

LEGISLATIVE COUNCIL.*Thursday, 6th December, 1934.*

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

PRESENT.

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

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

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

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. A. Luckhoo (Eastern Berbice).

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

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

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

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Gonsalves (Georgetown South).

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

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

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

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

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

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

MINUTES.

The minutes of the meeting of the Council held on Wednesday, 5th December, 1934, as printed and circulated, were confirmed.

GOVERNMENT NOTICES.

The ATTORNEY-GENERAL (Mr. Hector Josephs) gave notice that at the next meeting of the Council he would introduce the following Bills:—

A Bill to amend the Supreme Court of Judicature Ordinance, Chapter 10, with respect to the acceptance or performance by a Judge of any office or place of profit or emolument not authorised by law.

A Bill to amend the Deceased Persons Estates' Administration Ordinance, Chapter 149, with respect to certain small intestate estates and to extend the application of the provisions of section thirty-one to British Protectorates and Protected States and Mandated Territories.

UNOFFICIAL NOTICES.**SUPPLIES THROUGH THE CROWN AGENTS.**

MR. DE AGUIAR gave notice of the following motion:—

THAT this Council is of the opinion that it is in the best interest of the Colony that all orders for supplies to Government Institutions be placed locally by tender; and that the practice of buying direct through the Crown Agents or from other sources abroad be discontinued: provided that under special circumstances certain orders might be placed abroad where it is shown to the satisfaction of His Excellency the Governor, with the advice of the Tender Board, that the interest of the Colony would be better served by doing so, and that such orders be laid before the Legislative Council at its next meeting for approval.

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

1. What is the c.i.f. value of supplies imported by Government through the Crown Agents for the period 1st January to 30th September, 1934?

Please state separately the imports of—

- (a) Drugs.
- (b) Stationery and stationers' requisites.
- (c) General hardware and building materials.
- (d) Machinery.
- (e) Provisions and groceries.
- (f) Boots and Shoes.
- (g) Other articles.

2. What is the remuneration paid to the Crown Agents?

- (a) If by Commission, state the rate, and whether the charge is made on f.o.b. or c.i.f. values.
- (b) If an annual sum please state the amount.

3. Under whose authority are orders placed and who are responsible for checking invoices and quantities, comparing prices and keeping full and complete record of all orders given?

4. Have any shipments been made by the Crown Agents during 1932, 1933, and up to and including 30th September, 1934, without the authority of this Government?

- (a) If the answer is in the affirmative please state reasons given by the Agents for their action.

5. At what price per tin of 14 ozs. has the contract been awarded for the supply of Condensed Milk as from October 1, 1934?

6. What was the quantity purchased and by whom?

7. If the order was placed through the Crown Agents, please state whether the answer in (5) includes—

- (a) Crown Agents' Commission.
- (b) Import Duty and Bill of Entry Tax.
- (c) Free delivery to institutions.
- (d) Allowance for spoilage.

8. When will the contract expire?

9. Why was the old custom of calling for tenders locally not adopted on this occasion?

Mr. AUSTIN gave notice of the following questions :—

1. What steps are taken by the local Government, before ordering the public supplies through the Crown Agents for the Colonies, first to ascertain whether such supplies, or any part of them, can be purchased advantageously in the Colony?

2. If no definite steps as above indicated are taken, what are the Government's reasons for failing to conform with the Colonial Regulation on the subject which permits the local purchase of stores wherever the articles can be obtained as advantageously in the Colony as they can be ordered from abroad?

Mr. CANNON laid on the table a petition from Fitzgerald Bayley praying for an allowance in respect of his services in the Transport and Harbours Department.

WHO IS THE SENIOR ELECTED MEMBER?

Mr. CANNON: Before the Order of the Day is proceeded with may I be permitted to ask Your Excellency to rule on a small but rather important matter, that is to determine who is the senior Elected Member of this Council. (Laughter). I ask for a ruling because it has been suggested to me that I am wrong in the view I hold, and I think perhaps it would be in the interest of all concerned if Your Excellency would say whom you consider the senior Elected Member. At any rate, if there is any law on the subject I would like to know as soon as possible because it is thought that the hon. Member for New Amsterdam (Mr. Woolford) having gone up into the higher class, the senior boy in the lower class should take his place. (Laughter). If that is not so then I will allow the hon. Member for New Amsterdam to continue in the honour which he thinks he should enjoy. I am sorry he is not here this morning.

Mr. BRASSINGTON: Under the old Constitution the senior Elected Member was the one who had priority of election, but if A and B were elected on the same day A was the senior Member because of his alphabetical priority. Under the new Constitution I do not think that point is settled at all. Perhaps, as the hon. Member for Georgetown North says, the elevation of an Elected Member to the Executive Council debars him from the doubtful honour of being the senior Elected Member of the Council. If the law is not changed in that respect then I claim to be the senior Elected Member because B comes before C. (Laughter). I do not for one moment lay claim to that honour, but unless the law has been changed the senior Elected Member of this Council is myself.

THE ATTORNEY-GENERAL: I suggest that the hon. Member might read the first part of the Order in Council.

THE PRESIDENT: As there seems to be some competition for this honourable post (laughter) I will go into the matter.

Mr. CANNON: I wish you do not think that for a moment. It is merely that I wish to do what I can to facilitate matters.

THE PRESIDENT: I wish a little time to look into it, and I also ask hon. Members to accept any decision that I may arrive at.

Mr. CANNON: I have no desire to be the senior Elected Member.

Mr. BRASSINGTON: I am not in the run. (Laughter).

Mr. CANNON: I would like to point this out, that the hon. Member for New Amsterdam claims to be—at any rate we looked upon him as the senior Elected Member, but when he goes into the higher class, the Executive Council, he becomes junior to the hon. Member for Western Essequibo. What is the position? It seems to me to be a little complicated.

THE PRESIDENT: I will examine the position.

ORDER OF THE DAY.

SURTAX ON TONNAGE AND LIGHT DUES.

THE COLONIAL SECRETARY (Mr. P. W. King, Acting): I beg to move:—

THAT, with reference to the Officer Administering the Government's Message No. 4 of the 21st of November, 1934, this Council approves of a surtax of fifteen per centum being levied on the amount of Tonnage and Light Dues which shall be collected during the year 1935 under section eighteen of the Transport and Harbours Ordinance, 1931.

I would like to remind hon. Members of the passing of Resolution No. 2 of the 14th December, 1933, which provided for the collection of a temporary surtax of 15 per cent. on Tonnage and Light Dues during that year. Government has found it impossible to do without the amount which that surtax brings in, and therefore it is proposed to carry it on for another year in 1935. If the financial position of the Colony is improved by the end of 1935 it may be possible then to remove it. I do not think there is anything more I can add to what is already indicated in the Message.

Mr. SMELLIE seconded.

Mr. DE AGUIAR: I do not suppose any objection from this side of the table will carry any weight, but it occurred to me to make mention of the fact that quite

recently the freight rates on rice to Trinidad have been increased, and that that might be partly due to the fact that Government intends to continue this surtax which was originally intended to lapse at the end of December, 1934. I know that owing to certain financial circumstances Government has to impose this surtax again, and I also know that it is intended to review the position at the end of next year, but it seems to me a pity that Government has had to reimpose this tax, especially in view of the fact that the steamship companies—I am not saying they have done it purposely, but it is exceedingly strange that just at this time they should have considered it necessary to increase freight rates on rice again. They were probably aware that this Bill was coming up and felt that if they have to continue paying increased tonnage dues they must get something back somewhere.

Motion put, and agreed to.

CENT POSTAGE ON PRINTED PAPERS, ETC

THE COLONIAL SECRETARY: I beg to move:—

THAT, with reference to the Officer Administering the Government's Message No. 6 of the 19th of November, 1934, this Council approves of the following rates of postage being charged as from 1st January, 1935, on printed papers, book packets, circulars, and prices current, posted in the Colony to destinations within the Colony:—

Printed Papers and Book Packets—		
For every 2 ozs. or fraction there-		
of up to 2 lbs. maximum	...	1 cent.
Circulars and Prices current—		
For every 2 ozs. or fraction there-		
of up to 2 lbs. maximum		1 cent.

I think hon. Members will recall that this matter has come up regularly during the last 10 or 15 years. Certainly within the last 10 years the Council has been urging Government to reduce these postage rates, and quite recently the Chamber of Commerce took the matter up with Government and have at last persuaded Government that it should be done. I am sure the reduced rates will be welcomed by the commercial community and everybody else in the Colony. As explained in the Message, it will mean that Government will lose revenue in 1935, but Government trusts that the commercial community and everybody will take advantage of the reduced rates, and that the loss will be

more than made up. There is no doubt that the cheap rates will be of great advantage to the people of the Colony, and if they are taken full advantage of then Government will have been justified in bringing his motion forward.

Mr. SMELLIE seconded.

* Mr. CANNON: I welcome this motion, but I do not think Government has gone far enough. Government is catering for the people who can perhaps better afford to pay than the poor people. What about the poor people's letters? I certainly do think it is wrong that we should cater for prices current and documents of that sort and leave out letters. I am of the opinion that there would be no money lost to the Colony if we reverted to cent postage for letters. I noticed two days ago that the British Government has decided to reduce telephone night rates to a shilling with the hope—and I have no doubt it will succeed in making up the loss of revenue by increased use of the service. If the British Government can take that gamble and establish that principle there is no reason why we in our small way should not reduce our local letter postage to a cent. I do think, at any rate, it might be tried for 12 months, and if we find there is a bigger loss than the Colony can afford to meet, penny postage could be reverted to. I move as an amendment that letters be included.

THE PRESIDENT: The hon. Member is referring to inland letters.

Mr. CANNON: Yes, local letters.

THE PRESIDENT: I would like to point out that, after all, inland letter postage is only a penny as compared with three cents in Great Britain. The proposed reduction is going to mean a loss in the first year of between \$600 and \$700. I am afraid that if we make internal letter postage a penny there will be a greater loss.

Mr. CANNON: Letters that might easily be posted for a cent I make a boy deliver about two dozen at a time. I suppose others do the same thing, but putting aside people in business, I am thinking more particularly of the poorer class of people who cannot afford to pay a penny.

Mr. WALCOTT: May I suggest to the hon. Member for Georgetown North that perhaps we might make the postage one cent for Georgetown only. I do not think we can expect the Post Office to deliver letters throughout the Colony for less than two cents, and I do not think the Chamber of Commerce expect that. What they asked was that postage in Georgetown be reduced to one cent as it was previously. I think that would meet the case of the hon. Member and the Chamber of Commerce.

Mr. LUCKHOO: There should not only be a reduction of postage rates in Georgetown but in New Amsterdam as well. In New Amsterdam I think there is a good deal of revenue lost on account of firms having to engage special messengers to make deliveries of letters. New Amsterdam has far greater claims to cent postage than Georgetown.

Mr. BRASSINGTON: Unfortunate Essequebo is not considered. I appeal to Your Excellency to see that some consideration be given that unfortunate part of British Guiana.

Mr. DE AGUIAR: I am surprised that hon. Members have forgotten the premier village of the Colony, Buxton. (Laughter). I think we should make cent postage applicable to the whole Colony. That is the only way Government can hope that whatever they lose on the swings they will gain on the roundabouts. It is quite true that a number of letters are being delivered by hand, and some are even being carried by passengers on steamers to various parts of the Colony so as to save the penny postage. That is the only point that concerns me at the moment. Is the Post Office getting all the revenue it can from letters? I know that Government letters marked "O.H.M.S." go without postage, but I have a strong suspicion that certain other institutions, perhaps with the blessing of Government, also receive that facility. I do not think that was intended, and I think it is a matter that needs some inquiry. I have been told that charitable institutions of some kind are allowed the privilege of sending their letters through the post without payment of postage rates. I have also been informed that there are other institutions which enjoy the privilege. It seems to me that should not be the case. Those letters might be of a

commercial nature and should pay the regular postage rates. I strongly support the plea for cent postage for letters throughout the Colony. Although the loss of revenue in the first year might be even greater than \$600, in the long run Government will find that there will be a large increase in the number of letters posted, and in that way Government will be able to recoup some of the lost revenue.

Mr. WILLS: Last but not least I make a plea for the Demerara River district. I am sure Government will not make distinction and impose heavier postage on certain parts of the Colony. The people on the Demerara River are entitled to the same facilities as those in other parts of the Colony. I am sure Government would not lose very much by reverting to cent postage.

Mr. SEAFORD: Is Government in a position to state what it is anticipated the loss will be? There is no doubt that a reduction of the rate of postage will assist business to a certain extent, but I am confident that Government will never reap anything by reducing the rates by 50 per cent. Government should give us some idea of what it is likely to lose by the transaction.

THE COLONIAL SECRETARY: I am afraid that the Government will have to treat all parts of the Colony alike, next year at any rate. We have managed to make this reduction this year which will mean a loss of \$600, and we cannot afford to lose any more money next year. The matter will be carefully gone into, and if the Colony's financial position improves next year we may be able to return to the one cent rate. The matter will require very careful investigation. The Postmaster General is definitely of the opinion that the one cent rate should not only apply to letters posted in Georgetown and New Amsterdam, but should be general. I am afraid it cannot be done next year.

Mr. CANNON: Would you not consider leaving the whole matter over until that is decided? I do not see why one branch of the community should benefit by a reduction of these rates because the Chamber of Commerce asked for it. I will be no party to that. It is class legislation with a vengeance.

THE PRESIDENT: There are other benefits to be derived from the present proposal apart from the ordinary commercial benefit. There is the question of Christmas cards which are very much used in this Colony, but an anomaly exists because you can send a Christmas card overseas for a half-penny, but you have to pay a penny in the Colony. The effect will be that Christmas cards at any rate can be sent throughout the Colony next year for one cent. When we begin reduction of taxation it is better to go slowly, and I would suggest that the hon. Member should withdraw his amendment. I will look into the question of the cost of reverting to one cent letter postage.

Mr. CANNON: Unfortunately, Your Excellency will not be here very much longer. When you have gone the matter will die. I wish therefore to have it put on record.

THE PRESIDENT: I will put the amendment moved by the hon. Member for Georgetown North, that postage on local letters be reduced to one cent.

The Council divided and voted:—

Ayes—Messrs. Wills, De Aguiar, Gonçalves, Cannon, Luckhoo, Brassington—6.

Noes—Messrs. Walcott, Seaford and Austin, Dr. Henderson, Messrs. Wood, Mullin, D'Andrade and McDavid, Major Craig, Professor Dash, Major Bain Gray, Mr. Smellic, the Colonial Secretary—13.

Amendment lost.

The motion was then put and agreed to.

Mr. CANNON asked that his dissent be recorded.

EX-GRATIA AWARD TO MRS. BECKETT.

Professor DASH (Director of Agriculture): I beg to move:—

THAT, with reference to the Officer Administering the Government's Message No. 3 of the 22nd of November, 1934, this Council approves of the payment of an ex-gratia award of £100 to the widow of the late Mr. J. E. Beckett, Agricultural Superintendent, North West District.

This is a most deserving case and I think the position has been clearly set out

in the Message. There is little I can add. Personally, I very much regret the loss of Mr. Beckett's services. It was a pleasure to be associated with him, and his friendship I always greatly esteemed. Taking all the circumstances into consideration, and the manner in which he met his death, I do not think the award is a large one, and I trust that the Council will approve of the motion.

Major CRAIG (Director of Public Works) seconded.

Motion agreed to.

INCREASED CONTRIBUTION 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. 5 of the 8th of November, 1934, this Council approves of the payment of an amount of \$6,810 to the Sea Defence Board in respect of the year 1935 in addition to the maximum contribution of \$50,000 fixed by section 18 (2) of the Sea Defence Ordinance, 1933, as enacted by section 2 of the Sea Defence (Amendment) Ordinance, 1933, and authorises the necessary provision being made in the Colony's Estimate for that year.

The Message referred to explains quite fully and clearly the necessity for this motion. Section 2 of the Sea Defence (Amendment) Ordinance says:—“(a) an amount to be voted by the Legislative Council equal to one-half of the estimated expenditure of the Board as shown in the Board's estimate presented to the Council, provided always that the amounts voted in pursuance of this paragraph shall not exceed fifty thousand dollars in any one year.” The estimate for the ordinary maintenance for 1935 exceeds this amount by \$6,810, and section 18 (2) (b) of the Principal Ordinance states:—“in special circumstances such further amount as the Council shall vote in pursuance of a Resolution approving of the payment thereof.” Those are the reasons for this motion, and I formally move it.

Mr. D'ANDRADE (Comptroller of Customs) seconded.

Motion agreed to.

Mr. WIGHT entered the Chamber at this stage and took his seat.

DECLARATION OF PENSIONABLE OFFICES.

Mr. McDAVID (Acting Colonial Treasurer): I beg to move:—

THAT, with reference to the Officer Administering the Government's Message No. 2 of the 1st of November, 1934, this Council approves of the declaration of the following offices to be pensionable offices under the Pensions Ordinance, 1933, that is to say—

- (a) any office named in the Civil List Ordinance now in force or hereafter enacted;
- (b) any office named or described in the annual estimates as being on the “Fixed Establishment.”

The reason for the introduction of this motion has been fully explained in the Message and the despatch to the Secretary of State, but perhaps I should explain very briefly that under the new Pensions Ordinance a pensionable office is an office which is declared to be pensionable by the Governor with the approval of the Legislative Council and the Secretary of State. The normal procedure, therefore, is to prepare a schedule of all pensionable offices and publish it in the *Official Gazette*, and either add or subtract from the schedule from time to time. But as hon. Members know, the old Pensions Ordinance, Chapter 204, is the main Ordinance under which pensionable officers get their pensions at the present time, and this will continue to be so for some years because pensionable officers have the right to exercise the option to remain under the old Ordinance under which a pensionable officer is defined to be “anyone appointed to an office named or described in the annual estimates as on the fixed establishment of the colony, whose annual salary amounts to one hundred and forty-four dollars and upwards.” Therefore, for quite a number of years the lay-out of the Estimates will have to continue to provide a section styled “Fixed Establishment” in order to secure pensionable offices under the old Pensions Ordinance. For convenience, therefore, it has been decided that the best method of describing pensionable offices in the new Ordinance would be not to declare individual offices but to declare instead that all offices shown in the Estimates as being on the Fixed Establishment are also pensionable offices under the new Pensions Ordinance. That would have the legal effect of making those offices pensionable, but of course it would not detract from the rights of any officer who is pensionable under the old Ordinance, because he will retain his right to a pension calculated under that Ordinance.

Another point I should explain is that the Salaries Committee, which reported some time in 1933, made a recommendation that pensionable status should be limited to officers drawing salaries of \$840 per annum and over. That report was accepted by this Council and was approved by the Secretary of State. That limitation should, therefore, strictly speaking, be enforced now, but Government has decided that that limitation cannot be maintained. It is pointed out that as in the past, all officers who are appointed to the most junior class, Class III., which incorporates the old Fifth and Sixth Class clerks, shall be pensionable on appointment. I need not refer to the difficulties which arose and made it necessary to alter that decision. One of the chief difficulties is that officers who are pensionable are compelled by law to contribute to the Widows and Orphans Fund, and if this limitation were maintained it would mean that an officer would have to serve for nine years before he is entitled to join the Fund, and the Fund would lose the money. The chief point is that all that can be secured by limiting an officer's status is a sort of disciplinary control over younger officers. It has therefore been decided that the old procedure should be adopted, that an officer should be pensionable on being appointed to the most junior class, Class III. I shall be prepared to explain further if I have not made it as clear as I should, that nothing more is intended than to preserve the lay-out of the Estimates. I now formally move the motion.

Mr. MULLIN (Commissioner of Lands and Mines, seconded).

Mr. SEAFORD: I quite see the point of the Colonial Treasurer, but in making his explanation he deviated somewhat and said it was agreed by this Council, by Government and by the Secretary of State, to accept the recommendation of the Salaries Committee. Then a few words later on he said Government decided not to do so. Was this Council told anything about it? I suppose Government can do anything it likes. I am not quite clear; are we asked now to upset what was done in this Council last year? I realise that this motion is intended to avoid publishing certain names in the *Official Gazette* from time to time, but it also upsets a principle which was laid down and accepted by this

Council, that officers receiving a salary under \$840 a year should not be put on the Fixed Establishment.

THE PRESIDENT: If the hon. Member would read the despatch to the Secretary he will find that the point is fully explained there, but perhaps the Colonial Treasurer will explain again.

Mr. SEAFORD: I see the point, but is the motion including the point that as soon as an officer enters the Service he is put on the Fixed Establishment?

Mr. AUSTIN: There is not a session that we do not have some alteration of the Pensions Ordinance. We do not know where we are. All I want to know is whether it is likely to increase the pensions burden of this Colony in so far as present pensioners are concerned, and whether some of those pensioners who are asking concessions now will benefit by these suggested alterations.

Mr. WALCOTT: I agree with the previous speakers, and I cannot help thinking that it must add to the cost of pensions to this Colony eventually. Everything that the Secretary of State approves of for some other Colony has had to be agreed to here. Now we are asked to go further and adopt something which they do not do somewhere else, and that is that the moment you appoint a Sixth Class clerk he becomes a pensionable officer. The sooner we face the situation and have the same Pensions Ordinance, as in other Colonies, or have our own, the better. We cannot chop and change ours to suit their ends. I have heard a great deal of complaint from some of the senior officers.

Mr. DE AGUIAR: As far as I understood the hon. mover of the motion, the object is to benefit those youngsters who are at the bottom. I do not see why an employee of Government who is in what was formerly known as the Sixth Class should not be entitled to a pension. I confess that I was not aware of the fact that the old Ordinance debarred an officer from being entitled to pension unless he was in receipt of a salary of \$840 per annum. He had to go up to the Third Class before he was entitled to pension. If Government is giving pensions it must do so from the bottom up throughout the Service.

Mr. SEAFORD: If this principle is adopted it means that an officer gets on the pension list apparently from the time he draws \$70 per month. Am I correct?

THE PRESIDENT: If the hon. Member wishes it we can go into Committee to consider the financial aspect of the motion.

The Council resolved itself into Committee to consider the financial aspect of the motion.

Mr. McDAVID (Acting Colonial Treasurer): I should like to explain at the outset that the motion does not mean one single dollar being added to the pension liability of the Colony. When the Committee made the recommendation that pensionable status should be limited to officers getting \$840 per annum they were careful to point out that under the new Pensions Ordinance if an officer, after having served in a non-pensionable office, became pensionable the whole of his previous service had to be added to his pensionable service, and also became pensionable. It made no difference whatever to the liability of the Colony. All that happened was that an officer in Class III. was not regarded as pensionable until he got \$840, and eventually his pension would be the same as if he was pensionable from the beginning. The Colony would not lose or would not gain. That was only a recommendation of the Committee. The report of the Committee was adopted but has not been carried into effect in the Estimates or in the law. The reason why I refer to it to-day is that the effect of passing this motion making all officers on the Fixed Establishment pensionable, will be to rescind the approval of the Committee's report in this respect which was given by the Council. Otherwise, I need not have referred to it.

Before the new salaries scale came into operation a Sixth Class clerk was appointed at \$384 per annum, and as soon as he got that salary he became a pensionable officer. Now a Class III. clerk gets a salary beginning at \$456 per annum rising eventually to \$1,200. All we are seeking to do now is to include the whole of Class III., beginning at \$456, in just the same way as the Sixth Class clerk formerly, who began at \$384, was pensionable. As a matter of fact the liability is less because the initial salary at which an officer joins

Class III. now is higher than it used to be under the old Sixth Class. It is merely a formal motion.

Mr. WIGHT: I am not going to be satisfied with that explanation. I am perfectly satisfied that there is a contingent liability on the Council. The Colonial Treasurer has said a lot but it is meaningless. If an officer starts younger in the salary scale there must be a contingent liability put on the Colony's commitments when he retires. I cannot understand the explanation.

Mr. SEAFORD: I would like to thank the Colonial Treasurer for his explanation. I am quite satisfied.

Mr. McDAVID: Thank you.

Mr. WALCOTT: I cannot say I am satisfied. It seems to me that before an officer starts to draw \$840 a year if he leaves the Service for some reason or another, or is not fit, he can be pensioned, whereas under the old Ordinance, until he gets \$840 a year he was not entitled to pension at all. Therefore there must be extra liability on the Colony.

Mr. McDAVID: That was not the old position. That was merely recommended by the Committee last year. It happened that that report was laid on the Council table and approved, but it has never been given effect to. Officers were always pensionable on appointment to the Sixth Class, beginning at a salary of \$384 per annum. No effect was given to the recommendation of the Committee, and the reason for their recommendation was not financial but merely disciplinary. They wanted to have control over the junior officers, so that if necessary they could be dismissed without formal procedure. The Committee thought Government should not be put to all that trouble with regard to unsatisfactory junior officers.

Mr. WALCOTT: The Committee thought it necessary then to get the approval of the Council to the suggestion about \$840, but this does mean that you are rescinding the approval of the Council.

Mr. McDAVID: That is exactly what the Message says.

Mr. AUSTIN: I am satisfied with the

Colonial Treasurer's explanation that it will not cost the Colony more, and that the younger generation will benefit.

Mr. WIGHT: I am not satisfied; I may be too dense.

THE PRESIDENT: If the hon. Member reads the copy of the despatch to the Secretary of State he will be satisfied.

Mr. WIGHT: I have read that, but the explanation now given me is that the motion for \$840 was never accepted by the Council. I think it was approved by the Council.

Mr. BRASSINGTON: What I am concerned with is that junior officers in the Service will not be put in a worse position than they have been in. I will not be in favour of this if it is an economy measure, that is to say, if junior officers will have to wait longer and encounter other circumstances to their detriment as regards pension. There is no doubt about it that while Electives are very much concerned about the growing dimensions of the pension list, they certainly want to see fairplay given to junior officers in regard to the pensions they get and on what salary. That is what I am concerned with.

THE PRESIDENT: The position is that this motion really improves the position of the junior Civil Servant, only that he will be liable to contribute to the Pension Fund at an earlier date. The real effect of it is this: that the Committee recommended that no officer should be put on the Fixed Establishment until he reaches \$840 a year, but that officers who join the Service as Probationers and then are promoted to Class III. their service, if they attain a salary of \$840, would then become pensionable. That precluded them from contributing to the Widows and Orphans Fund. It was a hardship and it was found that it would be very much better to go back and recognise the officer as pensionable as soon as he is promoted to Class III. and that is what we are doing now. In addition we want some declaration in some simple form that would indicate when an officer's salary appears on the Estimate, whether he is pensionable or not. Therefore it is declared that an officer is pensionable when he is des-

cribed as being on the Fixed Establishment. As has been pointed out by the Colonial Treasurer, the effect of this is not to increase the pension liability of the Colony, but it has this effect that it recognises a certain portion of an officer's service as being pensionable instead of his having to wait until he gets a certain salary. It also gives an officer the benefit of contributing to the Widows and Orphans Fund at an earlier date. It is all in favour of the younger officers and in no way increases the Government's liability.

The Council resumed.

Motion put, and agreed to.

EX-GRATIA PAYMENT TO MRS. CROAL.

Mr. MULLIN (Commissioner of Lands and Mines): I beg to move:—

THAT, with reference to His Excellency the Officer Administering the Government's Message No. 1 of the 27th of October, 1934, this Council hereby approves of an "ex gratia" payment of \$288 being made to the legal personal representative of the late Mr. C. L. Croal, Class III. Clerk. Lands and Mines Department.

The Message fully sets out the position. Mr. Croal was an excellent clerk who fell between two Ordinances. Owing to illness he did not exercise the right to come under the new Ordinance which would have entitled his widow to a definite gratuity. It was however thought that in view of his good service this gratuity should be given his widow as an ex-gratia payment.

Dr. HENDERSON seconded.

Mr. DE AGUIAR: In matters of this kind we must be as generous as possible. A little while ago this Council passed a motion for the payment of £400 to the widow of the late Mr. J. E. Beckett, which was very ably moved by the hon. Director of Agriculture, but let us compare the payments being made to the widows of these two officers. In one case we have a junior officer who has given 10½ years' service nearly four of which were pensionable. The matter was considered by Government and his widow is being given \$288, which represents six months' pensionable emoluments. In the case of the other officer, had he accepted the Pensions Ordinance of 1933 his widow would have been

eligible for an award of not more than the equivalent of one year's salary—£600, and this Council voted £400 on the recommendation of Government. In the present case we are asked to vote only six months' pensionable emoluments. The officer in question served 10½ years while the other officer served 9 years and 9 months. There is not much difference in the periods of service but I think Government should be a little more generous in the case of the junior officer. I think it is a very deserving case, and if Government could see its way to put the widow on the same basis as in the case of the other officer I feel sure that the prayers of that lady would descend upon Government and we would be doing a very good thing indeed. Government should always try to do the best it can for these junior officers. I sincerely hope Government will see its way to amend the motion to a figure which will put it on the same basis as the previous motion.

THE PRESIDENT: This question has been very carefully considered by the Governor in Council, and we consider that in the circumstances a payment of \$288 would meet the case. But for the fact that I know the matter was very carefully considered I would suggest that Government might re-consider it. I do not think any useful purpose would be served because the matter was very carefully gone into. Certain circumstances connected with the case did cause some doubt, but Government decided in view of that doubt to recommend to the Council that this *ex gratia* payment should be made. I am not prepared at the moment to accept any suggestion that the amount should be increased.

Motion put, and agreed to.

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