on the New Amsterdam Town Council. Perhaps I did not make myself plain enough, but I hope to do so now. I said that Georgetown has nine Wards and people acquire property in each Ward so as to have a vote in each Ward. In New Amsterdam there is no such thing, and very few people in New Amsterdam possess more than one or two properties, with the exception of Messrs. Davsons.

Mr. DIAS: I never accused the hon. Member of making any reflection on the New Amsterdam Town Council. I merely remarked that the size of the town had nothing to do with it; that we must look at the class of the men on the Council who, in my opinion, were equally as fit as the members of the Georgetown Town Council.

Mr. SMELLIE: It has been pointed out that New Amsterdam has nine Town Councillors with only one Ward. It seems to me impossible. I rise to support this Bill. For a great many years I have taken very great interest in the financial position of the Town Council, and I was invited by Your Excellency to attend a conference between the Executive Council and the members of the Town Council about two or three months ago. I ask your permission to read a portion of the remarks I made on that occasion. This is what I said:—

“The financial position of the Town Council has been very unsatisfactory for several years past, and in order to meet their obligations frequent applications have been made to Government to authorise an increase of the Bank overdraft. At the end of each year it has been substantially increased and this year's application is for a total overdraft which is alarming, and indicates that far from showing an improvement the Council's financial position is worse. Where is it going to end? From the statement before me I see that on the 31st August, 1934, the total amount uncollected for taxes and rates was \$387,158, of which, \$145,000 was estimated to be collected by December 31.

“The proposed Bill will undoubtedly assist the Town Council to collect the tax and rates more promptly than has been done in the past, and I consider that the Councillors should show an example by paying their rates promptly.

“The accumulation of arrears is due to bad advice given to ratepayers, and it is well-known that owing to failure to collect the rates when overdue a large number of properties have fallen into the hands of the Insurance Companies.”

That is what I said on that occasion, and I wish to repeat it here to-day. It

has been suggested that these arrears should be funded. I wish to point out, first of all, that there is one funded debt already, and I am under the impression that it is for \$300,000. It was to be paid in five instalments, on the 15th December each year, beginning in 1933. When the first instalment fell due the Town Councillors would not allow the Town Clerk to carry out the provisions of the Ordinance; they said he was their servant and must obey their instructions. I see in the Bill before us that the Town Clerk has to do certain things. Is that question going to arise again? Will the Town Council refuse to allow the Town Clerk to do his duty?

To return to that funded debt, I would like to know how much has been paid in the two instalments due in 1933 and 1934. To tell me that a certain sum has been paid and so much is outstanding is satisfactory in a way, but I happen to know that some people have paid the whole amount while there are many others who have not paid a penny. The funding of this debt is hopeless. As a matter of fact, although I am voting for this Bill I should be very much surprised if its provisions are carried out by the Town Council. I can see that Government will have to take further action; what action I cannot say. It is the old question of the man who can pay and will not pay. As regards the \$225,000 outstanding I venture to say that \$50,000 of that amount would more than cover the arrears of the poor man who is constantly referred to as not being able to pay. The balance should have been collected. With my knowledge of this Colony I cannot accept the statement that the people are too poor and cannot pay.

The question of the overdraft is a serious matter. The Town Council has a standing overdraft of \$50,000, and at the end of last year Government was asked to authorise an additional overdraft of \$205,000, which brought it up to \$255,000. The fact is that the Council approaches Government each year for an increased overdraft, and last year there was an alarming increase. In 1931 the total overdraft was \$75,000, in 1933, \$80,000. I have not got the figures for 1932, but Government has authorised to the end of June this year a total overdraft of \$255,000. The Council will say that Government will never lose the money as the proper

ties are there, but the hon. Member for Essequibo River yesterday drew the Council's attention to the other side of the picture, where a property was sold for less than the amount due for taxes and rates. If we assume that the properties will realise the amount of the overdraft we may say there is nothing to fear, but the whole trouble is the accumulation of arrears. It is getting worse and worse each year, and it is time that Government took action and put matters right. I think the Bill will help the Town Council a great deal in collecting its taxes.

With regard to the disqualification clause I do not think Town Councillors should raise any question on that point. No Councillor should be in arrears at any time, and when I discovered that in the last few years eight out of twelve Councillors had not paid their taxes and rates I was really alarmed. Under present conditions the lending companies are not desirous of lending any money except on very ample security, as the hon. Member for Georgetown South pointed out yesterday. Even then they have to be very careful to see that arrears of taxes and rates are paid up.

Another point that is perhaps not realised is that year after year Government is unable to collect interest from the Town Council in respect of the loans raised unless an increased overdraft at the Bank is authorised. That is a very hopeless state of affairs. Another bad feature of Town Council finances is that the Council is in the habit of using loan funds for current expenditure. The Council has taken money raised for the erection of the Abattoir, the Stone Depot and the La Penitence Market and used it for current expenditure. It has been said that it was done to save interest. The Council has no right to use money borrowed for a special object to meet current expenditure.

Mr. BRASSINGTON: We have used the Colonization Fund and other funds here.

Mr. SMELLIE: If we have two funded debts those properties that are already mortgaged will have an additional liability. I need not go into that because the Hon. Mr. Dias dealt with it very fully and the hon. Member for New Amsterdam made it very clear.

Dr. SINGH: Much has been said on the question of the qualification and disqualification of Councillors, and the time that should be allowed to ratepayers for the payment of arrears. I think the ratepayers have lived up to their obligations and duty. There are some who are in arrears, due mostly to the economic depression. It is not that they are unwilling to pay their rates and taxes, but on account of the poor circulation of money ratepayers found it difficult to do so. Instead of introducing this Bill at this stage Government should have introduced a nobler Bill, a genuine Bill for the relief of unemployment, asking this Council's approval of the borrowing of large loans for reproductive works that would benefit the Colony in the future and would relieve the present conditions. The Council is aware that during the months of December and January there were about 200 or 300 persons receiving rations from the Alms House. How are those people going to pay their rents? And how are the landlords going to pay their rates and taxes? The crux of the whole situation is to solve the question of unemployment, and when that is done the Town Council will have no trouble in collecting its rates and taxes. To introduce this Bill at the present stage will simply put the people into greater difficulties.

Mr. SEAFORD: When the debate opened yesterday I felt that I knew nothing at all on the subject. I have been trying to get information and I hoped to glean something from the report of the Town Council meeting on Saturday, but I must admit that I was no wiser after having read it, but I think I know everything about it now. I cannot help feeling from the views expressed on both sides that the aim and object of Government and the Town Council are the same; they are both most anxious to get the rates and taxes paid, and I think it is admitted generally that there is a large number of people who are in a position to pay those taxes and rates, but do not pay because they will not pay. I think perhaps Government is to blame to a certain extent because Government has not enforced its own laws in that respect. As we know, people have been told that they will never have to pay, and that has had a very bad influence on them. It is only a question of Government and the Town

Council getting together. Government thinks perhaps the Council is going about it in a way that will do the people no good, while the Council thinks Government has been rather harsh, but I feel certain that if Government and the Town Council could get together means could be devised to reach the common objective. The only point about it is that the members of the Town Council seem rather diffident about appointing plenipotentiaries; they want to be represented by the whole Council. That is unreasonable. Everybody in the world is prepared to let representatives go forward and argue their case, and if that were adopted before the Council goes into Committee on the Bill there are points in each clause which could be easily got over and a lot of time and unpleasantness saved.

A great point has been made about the property qualification for Town Councillors. I know no law and I do not want to, but it seems to me whether a Councillor's qualification is declared on a property or on the rental value it would make no difference at all, because even if his qualification is on the rental value of the house he occupies he would be disqualified as a Councillor if he does not pay taxes on the property. I think I am correct in that. We were told yesterday that many Councillors have declared their qualification on the rental value so as to get out of the reach of the Bill. It seems to me that that will have no standing at all. The hon. Member for Georgetown Central said it was very bad luck on the people who put their money in mortgages, and I agree with him. It is very bad luck on them because a lot of them have had to take over the properties, but they are no worse off than other people who have invested in other securities and the market has gone down. It seems to me that those who have advanced money on properties did not do so altogether from a humanitarian point of view, but as an investment, and they made a bad speculation. Therefore, although one feels sorry for anyone who has lost money, I do not think that is any ground for appealing to Government to stay execution.

As regards the poor people, I agree with the hon. Member for Central Demerara that if they were allowed six months to pay their rates instead of three months it

would be quite a fair thing for Government to do. It was pointed out by the Hon. Mr. Dias that although it is three months it actually means six months, but it should be pointed out that for that extra three months' grace they would have to pay a considerable amount of money. In fact it may be more than their taxes. If we feel six months is reasonable we should give them that time free of any expense whatever.

With regard to the question of funding the arrears, the hon. Member for Georgetown South said it was done before, why can't it be done again? The position today is different to what it was a couple of years ago. The position of the mortgagee is very much worse. Although he might have been prepared some years ago to accept extra liability on the property he is not prepared to do so to-day as far as I can see. Therefore the position is that they will foreclose their mortgages, and the people we are trying to protect will be worse off than they are at present. The hon. Member for Georgetown Central rather impeached Government for not having sufficient foresight. It is all very well to be wise after the event, but in those days the Town Council felt that it got very good terms in respect of its loans. I feel that this Bill will to a great extent help the Town Council in collecting its overdue rates and taxes, and I feel that is the general view of Town Councillors themselves. I am appealing both to Government and the Town Council that they should get together without further discussion and have the matter settled in the best interests of the people of the City generally.

Mr. CANNON: I was hoping that in view of the hon. Member's remarks he would have suggested to Government that the Bill be taken six months hence in order to give us all a chance to consider it.

THE COLONIAL SECRETARY (Mr. P. W. KING): In view of the remarks which have been made with regard to the recovery of taxes I would like to explain the process of what is known as parate execution in this Colony. Parate execution is an old Roman-Dutch Law expression, and it means immediate execution without previous legal proceedings. The

Ordinances under which parate execution is exercised are fairly numerous, but the principal Ordinances are those of the Georgetown Town Council, the New Amsterdam Town Council, the Petitions of Right Ordinance, the Local Government Ordinance, and now the Income Tax Ordinance. It is a very simple process. All that is done is to issue what is called a summation, which is a rather brief form of writ. In Chapter 10, the Supreme Court of Judicature Ordinance, it is provided:—

“53 (2) Whenever parate or summary execution is hereafter issued, the defendant shall be notified that the amount due is payable within six days of the service of the process in execution upon him, if he resides outside of the municipal boundaries of Georgetown, and within three days if he resides in Georgetown.”

On a summation being issued a person would have three days within which to pay the amount. If he does not pay then you have to apply to the Court for *fiat executio*, which is a writ to issue levy. On that being signed the marshal has to go and levy on the property.

The Council adjourned for the luncheon recess.

THE COLONIAL SECRETARY: When the Council adjourned I had reached the point in the process of parate execution where, notice having been served on the party, if the sum is not paid within three days, further action is taken by applying to the Court for *fiat executio*, which is leave to proceed to execution for the amount claimed. Parate execution is as a rule endorsed on the summation itself. It goes before a Judge, and if he gives fiat you proceed to execution. That is, of course, if the debt is admitted. If it is not admitted—I do not think that would ever arise in the case of taxes—the defendant has to petition the Court praying that it should not grant fiat, and setting out in the petition the reasons for opposing fiat. That may take some considerable time. On fiat being granted the marshal is instructed to levy on the property, and the matter proceeds in the usual way. If everything went without a hitch, without losing any time, you can get through the levy and everything within three weeks, but that of course will not be the case in respect of town taxes where there are a lot of sum-

mations to be issued. I think a month would be the least time having regard to what has to be done. As the Registrar gives certain time to people who purchase at execution to complete their purchase, it would probably be two months before you get your money. In these days when the Registrar is complaining that he has no marshal to make levies I do not think there is much chance of getting through any particular levy in a month. The practice is a remnant of the Roman-Dutch Law we have in the Colony, and there is only one other British Colony where it obtains, and that is South Africa. It is obvious that it is a very expeditious means of recovering taxes, and I think it was rightly retained when we changed to the Common Law of England.

With regard to the costs of the process they are very small. I am informed that the cost would be only \$5.25 where the amount does not exceed \$100, and in most of the cases for taxes I do not think the amounts would exceed \$100 at a time. I think some remark was made that perhaps the Town Clerk would file one summation, let another period accumulate and get one fiat. That would not be possible because he would have to issue a fresh summation for each amount. I think I have given a full description of the process of parate execution because I am very familiar with it. Government frequently recovers by parate execution rates due to it.

Mr. CANNON: Will you allow me, sir, to ask the Colonial Secretary what are the fees for amounts over \$100?

Mr. WIGHT: That is exactly what I was going to ask. I understand that for anything over \$100 the fee is \$12.50.

THE COLONIAL SECRETARY: I am afraid I cannot tell you off-hand.

Mr. CANNON: May I be permitted to give the figures? For summations under \$100 the fee is \$1, over \$200, \$2; fiat 25 cents under \$100 and \$1 over \$100; search \$1; levy \$2 under \$100 and \$5 over \$100; advertisement \$1 under \$100 and from \$6.75 to \$7 over \$100, that is \$15.25 and \$17 for amounts over \$100. I would like to know whether the Colonial Secretary still thinks the amounts are small.

Mr. GONSALVES: The figures given by the hon. Member are correct.

THE COLONIAL SECRETARY: I do not think I said they were small.

Mr. GONSALVES: I think in fairness the Colonial Secretary might have given both scales of fees, but he has chosen the lesser.

THE COLONIAL SECRETARY: I must protest against that remark. Those figures were obtained because they were the figures mentioned by hon. Members. I do not as a rule obtain information that is not asked for.

Mr. GONSALVES: If I had to give information I would give the fullest information I possibly could.

THE ATTORNEY-GENERAL: I think I may venture to remark that this very interesting and important subject has been the cause of our having one of the most interesting debates that I have listened to in this Council, a debate quite worthy of the importance of the subject and very worthy of this Council itself. Hon. Members, whatever their differences of opinion may be, have endeavoured to make useful contributions to the solution of what is undoubtedly a very important question. There are one or two preliminary points I should like to deal with. It has been suggested, I might say indicated, that Government seemed to have been actuated by what lawyers call improper motives. I think it was only a suggestion because, after all, we are all actuated by the same common interest, by the same common motive, and that is the welfare of the general community, and in this particular case that of the inhabitants of Georgetown. As a matter of fact it concerns both because any default, or continued accumulated defaults by the ratepayers of Georgetown would affect the general taxpayers of the Colony, even though those general taxpayers may include some of the ratepayers of Georgetown.

One hon. Member went so far as to suggest that I have come into this House as the representative of Government with a sword in one hand and a pistol in the other. I do not know what affects the vision of the hon. Member on the other side of the House. If he had looked he would have seen that I had come in with empty hands but clean. He also suggested that the heel of Government was on the neck of the Corporation. Talk about mixed metaphors, Government in this case,

I take it, is a somewhat abstract entity, and that being so it would be difficult to visualise it being in the possession of something so substantial as a heel, but what part of the anatomy of a Corporation the hon. Member wishes us to believe is the neck is something which passes my understanding. (Laughter).

One of the most valuable contributions to this debate has been made by my hon. and learned friend, the hon. Member for New Amsterdam, and I think we must all be grateful to him for the tone he has added to the debate, and for the statesman-like and impartial manner in which he has regarded the whole problem. But at one stage he suggested that Government was whittling away the privileges of the Council. I think that if he considered the matter, whether he considered what transactions have taken place between Government and the Town Council in the past or the present problem before us, it must be agreed that there is no attack and no onslaught or deprivation of privileges done or intended. The Bill contains a provision with regard to the qualification or disqualification of persons whom the ratepayers would be entitled to choose to represent them as Councillors. Can a condition of disqualification be a whittling away of the rights and privileges of the Council? It does not in any way diminish or restrict their authority or the scope within which they may act under the laws by which they are created and by which they are governed. It does not in the slightest way impede them in the good government of the City. After all we are all concerned as Members of this Council, the Government and the Town Council, in the good government and proper administration of the City of Georgetown. The fact that the Bill contains provisions regulating the times for the payment of rates and taxes, is that a whittling down of the privileges? It is a fixed stabilization of the dates on which taxes and rates are to be paid. The Council will have power within certain periods to fix those dates. The privilege of fixing them is not taken away, but the Council is assisted in its administration by having the dates fixed for a reasonable period to the knowledge of everyone in the community. At the present time the Council has made two fixtures in each year. Now the proposal is that there shall be four dates on which instalments of taxes shall be paid.

The other material change is with regard to the enforcement of the collection of taxes: but does that take away the privileges of the Council? Is it not to the advantage of the community and the rate-payers that they should meet their obligations as best they can at definitely fixed periods?

A very important point was touched upon by the hon. Member for New Amsterdam. It is how Government is affected in the event of any default. On that point I would like to refer to the Ordinance in which the amount is fixed for the expenditure on Sewerage and Water Works improvements. It is fixed by Ordinance 48 of 1932. Government assumed liability for half of each. The cost of the Sewerage Scheme is \$5,000,000, roughly, and of the Water Works \$850,000. Provision is made in the Ordinance that the liability of the Council is to be discharged in respect of each in two half-yearly payments each year in the sum of \$126,000 for the Sewerage and \$51,000 in respect of the Water Works. I refer to that for this reason: that we all know perfectly well that the money for the construction of those works was raised by loan, and that on certain fixed dates interest on that loan has to be paid and contributions to the sinking fund have to be made, and Government must meet those whether the Town Council pays its due share or not. But is it not right that the Town Council should as far as possible endeavour to have its affairs arranged, with the assistance of Government if necessary, or without if possible, that its own contribution shall come in due time, and that Government shall not be in the position of defaulting to the lenders of that money for half of which the Town Council is liable? The default of the Town Council or any delay in making payments at the proper time affects the liability of Government and the liability of the general taxpayers. In what way is any privilege of the Council affected if provision is made so as to assist them as much as possible to meet those demands and liabilities which have been fixed by law? The whole object is, and I think it should be regarded from that standpoint, an endeavour to arrive at a basis for proper administration, to help the Council out of its present difficulties and to facilitate Government in the performance of its liabilities, which it has

undertaken for the benefit of the inhabitants of Georgetown.

Another question that arose in this debate was that the Water Works and the Sewerage system might have cost more than was anticipated. They probably did cost more than was anticipated, but the fact remains that probably most of us are here because there is a good sewerage system in Georgetown, and those of us who knew it as it was 15 or 20 years ago realise the very important difference that is made now in the mortality of this City, and I venture to think that where there is such an important improvement in the mortality rate, that it is in the interest of the community and to the benefit of the community. Although we have paid dearly for it, perhaps we have to be grateful to think that our descendants, our children and grandchildren, will be spared some of those trials and some of that ill-health and trouble which our ancestors and ourselves have undergone in the past.

With regard to the question of the qualification of members of the Town Council several suggestions have been made. My friend the hon. Member for Western Essequibo has remarked that he was not aware of the existence of any such disqualification in any of the West Indian Islands. I agree with him; I am not aware of it. He also instanced the Colony of Jamaica. I agree with him. It does not exist in Jamaica; there is no such disqualification. There are fourteen Local Authorities—Parochial Boards as they are called. Twelve are Parochial Boards which correspond to County Councils. They all levy rates. With the exception of one of them each one is larger than the Island of Barbados, and there is good reason why no such disqualification exists, because the opportunity of being in arrears for an indefinite time with respect to the payment of taxes to the Central Government, or rates to the Council, does not exist. The reason is this: that there is but one system for the collection of taxes by the Central Government. The central taxes are usually fixed; the rates vary from year to year to meet the requirements of the particular Councils. They are all collected by officers of the Central Government in the Collector-General's Department, and the tax-collection laws for enforcement of pay-

ment of taxes are the same in respect of each. No Local Authority runs a tax-collecting department of its own; it is done by the Central Government, and the Local Authority pays to the Central Government an amount not exceeding 3 per cent. for the collection of its rates. What happens is this: under the law, if the total amount which a man has to pay for rates or taxes, or both, exceeds eight shillings per annum he may pay the amount in four quarterly instalments. The whole amount of the tax and rate falls due on the 1st January each year, and between the 1st January and the 31st January if he so chooses he may pay one quarter of it, and that gives him the privilege of paying the remainder on the 1st April, 1st July and 1st October. He may pay the whole if he likes or half, but he is in this position that if he fails to pay any part of it by the 31st January the whole becomes due and payment is forthwith enforced. The result is that nobody is allowed any time to be in arrears, and the further result is that on the due dates the Tax Collector's office in the various parts of the Island are crowded with people who realise what would happen if they do not discharge their liabilities. The consequence is that there is no necessity whatever for the imposition of a disqualification such as the present, because no Councillor of any of the fourteen bodies is going to have three months' grace before proceedings are taken against him for the recovery of taxes. That is the position in that Colony in regard to that matter.

It has been suggested that instead of making the disqualification in respect of all liability for the payment of rates it should attach only to the particular property which the Councillor may have chosen to give in as his qualification. An examination of that proposal will show that it is not particularly sound, and for this reason: The owner of property who is not a Councillor would be perhaps in a different position from the Councillor whom he has chosen to represent him. You will be giving to the Councillor grace or indulgence in respect of every property but one. That would not be fair. I take it that Councillors naturally desire and would desire to discharge and be in the position of having to discharge all their liabilities in respect of all their properties, and not to feel that

they may be allowed to accumulate those liabilities in respect of properties other than the particular one which constitutes their qualification. Looked at from that point of view I think it would be realised that that proposal could not be accepted.

Another point has been raised that there are other qualifications besides the ownership of property, and that a Councillor who owns property would be induced to resort to the device of endowing his wife not only with all of his worldly goods but with his immovable property, and in that way going beyond the marriage service in order to escape the liability of disqualification. I doubt if Councillors would venture to take the risk. I agree as to the value of unity, and I agree that unity is strength, but there are sometimes disunions not only in deliberative bodies but also between man and wife, as was so well pointed out by my friend the hon. Member for New Amsterdam. And, of course, men are not prophets, at any rate not in these times. They are not seers and cannot foresee what circumstances may provoke or create disunity whereby the endowments which they merely intended to be temporary might become permanent, perhaps to their great sorrow. I do not think any man who has done that would be so wanting in chivalry as to be sorry for the endowment. Besides there is another thing about it. The man who is carrying on business on his own would find it a very difficult thing to justify to the people with whom he is dealing in business here or abroad. So that it seems to me that the suggestion which has been thrown out *en passant* will not stand examination, and will certainly not be persisted in when one considers its general bearings. It has been pointed out that the man who has done that becomes the occupier of premises and has the qualification.

With regard to the question of time, the Bill provides that the disqualification should be in the case of a member being in arrears for taxes or rates, or any instalment. So that if a member were in arrears for taxes or an instalment the disqualification will apply. Members have suggested that the period of three months is short. It may be so, and it may be that the House may take the view that the period should be increased to six months. If the House takes that view there would

be no objection to the period in that new paragraph (e) being extended to six months instead of three.

I want to point out another thing. There is no purpose, there is no intention to lower the status of the members of the Council, as has been rather hastily suggested. I say hastily because I do not think full consideration was given to it when the remark was made. There is no idea that men of substance should not sit on the Council. The Council should be a truly representative body and represent all parts of the community, but surely it is not suggested that all men of substance are liable to be in arrears of payment of their rates and taxes. I remember many years ago being rather impressed with a remark made by a man who did not have much money. Somebody mentioned to him that some person who had the reputation of being rich had to pay that quarter in taxes and licence duties something like £200. He said "Fancy that man having to pay that amount." "Well," said the poor fellow, "I wish I had to pay it, I would be much better off than I am now." There are men of substance in Georgetown, I take it, who do discharge their liabilities. What, however, is meant by the expression "substance?" It is somewhat illusive, but I take it that it means a man who owns property in his own right, and the question of his being a man of substance depends upon his particular status or standing among his own associates. A man may be a man of substance among a class of people he meets and associates with, and he may be a comparatively poor man in another class and among another lot of people. I think we should regard men of substance somewhat in the light I have indicated, and I think looked at from that point of view the fear expressed by the hon. Member will have no substantial existence. The quality or advantage of being a man of substance, taking it in the relative sense, is that you are able to carry on, to live your life without undue fear or apprehension of economic or financial difficulties, or undue stringency. It does happen in the lives of all of us that we have to take in our horns but there are other times when we can let out our belts. We have to view this matter in a general all-round way and see it from the point of view of the dispassionate man in the street.

It has been said that the burden in Georgetown is borne by something like 1,500 or 1,200 people, and that it is very hard on them. I agree and appreciate that. We all realise what the conditions are, but there is also one point I would like to correct. If the hon. Member has arrived at it by taking the number of lots in Georgetown and saying that in respect of each original lot there is but a single obligation he is not correct because the Town Council Ordinance itself makes provision for division of lots and sub-lots, and the Tax Bill to-day makes provision for assessment of lots and sub-lots separately and individually in respect of taxes chargeable specifically on each lot and sub-lot. That means that they have to be owners. The hon. Member may find that his 1,500 may require some multiplication. It reminds me of a form of legislation whereby an estate was regarded as an entity. In the old days the Dutch people laid out and marked out certain estates with sub-lots and facades, and whatever happened to an estate, however it was subsequently divided into parts it was still regarded as a single unit, and the Statutes creating liabilities in respect of estates made it liable even for the liabilities of somebody who held a substantial part of it. That is the worst way. In modern legislation the owner of land is liable for charges leviable on his own land. There is some element of error in this respect. The hon. Member for Essequibo River did not do Government the honour of being able to appreciate the case which it put forward in connection with this matter. He suggested that the proposed legislation is based on an egregious error because the property was liable and not the owner of the property. That is an extraordinary suggestion. I appreciate the hon. Member's powers of reasoning, but I do not quite follow what he means by saying that the property is liable and not the owner. If a writ is levied on property which is owned by X and X does not pay, what happens to him? He becomes minus the property. That seems to have been the contribution the hon. Member made to the debate, and his reasoning against the proposals put forward by Government.

Mr. WONG: I think the proposition as I laid it down may be quite wrong, but what I sincerely thought was correct was that if a property failed to discharge the

liability on it no process could be levied against the owner for further payment. If a property were put up for sale for taxes due and failed to realise the amount of the taxes due no recourse could be had on the individual owner for the payment of the deficit.

THE ATTORNEY-GENERAL: I appreciate the view which the hon. Member had in his mind when he made the contribution he did yesterday. Another matter has been brought forward and that is with reference to the funding of arrears. The hon. Member for New Amsterdam made a valuable contribution in respect of that. There are just one or two things I should like to say. The hon. Member for Georgetown Central told us yesterday what he considered to be a very astonishing circumstance, and that is that mortgagees bought in at execution sale three properties for which they paid something like \$2,000 each and were astonished to find that \$1,400 was due for rates in respect of those properties. All I can say is that I am astonished that they were astonished. I should have imagined that they would have been so familiar with the circumstances that nothing like \$1,400, or any reasonable fraction of that amount would have been allowed to accumulate, and the reason is this: that a mortgagor has a liability under his mortgage to pay rates and taxes that are imposed on the property which is subject to the mortgage. He is also liable to keep the property fully insured and to show receipts at the proper time to the mortgagee, and the mortgagee has power, in order to protect his security, to pay those rates if the mortgagor makes default, and to pay the insurance premium and add the cost to the principal. The mortgagee also has the right to foreclose his mortgage. I should have imagined that what would have happened is that the mortgagees would have taken care to have those receipts presented to them, and if they were not presented they would have realised that the properties were in default for payment of rates, and that the value of their security would be diminished because those rates were a charge on the properties, and rather than allow their security to be weakened or diminished in value they would have taken steps either to make the mortgagor pay or to foreclose their mortgage. That is the view which apparently strikes the hon. Member for

New Amsterdam and strikes me, and I suppose he, like myself, is surprised to know that the mortgagees allowed the amount of \$1,400 to accumulate and to be surprised at the fact.

I mention that for this reason: it bears on the question of funding arrears. It is an important question and one which deserves very careful consideration. Suggestions have been made that there should be funding of the new arrears of \$225,000 over 25 years. That is much too long a period of course. I think there was also a suggestion that the present funding arrangement, the duration of which was five years, should be extended. What has happened in regard to that? The rates are a charge on the property on which they are levied, it is a preferent charge and is superior to a mortgage. Mortgagees therefore realising that naturally take care that those rates are paid by the mortgagor. If the rates are not paid it is a fixed amount which accumulates each year against his property and a mortgagee can discharge it by paying it. What is the effect of funding? When we funded in 1932 we did not actually impose a moratorium on mortgages but we actually placed mortgagees at a disadvantage because the payment of those funded rates was extended from the beginning of 1933 for five years. Mortgagees could have insisted on their being paid then and there, but they were extended for five years and they were made a preferent charge on the property—any instalment due and the interest thereon. That was the effect of it, and it may well mean in many instances that a man or a company who has made an investment expects that his investment will last a certain time, and that at the end of that time he would be able to get in his capital. But that position is altered if a charge superior to his mortgage is by Statute imposed on that property, and for a certain period. Of course in 1932 the position was regarded as one of emergency, a financial and economic emergency, and what was then done was in a way a sort of salvage to help everybody out of difficulty. And having regard to that emergency it is probable that it was generally acquiesced in.

I mention this in development of what my friend, the hon. Member for New Amsterdam, said, because when proposals

are made for extending the existing funding arrangements, or for doing a new funding, the question will arise as to what attitude should be adopted or what ought to be done in view of the rights of people who have mortgages on those properties. A mortgagee might very well say: "Although the Statute gives you time for payment I am not going to have my property hung up for five years longer; I want my money paid now." I am not prepared to say at the moment whether he would be able to enforce it or not, because it may well be that the moment it is enacted it extinguishes the liability previously existing, creating a new liability and new means of enforcing it. That is to say that so far as the funded arrears are concerned they could only be enforced under that particular funding Ordinance, and could not be enforced by the Town Clerk under the Town Council Ordinance, Chapter 86, any longer. It does seem to me that the mortgagee's rights are altered against him whether he wishes or not. I throw that out because I myself have changed my view, as the debate progressed, on that particular point. I say it would be advantageous and helpful to the rate-payers if, apart from the case of people who are in arrears in respect of 1932-34, even if those could get an extension of time, but it may well be that there would have to be put into the Statute a provision with which I am familiar in other cases, where there has been destruction of property and for salvage purposes Government has to come to the rescue and lend money. That money is lent with the consent of the mortgagee or lessee, for the simple reason that you are putting him at a disadvantage. It might well have to be considered whether, if such an extension should take place, some such provision might not be necessary before we can alter the rights of mortgagees against them. It is something that will have to be thought out.

With regard to the question of the basis of assessment, we have been told that quite recently a Committee has been appointed to consider the matter. It is known that the present system of assessment suffers from various disadvantages. It is not as good as it ought to be, apparently, and the result is that the burden of taxation or imposition of taxes is distributed unevenly in some cases, not

equally or equitably as it ought to. Valuation of property is something that cannot be done in a haphazard way. It is a bit of a science now, and in many countries very highly developed. We here have managed to gauge them fairly well having regard to the circumstances and conditions with which we have had to deal, but conditions to-day are not what they were 20 or 30 years ago. Our indebtedness, our debt commitments, have increased. The result of that is that we do require a very carefully worked out system of valuation of property to form the basis of assessment before we can put our taxes on. Whether there is anyone who is an expert in it I do not know. I have had experience of it in other countries where such a system has been in practice for over 30 years, and taxes and rates are levied in accordance with it, but the system is very carefully worked out on prescribed lines and by experts who know how to value according to the principles and methods laid down. It cannot be done in a haphazard way. That is something that calls for immediate attention in the administration of Georgetown.

Government is not at cross purposes, is not in battle as was suggested by one hon. Member for Georgetown, on a matter of this kind. It is something which it is asking the Council to do in its own interest and in the interest of the ratepayers, and in the interest of the money which it has to pay Government. What is the position then? It is one of immediate interest and one in respect of which action must be taken at an early date. The Secretary of State has suggested that an undertaking should be given within two months that an agreed basis of taxation would be adopted. The matter must be taken up speedily. It may not be possible to do it in two months; we may have no expert here, but the matter is one that must be gone into and something scientific, valuable and reliable worked out in connection with it. That is not a suggestion to which anyone can take objection. It is helping to put our mutual house in order in the interest of us all.

I venture to think I have covered pretty well all the ground which I desire to deal with. One hon. Member who is not here now contributed to the debate the remark

that Government should have brought forward "a nobler Bill." (Laughter). I am sorry that anything I have put in legislation in this House should be lacking in nobility. The fault perhaps is mine. He suggested that the nobility of the Bill which he conceives is one which should authorise the borrowing of large loans for reproductive works, for the purpose of solving the unemployment problem. I think we should have a solution of the unemployment problem before we borrow large loans. The present Minister for the Dominions held a special portfolio in the late Labour Government for the special purpose of solving the unemployment problem and I think after 18 months he had not got any farther. It is a matter which requires the combined thought of many people, but when we are groaning under the weight of our debt commitments and the large part it plays in our annual expenditure, it does strike me as not a very profound suggestion that we should promptly add to those debt commitments and pay more interest. I do not know whether the hon. Member appreciated that there would be no escape from the payment of the interest, and that it would not be for us to say whether parate execution should be levied against us for not paying, or that we would be able to pay while he postponed it. On the other hand I have no doubt that when he has worked out some suggestion as he has made and has devoted sufficient thought to it we shall all be very grateful to him for his contribution, because if he can put up something to help the solution of that it will help the solution of the present difficulty.

I hope that the contribution we have all tried to make to-day will help to solve the difficult problem which has been discussed as it ought to be discussed. I spoke of wise men at the beginning. There are men of wisdom, and probably wisdom varies. None of us attributes lack of wisdom to any of the others who differ from our particular opinions. That is where I think that fingers should not be pointed at people about lack of union. There is no doubt that union is strength and unity is a great thing, when the great minds of thoughtful men agree with respect to particular proposals, ideas and plans. But the individual man who is a careful thinker is not going necessarily to subordinate his

views to those of others merely for the sake of union, when he thinks that the other views are not likely to be in the best interest of the State. Therefore I think there is no harm but rather some good in having our individual views in connection with this matter.

THE PRESIDENT: I do not think there is anything I can add to the very useful debate. There are, however, one or two suggestions made to which I would like to refer briefly. One was that the period of time in clause 2 (e) might be extended to six months. I think Government is perfectly prepared to accept that. With regard to the other suggestion that the time should be extended in clause 3 from three months to six or nine months, I would point out that the ratepayer has three months to pay each instalment, and I can see no particular object in increasing the time. It was also suggested, I think by the hon. Member for Georgetown Central, that in respect of the four payments during the year, half should be paid towards taxes and half towards rates. Whether an amendment is necessary I am not sure, or whether it should be left to the Town Council to fix. We can go into the matter.

Mr. WIGHT: The suggestion was made by the hon. Member for Georgetown South and not by me.

THE PRESIDENT: With regard to the question of funding, hon. Members have pointed out the difficulties in that connection, but I may say here that Government would willingly and sympathetically consider any suggestion that might be put up by the Town Council in that respect. Government of course appreciates the difficulty that some ratepayers would be in if it is a question of paying all their arrears during 1935, and any suggestion of funding that would be equitable to mortgagees, whose interests would have to be safeguarded, would be given favourable consideration by Government. In that connection I would point out that the amount to be funded, if the present funded loan is included, would be about \$500,000. Therefore the matter will need very careful investigation.

In conclusion I would like to congratulate hon. Members on the speeches that

have been made, and the very peaceful and temperate manner in which they have been made.

The Council divided and voted:—

*Ayes*—Messrs. Seaford, Austin, Birkitt, Dr. Henderson, Mullin, D'Andrade, McDavid, Major Craig, Woolford, Professor Dash, Major Bain Gray, Dias, Smellic, the Attorney-General and the Colonial Secretary—15.

*Noes*—Messrs. Wong, De Aguiar, Gonsalves, Wight, Cannon and Brassington—6.

Motion carried.

Bill read the second time.

THE ATTORNEY-GENERAL: I move that the Council resolve itself into Committee to consider the Bill clause by clause.

Mr. SEAFORD: I understood Your Excellency to say that you were prepared to consider various points that were raised and certain recommendations by the Town Council. If we are proceeding in Committee it does not seem that anything will be done. There was some suggestion of discussing the points raised with representatives of the Town Council.

THE PRESIDENT: The question of funding will have to be dealt with in a separate Bill.

Mr. SEAFORD: There is not only the question of funding but the question of time and dates.

THE PRESIDENT: I do not think Government will accept any alteration in the dates because they have been carefully considered.

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

Mr. GONSALVES: I have certain amendments to suggest but I doubt whether anything will be gained by moving them. Your Excellency has said that Government does not propose to accept any amendments because the Bill has been carefully considered. It strikes me, therefore, that I would be wasting my energy.

I have amendments to suggest with regard to each of the clauses, but I am hesitating to move them. If I can get an assurance that Government will still give this side of the House some consideration I will move the amendments I propose.

Mr. CANNON: I am surprised to hear my colleague attempting to make any suggestions. I had hoped that he would have refrained from doing so.

THE CHAIRMAN: What I said was that as regards the dates Government is not prepared to put forward any suggestion, but that does not mean that Government is not prepared to consider any suggestions hon. Members may put forward. Hon. Members may indicate where they think the Bill may be amended, and Government is prepared to consider any suggestions.

Mr. GONSALVES: With regard to the remarks made by the hon. Member for Georgetown North, I wish to say that in discussing the Bill during the debate on the second reading I made it clear that I was suggesting amendments not as a member of the Town Council but as a Member of this Council. I appreciate that in the Town Council I took the view that it is hardly necessary to have the Bill, but I also suggested that if the Bill is to go through certain amendments were necessary. I am prepared to suggest the amendments here because in view of what Your Excellency has said I am assuming that Government is still amenable to some reason and is quite prepared to give consideration to suggested amendments. If that is so I support the appeal made by the Hon. Mr. Seaford that opportunity might be given for the consideration of amendments I desire to submit. If we are to consider all the amendments I propose to move the Council will have to adjourn until to-morrow. I think much time could be saved if an opportunity is afforded for a discussion between Government and representatives of the people with a view to arriving at some compromise.

THE CHAIRMAN: I think the simplest way would be for the hon. Member to submit his amendments which would be put on the Order Paper, and we could adjourn until to-morrow or next week in Committee. It is necessary that the hon.

Member should give notice of his amendments.

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

THE ATTORNEY-GENERAL gave notice of the following amendments:—

Clause 2.

In new paragraph (e)—

(a) insert the word "or" before the letter "(e)" in the first line.

(b) substitute the word "six" for the word "three" in the third line.

Add the following as new paragraph (f):—

"(f) has been adjudged bankrupt or insolvent unless the bankruptcy or insolvency is annulled or he is granted a discharge."

Clause 4.

Re-number the clause as clause 4 (1).

Add the following as sub-clause (2):—

"(2) The repeal of section one hundred and thirty-four of the Principal Ordinance shall not affect the operation of the section in respect of any tax or instalment thereof which became due and payable prior to the first day of January, nineteen hundred and thirty-five, and such tax or instalment shall be collected and payment enforced as if this Ordinance had not passed."

Mr. GONSALVES gave notice of the following amendments:—

Clause 2.

Substitute the following for paragraph (e):—  
"or

(e) has not at the 31st December, 1935, and in each succeeding year paid town taxes or any rate levied under this Ordinance or under the Georgetown Sewerage and Water Ordinance for the said year and payable in respect of his property named and described in the statement of qualification to be elected a Councillor required to be filed under this Ordinance: provided that a ratepayer's debt within the meaning of Section 2 of the Georgetown Improvement Rates (Funding) Ordinance, 1932, shall not be included in the expression "rate" herein.

Add the following as a new paragraph—

(f) has not paid his rent for three months to the month of December in any year in respect of premises occupied by him and named and described in the statement of qualification filed under this Ordinance."

Clause 3.

Substitute the following for new clause (2):—

"(2) The tax shall be due and payable in each year in the instalments and on the dates following—

One-half not later than the 16th February, 1935, and in each succeeding year on such date not later than the 16th

February as the Council shall fix by notice in the *Gazette* and in one or more newspapers circulating in the City; One-half not later than four months from the 16th February, 1935, and in each succeeding year from the date fixed as aforesaid:

Provided however that any such moiety may be paid within the date herein prescribed at such times and in instalments not exceeding six in number of not less than five dollars each as may be convenient to the ratepayer."

Clause 4.

Substitute the following:—

"4. Section one hundred and thirty-four of the Principal Ordinance is hereby repealed and the following is substituted therefor—

"134. Where default is made in the payment of the moiety of any tax or portion thereof the Town Clerk may, and if default has continued for more than nine months, shall proceed for recovery of the said moiety or portion thereof, as the case may be, together with interest, if any, by parate execution."

Mr. Seaford gave notice of an amendment for the substitution of the word "six" for the word "three" in the third line of the new section 134.

THE CHAIRMAN: These amendments will be put on the Order Paper and the Committee will resume on the Bill tomorrow.

The Council resumed.

GEORGETOWN SEWERAGE AND WATER BILL.

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

Question put, and agreed to.

LOAN ADVANCES TO SEA DEFENCE BOARD.

Major CRAIG (Director of Public Works): I beg to move:—

THAT, with reference to the Officer Administering the Government's Message No. 9 of the 28th of January, 1935, this Council approves of further loan advances being made to the Sea Defence Board amounting to \$202,400 in terms of the Sea Defence Ordinance, 1933, for the

purpose of completing the work of strengthening the Sea Defences on the East Coast of Demerara and reconstructing the sea wall at Nog Eens—Lusignan.

2. This Council further approves of the necessary arrangements being made with the Crown Agents for the Colonies to make advances up to the abovementioned sum from the Joint Colonial Fund pending the raising of the loan from which to meet extraordinary expenditure on sea defences.

I do not think it is necessary for me to say much beyond what is contained in the Consulting Engineer's Report, which has been laid on the table. Message No. 9 gives a resumé of the position. In Message No. 17 the expenditure then estimated was \$800,000, but on further examination by Mr. Case of the very definite accretion that has taken place within the last two months, he is of the opinion that there can be a curtailment of the work proposed last October, and he has prepared a new estimate which reduces the expenditure by the sum of \$186,570. The work that is being carried out there can very readily be seen by hon. Members if they care to drive along the East Coast road, and I think they will readily agree that it has been well carried out and is a substantial job. It has been essential to carry out these works, and the \$450,000 voted under the Resolution referred to in Message No. 9 is practically expended. It has been necessary to continue the work and to come to the Council for further authority to seek this further advance of \$202,400.

Mr. D'ANDRADE seconded.

Mr. SEAFORD: I would like to refer to paragraph 4 of Message No. 9 which states:—

“4. It is gratifying to learn therefrom that there has been natural accretion along the coast in consequence of which it has been possible to reduce the estimates of total expenditure on these works by the sum of \$186,570.”

As a member of the Sea Defence Board I am especially glad, but I would like to point out that this is an estimate of a saving. It is an estimate made at the beginning of the year, and I hope it will be correct at the end of the year because it is very difficult to foretell what is going to happen, and I should not like Members of the Council to think this is a fixed estimate and must be adhered to. There may be a larger saving or a very much larger expenditure. It is only possible to make an estimate on what one can see at the moment. One cannot tell what will happen in the next six months.

Major CRAIG: I was very careful to say that the work is being carried out at lesser expense. I did not indicate that there would be a saving. I quite agree with the hon Member that we cannot tell what might happen within the next six months.

THE PRESIDENT: The hon. Member is not prepared to support the statement in my Message. (Laughter).

Motion put, and agreed to.

#### ADJOURNMENT.

THE COLONIAL SECRETARY: I move that the Standing Rules and Orders be suspended to enable the Council to meet on Monday, the 4th of February, at 11 a.m.

Major BAIN GRAY seconded.

Question put, and agreed to.

The Council adjourned until Monday, 4th February, at 11 o'clock.