

LEGISLATIVE COUNCIL.

Tuesday, 13th December, 1932.

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

PRESENT.

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

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

The Hon. T. T. Smellie (Nominated Unofficial Member).

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

The Hon. T. Millard, C.M.G., Colonial Treasurer.

Major 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. F. Fredericks, LL.B. (Essequibo River).

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

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

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

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

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

The Hon. N. Cannon (Georgetown North).

The Hon. J. Gonsalves (Georgetown South).

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

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

MINUTES.

The minutes of the meeting of the Council held on the 9th December, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

REVENUE DEFENCE FUND.

Mr. MILLARD (Colonial Treasurer): I am the bearer of the following Message from His Excellency the Governor to Members:—

MESSAGE No. 6.

Honourable Members of the Legislative Council,

I have the honour to inform the Council that Government has had under consideration the payments of rewards to officers concerned in cases involving the infliction of fines, penalties, etc., for breaches of the revenue laws. Under existing arrangements 10 per cent. of the gross proceeds of revenue cases is paid into a fund—the Revenue Defence Fund—and after deducting any legal or other expenses 50 per cent. of the balance is paid into revenue and the remainder is made available for the payment of rewards to the officers concerned.

2. The Revenue Protection Fund Ordinance, Chapter 35, provides for the establishment and regulation of the Revenue Defence Fund and contains the provision that whenever the amount at credit of the said Fund at the close of any financial year exceeds \$10,000 the excess above such sum shall be paid into general revenue.

By Section 98 of the Summary Jurisdiction (Procedure) Ordinance, Chapter 14, any fine and any proceeds of a seizure or forfeiture shall be paid to the Colonial Treasurer who shall place 10 per cent. thereof to the credit of the Revenue Defence Fund, the remainder being credited to revenue. Power is given to the Comptroller of Customs or Head of the Department concerned to make awards, with the Governor's approval, not exceeding half the net proceeds after 10 per cent. has been credited to the Fund. Section 192 of the Customs Ordinance, Chapter 33, provides that when any fine has been inflicted or seizure made by a Customs Officer or concerning a Customs Offence, if the Governor does not interpose to remit the fine, etc., the proceeds shall be paid into the Treasury and shall be disposed of as the Governor may direct—one-tenth or 10 per cent. thereof being credited to the Revenue Defence Fund.

3. After an investigation of the circumstances of these penalties and rewards it has been decided, with the approval of the Secre-

tary of State, that all fines, penalties or proceeds from sales of seized goods should be credited to revenue and that provision should be made annually in the Estimate of Expenditure for any rewards which may be considered necessary. It is proposed that the votes of the various Departments charged with the administration of particular sections of the work should bear individual allocation and that minor rewards within a maximum of \$25 should be made by the Head of Department concerned, but all cases involving new or unusual features should be submitted for the decision of the Governor. This new allocation will create an increase of \$2,200 on the draft Estimate of Expenditure for 1933 now before Council as follows:—

Head III. (b) District Administration Headquarters ...	\$	350
Head VII. Customs Department		350
Head VIII. Lands and Mines		300
Head XVI. Police ...		1,200

\$ 2,200

against which the additional receipts to be credited to Revenue under Head IV., Fees of Courts, etc., 1, Fines, will, it is estimated, amount to \$3,900. There will also be the further credit to Revenue under the Head "Extraordinary General Revenue Receipts" of the balance at credit of the Revenue Defence Fund at 31st December, 1932, which, it is estimated, will amount to \$8,400.

4. I accordingly invite the Council to approve of the necessary legislation being introduced to authorise the transfer of the Revenue Defence Fund to revenue and to provide that the total of all fines, penalties or proceeds of sales, etc., shall be paid thereafter into Colony Revenue—provision to be made in the annual Estimates for reward to officers as set out in the preceding paragraph.

EDWARD DENHAM,
Governor.

9th December, 1932.

PAPER LAID.

The following document was laid on the table:—

The Consolidated Half-yearly Return of Immigrants residing on Plantations and in Public Institutions in the Colony for the half-year ended 30th June, 1932—(*The Colonial Secretary*).

GOVERNMENT NOTICES.

THE COLONIAL SECRETARY (Mr. C. Douglas-Jones) gave notice that at the next meeting of the Council he would move that the Council do resolve itself into Committee of the whole Council to consider the schedule of additional provision required to meet expenditure in excess of the Estimate for the year 1932, for the period 1st July, 1932, to 30th September, 1932.

THE COLONIAL SECRETARY gave notice that at the next meeting of the Council he would ask leave to introduce and have read the first time "A Bill to repeal the A. Fawcett Pension Ordinance, 1932."

REVENUE DEFENCE FUND.

Mr. MILLARD gave notice of the following motion:—

THAT, with reference to Governor's Message No. 6 of the 9th of December, 1932, this Council approves of the transfer to general revenue of the balance at credit of the Revenue Defence Fund at 31st December, 1932, and of the introduction of the necessary amending legislation to authorise the transfer and to provide that thereafter the total of all fines, penalties, etc., for breaches of the revenue laws shall be paid into revenue—provision to be made in the annual estimates for rewards to officers concerned in such cases.

ORDER OF THE DAY.

DISTRICT ADMINISTRATION SCHEME.

Mr. CANNON, on behalf of Mr. ELEAZAR, asked the following questions:—

1. What is the amount of—

(a) Travelling expense and

(b) Subsistence allowances drawn by all officers of the District Administration Scheme, Berbice, from the District Commissioner downwards, who keep motor cars for the purpose of travelling on duty, showing the sums drawn separately by each officer month by month from the inception of the scheme to the end of October, 1932, and the number of miles covered by each officer?

2. Under what tariff or scale of allowances are these officers governed? Please give particulars and details showing the manner in which such payments are calculated.

3. Are there different scales of allowances or tariffs applying to different officers? If so, give particulars of same, and state what is the reason for this differentiation (if any) and who are the officers to whom these scales or tariffs respectively apply.

4. What are the amounts in detail drawn separately by each of the officers mentioned at:—

(1) Month by month as—

(a) Travelling and

(b) Subsistence allowances whether commuted or otherwise in their then respective position for the year immediately before their inclusion in the District Administration Scheme, Berbice, stating also what was the official status then of each officer.

Under what head or heads are the travelling expenses and allowances of the District Commissioner, Berbice, charged?

Is it true that a part of the expenses and allowances of the District Commissioner, Berbice, himself is charged against the Public Works Department? If so, give details thereof and reason for same.

What is the amount at present standing to the Credit of "Sub-Head": "Travelling expenses and subsistence allowances"—District Commissioner, Berbice?

Have instructions been issued to all District Commissioners that the trains should be used by them for travelling

purposes whenever possible and convenient?

State details of the total amount of official travelling by train done by the District Commissioners and staff for:

- (1) Berbice and
- (2) Demerara, since the inception of the District Administration Scheme.

THE COLONIAL SECRETARY replied as follows:—

1 (a).

	Mr. H. S. Whittaker, District Commissioner.		*Mr. L. R. Hill, 1st Class Officer.		Mr. C. H. Norton, Transferred in lieu of Mr. L. R. Hill.		*Mr. D. Harvey-Read, Assistant Commissary.		*Mr. A. McNicol, Assistant Commissary.	
	Miles.	Amount	Miles.	Amount	Miles.	Amount	Miles.	Amount	Miles.	Amount
January	598	\$ 66 02	312	\$ 40 96	...	...	430	\$ 50 10	286	\$ 36 90
February	658	69 02	242	37 10	...	...	467	52 60	257	37 85
March	647	70 51	...	...	162	\$ 17 70	373	45 84	350	44 00
April	594	67 76	...	...	336½	42 92	...	...	...	...
May	614	66 96	...	...	325	42 36	...	...	...	...
June	498	58 94	...	...	243	36 72	...	...	...	...
July	458	60 92	...	...	402	48 14	...	...	...	...
August	642	81 20	...	...	171½	33 57	...	...	...	...
September	886	74 30	...	...	475	53 25	...	...	...	...
October	683	68 23	...	...	585	59 28	...	...	...	...
	+6,288	\$683 86	554	\$ 78 06	2,701	\$333 94	1,270	\$148 54	893	\$118 75

*No longer in the Berbice District.

†Including ferry crossings.

	*Mr. W. Roberts, 2nd Class Officer.		Mr. F. R. Mittelholzer, 3rd Class Officer.		Mr. C. A. L. Mittelholzer, 4th Class Officer.		Mr. W. W. Nurse, 5th Class Clerk.			
	Miles.	Amount	Miles.	Amount	Miles.	Amount	Miles.	Amount		
January	341	\$ 43 23	...	...	...	...
February	591	59 55	67½	\$ 6 75	...	...
March	486	54 02	...	...	...	...
April	520	56 00	66	7 26	...	...
May	440	50 80	40	4 40	212	\$ 23 64		
June	337	42 96	361	39 71		
July	285	39 25	317	36 63		
August	288	39 40	206	22 66		
September	274	38 70	301	34 37		
October	499	54 93	281	30 91		
			2,378	\$263 65	1,856½	\$233 65	1,673	\$187 92	919	\$101 09

*On leave.

(b). Subsistence Allowance.

Mr. H. S. Whittaker, District Commissioner.

August ... \$ 8 64

Mr. F. R. Mittelholzer, 3rd Class Officer.

February \$ 3 79

March 8 44

Mr. W. W. Nurse, 5th Class Clerk.

February \$ 8 49

September 8 88

\$12 23

\$17 37

2. Messrs. L. R. Hill, D. Harvey-Read and A. McNicol were paid, and Messrs. H. S. Whittaker, C. H. Norton, W. Roberts, F. R. Mittelholzer are being paid commuted allowances on the rates shown in the following schedule:—

Mileage.	Rates per month.
100	\$ 30 00
200	35 00
250	37 50
300	40 00

Mileage.	Rates per month.
400	\$ 48 00
500	55 00
600	60 00

Messrs. C. A. L. Mittelholzer and W. W. Nurse are paid at the rate of 11c. per mile.

3. Yes. (See answer to 2). Under the Travelling and Subsistence Regulations, 1930, officers who when duly authorised, use their motor cars for occasional travelling on duty are reimbursed at the rate of 11c. per mile. When

this vote was fixed for the 4th and 5th Class Officers it was anticipated that the mileage run by them on duty would be inconsiderable and would not reach the minimum of the scale for monthly commuted allowances.

4. The officers concerned are—

Mr. H. S. Whittaker, Executive Engineer.

Mr. F. R. Mittelholzer, 3rd Class Officer.

Mr. W. W. Nurse, 5th Class Clerk.

For details please see statements A., B. and C. respectively hereunder—

(A.)

Month.	Mile- age.	Trav- elling.	Actual.	Subsist- ence.
January	1,167	\$ 88 35	\$ 5 88	...
February	1,003	80 15	3 92	...
March	1,016	80 80	5 88	\$ 3 75
April	830	71 50	3 84	...
May	1,132	86 60	11 92	...
June	651	62 70	6 12	...
July	745	67 25	4 08	...
August	652	62 60	...	...
September	785	69 25	5 84	...
October	731	66 55	8 16	...
November	475	53 25	8 16	...
December	584	59 20	6 12	4 16
	9,774	\$848 20	\$ 69 92	\$ 7 91

(B.)

	Mile- age.	Actual Travel- ling.	Subsist- ence.	Total.
January	...	...	\$ 5 21	\$ 5 21
February	...	...	...	...
March	...	...	...	...
April	...	...	13 33	13 33
May	...	...	4 37	10 09
June	48	\$ 5 28	5 42	10 70
July	52	5 72	4 37	10 09
August	...	...	5 31	5 31
September	...	...	2 60	2 60
October	23	2 53	2 53	2 53
November	102	11 22	5 94	17 16
December	...	...	8 12	8 12
	225	\$ 24 75	\$ 50 30	\$ 75 05

(C.)

Month.	Subsist- ence Allowance	Actual Travel- ling.	Total.
January	...	...	...
February	\$ 3 54	\$ 4 60	\$ 8 14
March	3 96	7 44	11 40
April	...	...	...
May	...	10 92	10 92
June	...	...	...
July	3 54	5 24	8 78
August	...	...	...
September	...	10 92	10 92
October	3 75	16 44	20 19
November	...	4 20	4 20
December	...	15 96	15 96
Total	\$ 14 79	\$ 75 72	\$ 90 51

Travelling Expenses and Subsistence Allowance of the District Commissioner are charged to Head XLIV.—Public Works Department, sub-head 3.—Travelling and Subsistence Allowance.

All expenses are charged as above. The details are at Statement A.

The reason why expenses are charged to Public Works Department is that the District Commissioner is the Executive Engineer of that Department.

The amount at credit of the sub-head 2—Berbice Travelling and Subsistence Allowance is \$174.11.

There are general circular instructions with regard to officers using the trains, but owing to the many and varied duties of the senior officers in District Administration entailing numerous visits in their districts, it is not possible for them to avail themselves of the use of the trains to any extent.

The details of official travelling by trains are as follows:—

Berbice—4 passes—Rosignol to Lichfield and return and Rosignol to Bush Lot and return.

Demerara—37 passes—Enmore or Belfield to Georgetown and return.

REALISATION OF INVESTMENTS.

Mr. MILLARD: Sir, pursuant to notice I beg to move the following motion:—

THAT, with reference to Governor's Message No. 5 of the 8th December, 1932, this Council approves of the realisation of the investments and the transfer of the proceeds to Revenue of the following Funds:—

- Colonial Steamers Replacement Fund
- Colonial Steamer Service Depreciation Fund.
- Railway Renewals Reserve Fund.
- Post Office Savings Bank Depreciation Fund.
- 5 per cent. Loan Stamp Duty Account.

The character of these Funds and the circumstances of the transfer are set out in the Message on which the motion is based. Hon. Members will recollect that His Excellency in his speech at the opening of this session of the Council intimated that he proposed to transfer the proceeds of these Funds to meet the deficit for the coming year. Later, during the discussion on the Budget for 1933, this proposal was agreed to be discussed, and in reply to the hon. Member for Demerara River I explained the circumstances of the first three Funds and the character of the other two. In taking a definite motion on this matter it may be well to recapitulate some of the points. The first three Funds—the Colonial Steamers Replacement Fund, the Colonial Steamer Service Depreciation Fund and

the Railway Renewals Reserve Fund—were built up by contributions included in the estimates of the Transport Department, as it was then. Also in connection with the Colonial Steamers Replacement Fund provision was made on a depreciation basis for the purchase of new steamers, and when the “Tarpon” was purchased the whole charge was borne by this Replacement Fund. These contributions were discontinued in 1928, therefore the retention of these Funds which are not required by statute but have been provided from revenue, does suggest fatuity, in that they do not represent adequate provision for the services required. With the appropriation of these Funds arose the question of the obligation that falls on them, and it was undertaken by the Secretary of State, with the approval of the Imperial Treasury, that whenever it is necessary to provide expenditure to be charged to these Funds that expenditure should be included in the annual Budget and assistance to the Colony in meeting the Budget will be assured in so far as these Funds are concerned.

The Post Office Savings Bank Depreciation Fund is also a Fund not required by statute but was granted by a contribution from revenue. In the Budget for 1921–24, inclusive, \$15,000 was appropriated from general revenue to create this Depreciation Fund. The modern procedure generally is to provide for such Funds, where Government has the liability for appreciation or depreciation of the investments, in the annual Budget on the basis of the mean market value ruling on the last day of the year. The 5 per cent. Loan Stamp Duty Account was created on the advice of the Crown Agents, in view of the liability of the Colony under the 1929 loan, to meet the cost of transfers of stock. On further discussion with the Crown Agents it was decided that there is no particular virtue in the retention of this Fund, and it is now proposed that it should be brought into general revenue and that the revenue shall bear year by year the cost of transfers of stock under the 1929 loan. All the Council is asked to do is to approve of these Funds being realised and the pro-

ceeds brought to account of revenue. The Funds listed in this motion are estimated by the Crown Agents to produce \$406,080 and I think that estimate can be accepted as approximately correct.

Professor DASH seconded.

Motion agreed to.

ANNUAL ESTIMATES.

DEPARTMENT OF AGRICULTURE.

The Council resolved itself into Committee and resumed consideration of the draft Estimates of expenditure to be defrayed from revenue for the year 1933 under the head “Department of Agriculture.”

THE CHAIRMAN: I understand that the hon. Member for Georgetown North intended to raise some question on this head of the Estimates.

Mr. CANNON: I find that the answers to the question do not assist me, therefore I do not intend to pursue the question.

THE CHAIRMAN: I am sure the Director of Agriculture will be only too glad to elucidate any further point on the question.

Mr. BRASSINGTON: I should like to hear something about the Bush Lot Scheme.

THE CHAIRMAN: I think the Director of Agriculture would welcome an opportunity to give any information with respect to the scheme. Unless there is any particular point that the hon. Member wishes to raise, discussion of questions with regard to Anna Regina may be considered later in the session.

The various items were dealt with and agreed to without discussion.

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