LEGISLATIVE COUNCIL.

Tuesday, 31st May, 1938.

The Council met at 11 a.m. pursuant to adjournment, His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, (Acting) (Major W. Bain Gray, C.B.E.).

The Hon. the Attorney-General, (Mr. J. H. B. Nihill, K.C., M.C.).

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

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

The E. A. Luckhoo, O.B.E., (Eastern ce).

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

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

The Hon. F. J. Seaford, O.B.E., (Georgetown North).

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

The Hon. M. B. Laing, Commissioner, of Labour and Local Government.

The Hon. G. O. Case, Director of Public Works and Sea Defences.

The Hon. B. N. V. Wase-Bailey, Surgeon-General (Acting).

The Hon. B. R. Wood, Conservator of Forests.

The Hon. F. O. Richards, Comptroller of Customs (Acting).

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

The Hon. J. Eleazar (Berbice River).

The Hon. Peer Bacchus (Western Berbice).

The Hon. E. M. Walcott (No inated Unofficial Member).

The Hon. H. C. Humphrys, K.C., (Eastern Demerara).

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

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

The Hon. T. Lee (Essequebo River).

The Hon. S. H. Seymour (Western Essequebo).

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

The Hon. F. A. Mackey (Nominated Unofficial Member).

MINUTES.

The minutes of the meeting of the Council held on the 27th May, as printed and circulated, were confirmed.

REPORTED DISTURBANCES IN BRITISH GUIANA.

THE PRESIDENT: Hon. members may have noticed in the Press this morning a statement that I had been called upon to deny a report that disturbances had broken out here, and they may naturally want to know in what circumstances that denial was called for. I received a telegram on Saturday from the Colonial Office enquiring whether there was any truth in a Press Report in London, apparently emanating from British Guiana, that disturbances had broken out on estates here. I telegraphed at once stating that there was no truth in the report, and I was able to assure the Secretary of State that any temporary interruption of work that had occurred had been settled in a perfectly orderly manner. I do not know what degree of publicity that report has obtained, or the source of it, but I am sure that hon. members will agree that it was very regrettable that the good name of the Colony should suffer, even temporarily, from the publication of a false report of that kind. I shall have enquiry made into the origin of it.

PAPER LAID.

The following document was laid on the table :—

Appropriation Accounts for the year 1937.

CO-OPERATIVE CREDIT BANKS (AMENDMENT) BILL, 1938.

The Council resolved itself into Committee and resumed consideration of "A Bill intituled An Ordinance to amend the Co-operative Credit Banks Ordinance, 1933, in certain particulars."

THE ATTORNEY GENERAL (Mr. Nihill): When the Committee adjourned last week clause 3 of the Bill had been reached and the Committee was informed that during the week-end a meeting would be held between those interested in the clause to see whether any formula could be introduced which would meet some of the objections which were raised when the Bill was under consideration by the Committee. A conference was held on Saturday and attended by representatives of the Banks and the hon. member for Essequebo River (Mr. Lee) who I am sorry to hear is engaged in another place this morning and cannot be here. As the result of our deliberations on Saturday we came to the unanimous decision that we should recommend to the Committee that the clause should be left as originally drafted. The Council has already shown, by giving this Bill its second reading, that it approves the principle of this amending Bill, that principle being, of course, that the position which the Co-operative Credit Banks held prior to 1936 should be restored. I should like to correct the impression which I may have given, quite inadvertently, during the second reading of the Bill, that the Deeds Registry Ordinance of 1936 took away in substantial terms the preferent right which the Banks enjoyed during the period 1924–1936. The matter, of course, is not nearly as simple as that. There is nothing in the Deeds Registry Ordinance of 1936 which specifically took away the preferent right enjoyed by the Co-operative Credit Banks. In fact the preferent right still obtains by reason of section 18 of the Co-operative Credit Banks Ordinance of 1933, but the effect of the Deeds Registry (Amendment) Ordinance of 1936 was that there was a certain section (14) which dealt *inter alia* with the procedure to be carried out at sales at execution, and that section, read with another section of the same Ordinance, did have the effect, not of taking away the preferent right but of making it impossible, except in very limited circumstances, for the Banks to exercise that right at a sale at execution. The effect of that particular section was not known for some time after the Ordinance of 1936 had been enacted. The Banks went on lending money in the *bona fide* belief that they were in exactly the same position as before, and it was only at the beginning of 1937, following a decision by the Registrar in a certain matter, that the Banks and the general public realised that the position had been altered.

Since that decision in the first month of 1937 the Banks have been asking Government to restore them to the position which they held prior to the enactment of the Deed Registry (Amendment) Ordinance of 1936. The position is that since that Ordinance was enacted and up to the present time a large sum of money has been advanced by the Banks to small holders. I think the figure is between $50,000 and $60,000, and it is the considered opinion of those responsible for the supervision of those Banks that, unless this Bill goes through in the way it is drafted, a considerable portion of that money would be placed in jeopardy. Of that sum of money half is Government money and the other half belongs to the members of the Banks, and I think the Committee will realise that there is a considerable issue at stake, and if the Committee wishes to preserve the Banks as they were before 1936 it is really incumbent on it to accept this clause as originally drafted.

I do not think it can be said that any private money-lender will be prejudiced by the enactment of this clause, because it is almost inconceivable that there was any private money lender who, under the mistaken belief in the effect of the 1936 Ordinance, was induced to lend money to small holders in the villages. The hon. member for Essequebo River (Mr. Lee) who led the objection to this clause, is now fully in agreement with the clause as it stands, and if he were here I know he would not mind my telling the Committee that he would withdraw his objection to the clause. I therefore move that the clause stand as printed.

Mr. ELEAZAR: I cannot appreciate the kind of argument which has been adduced, and less so the suggestion that because the hon. member for Essequebo River made an objection and is not here,

or comes afterwards and turns tail, the clause is good. A similar clause in the original Bill was strongly objected to, but it was thought that we should not leap before we reached the stile. Now that it has been in operation for some time the evils one saw at that time have more than presented themselves. Most of the debts due to the Banks are from 6 to 9 years old, but if a private individual allows a promissory note to remain unpaid for six years it becomes prescribed. Some clients of the Banks pay neither capital nor interest on their loans, the Banks being satisfied to wait until some other creditor comes along and gets judgment against the borrower, whereupon they exercise their preferent claim to the proceeds of the judgment. The Banks would not collect their money because Government helps them to neglect their duty to the detriment of other people. Cases of that kind have occurred over and over again. What right has Government money, lent for six months, to remain uncollected for six years? When there is a serious matter before the Council the hon. member for Essequebo River (Mr. Lee) says he is going to Essequebo and cannot attend. When Government's advisers recommend anything it is made law, however objectionable it is. I do not suggest that they do so deliberately, but very often they have no experience. I do not know whether Government intends to make this clause retrospective before 1936.

Mr. WOOLFORD: I would like to correct an impression which seems to exist in the hon. member's mind. He is urging as an objection to the passing of this amendment, that there may be in the possession of the Banks promissory notes the collection of which has been postponed for some considerable time, and he said there were cases of notes being held over for six years, and therefore this amendment is a hindrance and would create hardship on those people whose notes are overdue. If the Banks have postponed collection of those debts for so many years it is to be presumed that they have done so in the interest of the borrowers. We must assume that borrowers in small communities, who are given assistance by the Co-operative Credit Banks, have had no other means of borrowing money except from the Banks themselves, on the security of the signatures of their friends. It comes to this: that the Banks must either pursue the borrowers and collect those amounts, or they must be given protection for having waited so long.

I can see that there may be hardship in the case of a man who has lent money between the passing of the amendment to the Deeds Registry Ordinance and this measure, but it must be borne in mind that these Banks usually advance small amounts. I believe I am correct in saying that they cannot advance more than $200. Is there any merchant trader who can say that having advanced a borrower a considerable sum of money, if he seeks to recover his loan and levies on his property, he would be met with the hindrance of this amendment? Surely the merchants of the Colony and other lenders know that if a man approaches them for a loan the first enquiry made is whether he has any property, and if he has, whether it is held by transport. Production of that transport will either show that the property is clear of the ordinary mortgage or it is not, because I think 99 per cent. of transports are endorsed with encumbrances. If there is an omission somewhere, enquiry at the Registrar's office would ascertain what amout is owing on the property. If a man preduces a transport that is not endorsed it is presumed that he does not owe any money on the property itself, and therefore the statutory lien can never amount to more than $200 at the outside. The only risk is that there may be a possible claim by the Bank of $200.

On the other hand let us look at the position of the Banks and the people whom they are intended to benefit. Is there anyone in this community who would be a subscriber to a Co-operative Credit Bank in which Government did not furnish protection of their money? I doubt it very much, and if these Banks, which are merely nurseries for future agricultural institutions, are to exist and Government is to be made from time to time to assume obligation in the shape of financial assistance, it is imperative that Government and public funds should be protected by an amendment of this kind.

Mr. ELEAZAR: Is the hon. member seriously saying that when people in the country districts ask their friends for loans they are going to ask them whether they

owe the Credit Banks? A man who wants help goes to a friend at night with his wife and perhaps weeps in order to get a loan. What time has the lender to find out whether he owes the Bank? My contention is not so much that a Bank should not get its money back, but that it should not hold a note as long as it likes on the security that it can collect it at any time. Is it to be presumed that nobody will lend a man money because he owes somebody else? When this clause was originally enacted there was a tremendous debate in this Council, but it was said that the Banks must be able to collect their money. It was never imagined that the Banks would have been so dilatory. Government has passed several bits of bad law on those presumptions.

Mr. PEER BACCHUS: Prior to the inauguration of the Co-operative Credit Banks rice farmers and small holders were assisted financially by private individuals. When these Banks came into operation in 1924 and were given a preferent claim it created a great hardship on private individuals who had lent money and were left in the cold. Another difficulty is this: that a farmer who is indebted to a private individual who advanced him money when there were no Banks, now goes to the Bank and creates a new debt, and the private creditor is debarred from getting the fruits of his judgment because the Bank has a prior claim. If the Banks were exercising more care in granting loans they would see that the questions in the application forms are answered truthfully. The Banks do not take the trouble to validate the statements of borrowers as to whether they are indebted to anyone else. If the amendment was made retrospective it would be easily evaded. I would therefore ask the hon. member for Berbice River (Mr. Eleazar) not to press his amendment.

Mr. JACOB: I was one of those who supported the opposition to this clause last week, but after the conference between the hon. member for Essequebo River (Mr. Lee) and the Attorney-General we had a conversation over the matter and I am convinced and fully satisfied that greater hardship will be created if the amendment is not passed as worded in the Bill. I will concede that there will be hardships on both sides, but greater hardship would be experienced by those persons who have put their money into these Banks if the borrowers fail to meet their obligations. What I think has escaped the attention of the hon. member for Berbice River and the hon. member for Western Berbice (Mr. Peer Bacchus) is the fact that Government has a preferent claim on the money invested by the Banks, and the shareholders would be severely hit.

The remarks made by my friend the hon. member for Berbice River (Mr. Eleazar) were not quite fair. He has made very unfair comment on the absence of the hon. member for Essequebo River (Mr. Lee), and if he had been here I would have said nothing about it. I do not think it is fair for one member to make such comments about another, especially in his absence. The hon. member is absent through being ill, and I think he has some prior engagement. (laughter).

Mr. ELEAZAR: I regret that I have to tell the hon. member "Physician, heal thyself." I said that the hon. member for Essequebo River is not here to with draw his opposition, and the amendment should be deleted. If the hon. member does not understand, it is not my fault. I can only find words, I cannot find brains. If I ask for a Committee to enquire into these things it would only hang up the matter for a very long time. The idea of the Banks was to lend money to *bona fide* farmers to assist them, and it is the duty of the Banks to see that a farmer has crops to warrant the amount of the loan. I was told by a rumshop keeper, who is now dead, that on Mondays when loans were given by the Banks he sold three times as much rum as he ordinarily did. The money advanced by the Banks is not spent where it is intended, and that is because the members of the Banks Committee do not go around to see where the money is going. Is it any wonder that loans are not collected for six years?

Mr. SEYMOUR: I see no danger whatever in this amendment. I have had little to do with lending money and borrowing money. I blame Government indirectly, and possibly directly, in regard to the operations of these Loan Banks. They are not Loan Banks or Agricultural Banks; they are commercial banks. They have

lost all the factors for which they were inaugurated—for the assistance of farmers. That is where they have got into difficulties. They have not confined their operations to agriculture, which was the primary object. There has been remissness and slackness in their investigations. There should be co-operation between the Banks and the proprietors.

I would like the Attorney-General to clarify one point. There are other forms of security to the money-lender. I understand that if I advance money for agriculture I have a preferent lien on the crop. I was told by the late Attorney-General that there was such a law. I would like to know whether our friends, the Loan Banks, can seize the padi? I would also like to know if I had cattle agisted on my land and the owners owed me $115 for agistment, the Loan Banks could take the cattle away on the strength of a preferent lien? I need protection just as well as Government.

THE ATTORNEY-GENERAL: The hon. member for Western Essequebo (Mr. Seymour) has asked me for a little legal advice and has raised a number of points which, I am sure, are of substantial interest to himself. I think perhaps I had better not delay the work of this Committee by a too close examination of the various questions which the hon. member has put to me, but in another place and at another time I should be very pleased to confer with the hon. member and to work out, if I can, some hypothetical answers to his hypothetical questions. (laughter). I think we had better leave the hon. member's questions there at this stage.

There was just one point which was touched by the hon. member for Western Berbice (Mr. Peer Bacchus), on the difficulty which the private money-lender may find in discovering whether certain small holders are indebted to these Banks. I appreciate that, of course, in the Principal Ordinance there is nothing definite, so far as I can see, which would prevent a money-lender obtaining any information from a Bank, but of course it would be contrary to ordinary banking custom for the manager of any particular branch to give away information of that character to an enquirer. Of course a case might be made out that considering that these Banks are put in a special position by statute, information of that character might be supplied to *bona fide* enquirers. There is provision in the Principal Ordinance, section 38, for rules governing the procedure of the Banks to be made by the Governor in Council, and I am quite sure if Government were asked to consider the desirability of making a rule of that kind as general administrative instructions to the Banks, the matter would receive very careful consideration by Government. The matter would have to be examined because I am sure a good deal can be said on both sides. But if it is found on examination that a rule of that kind can be introduced without harm, there is procedure under the Principal Ordinance for the enactment of such a rule.

I would not like to say anything more which might induce the hon. member for Berbice River (Mr. Eleazar) to make another speech, but I may say that I am not a little surprised at the attitude taken by the hon. member with regard to this Bill, because it merely restores to the Co-operative Credit Banks the position which this Legislature gave them for a number of years, and because it wished to encourage thrift in the villages, to encourage co-operation among small holders, and to save those people from unscrupulous money-lenders. I do not suggest that all money-lenders are unscrupulous, but anyone who has knowledge of village conditions knows that there are times when small holders get into serious difficulties. It is time that villagers be taught the value of co-operation, and Government should keep a watchful eye on the administration of these Banks in order that they should be a success.

Clause 3 put, and agreed to.

The Council resumed.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read a third time and passed.

PATENTS AND DESIGNS (AMENDMENT) BILL, 1938.

THE ATTORNEY-GENERAL: I beg to move that "A Bill intituled An Ordinance to amend the Patents and Designs Ordinance, 1937, (No. 9), in certain particulars," be read the second time. This

is a very short Bill, and it is the outcome of a review of the Principal Ordinance which this Council passed at the last session. It will be remembered that at the last session the law relating to patents in this Colony was consolidated and brought up-to-date upon the model of the Imperial enactment. This Bill merely introduces, with two exceptions, some drafting amendments which have been suggested by the Secretary of State and the Board of Trade in their detailed review of the consolidated Ordinance. Clauses 2, 3, 5 and 7 of this Bill represent drafting improvements, and I do not think I need delay the Council with a detailed examination of those clauses. Clause 4 extends the principle laid down in section 53 of the Principal Ordinance, *viz.*, that a patent is not infringed if it is used on board a United Kingdom or foreign vessel coming to this Colony temporarily or accidentally, where corresponding rights are enjoyed by British Guiana's vessels when visiting a State in which such foreign vessel is registered. Clause 4 extends that principle to vessels belonging to any other part of His Majesty's Dominions besides the United Kingdom, at the discretion of the Governor.

Clause 5 of the Bill makes prior registration of a design in the United Kingdom a ground for cancellation of a design locally. Ther ' nothingnew in the principle of that amendment, because by section 76 of the Principal Ordinance protection is given to United Kingdom registered designs. That is to say, designs registered in the United Kingdom are extended automatically to this Colony, and really the amendment could be said to be consequential on the principle laid down in section 76. I move that the Bill be read the second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—Amendment of section 2 of Principal Ordinance.

THE ATTORNEY-GENERAL: I move that the amendment on the Order Paper be substituted for clause 2 as follows :—

> 2. Section two of the Principal Ordinance is hereby amended by substituting the following definitions for the definitions of the like expressions found therein—
>
> "His Majesty's dominions outside the United Kingdom" includes the British protectorates and protected states and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.
>
> "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland."

The reason for this amendment is that it has been pointed out by the Secretary of State since this Bill was published, that for patent purposes it is necessary to take the Channel Islands and the Isle of Man out of the United Kingdom, and the effect of this amendment is to take those Islands out of the definition of the United Kingdom and put them into His Majesty's Dominions outside the United Kingdom.

Amendment put, and agreed to.

The Council resumed.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed.

SUPPLEMENTARY APPROPRIATION (1937) BILL.

Mr. McDAVID (Colonial Treasurer): I beg to move that "A Bill intituled An Ordinance to allow and confirm certain additional expenditure incurred in the year ended thirty-first day of December, 1937," be read the second time. I invite the attention of hon. members to the Appropriation Accounts for 1937 laid this morning. Those accounts set out the details of the whole of the expenditure for 1937 under the various heads and subheads. This Bill is to allow and confirm the expenditure which has been incurred over and above that authorised by the Appropriation Loan of 1937. The heads of expenditure are set out in the schedule attached to the Bill. All of these excesses have already been approved by the Council in the Schedule of Additional Provision

passed for the year. I move that the Bill be read the second time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed.

PENSIONS (AMENDMENT) BILL, 1938.

Mr. McDAVID: I move that "A Bill intituled An Ordinance to amend the Pensions Ordinance, 1933, to allow further time in special circumstances for the exercise of an option by public officers for a gratuity with reduced pension," be read the second time. As hon. members are aware, the Pensions Ordinance, 1933, allows public officers the privilege of exercising an option to take in lieu of pension a reduced pension with a lump sum gratuity. The time prescribed in the Ordinance for the exercise of that option is rather ingeniously set out in this form: "not later than one month after the earliest date on which, if retired on grounds of ill-health, he might be awarded a pension under this Ordinance." Generally, that means after the officer has had 10 years pensionable service, but since in calculating 10 years pensionable service there may be taken into account periods of non-pensionable, or proportions of non-pensionable service, it is always rather difficult for any officer to arrive by himself at the precise time when the period expires. It is even more difficult for an officer transferred from outside the Colony, because in that case the character of his pensionable service in other Colonies must be taken into account, and also because he must serve for at least one year in the Colony before he becomes pensionable at all. So it has happened that a number of officers, both locally appointed and transferred from other Colonies, have missed the time when they could properly exercise this option. The Bill seeks to give the Governor discretion to allow, in any case where it appears to him equitable to do so, further time within which an officer may exercise his option. I need hardly add that this involves no additional expenditure on Government. It is merely provision to allow discretion in those cases where an officer has missed the time for exercising the option. I move that the Bill be read the second time.

Mr. AUSTIN seconded.

Mr. ELEAZAR: It is the proper thing for Government to do, but what strikes me as peculiar is that there are many anomalies in the Ordinance which Government has promised to remedy from time to time, and now that Government is about to make this amendment it should have been somebody's business to draw the Attorney-General's attention to those anomalies. I think some objectionable words appear in section 17 of the Ordinance, and when I mentioned the matter in this Council the Colonial Treasurer said he also thought it should be amended, but nothing has been done. The Ordinance should be brought as nearly up-to date as possible.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself i to Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed.

FISCAL DISTRICTS (SUBSTITUTION) BILL, 1938.

Mr. LAING (Commissioner of Labour and Local Government): I beg to move that "A Bill intituled An Ordinance to provide for the substitution of Districts proclaimed under the District Government Ordinance, Chapter 85, in place of Fiscal Districts," be read the second time. Under section 9 of the Local Government

Ordinance, Chapter 84, it is provided that "Each fiscal district established under the Commissary Department Ordinance, exclusive of those portions thereof which form urban sanitary, village, country or port sanitary districts, and exclusive of all plantations therein, shall, subject to the provisions hereinafter contained, be a rural sanitary district, and the Board shall be the rural sanitary authority thereof." The Local Government Board is the local authority in those areas. Under the Public Health Ordinance a rural sanitary district is also referred to, and the Central Board of Health has sanitary control over the sanitary authorities. It is necessary, therefore, to substitute Administration District for Fiscal District, which was abolished by the District Administration Transfer of Duties Ordinance, 1937. I move that the Bill be read the second time.

Mr. WOOD (Conservator of Forests) seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read the third time and passed.

PUBLIC HEALTH (AMENDMENT) BILL, 1938.

Dr. WASE-BAILEY (Surgeon-General): I beg to move the second reading of "A Bill intituled An Ordinance to amend the Public Health Ordinance, 1934 (No. 15 of 1934), in certain particulars." The primary object in introducing this Bill may be said to be upon economic grounds rather than upon public health grounds. Part XII. of the Public Health Ordinance is concerned with buildings, and the laying out of land for building purposes. There are certain extensive areas in village, country or rural districts, which are not properly drained. Unfortunately the finances of certain local sanitary authorities do not permit of sufficient works being carried out to improve the main drainage of portions, if not the whole of their villages, and because of that certain of those areas are more or less permanently in a swampy condition, or even flooded throughout portions of the year. Those areas include portions of the districts which have been occupied by dwelling houses and other buildings for several generations and yet are improper and unsuitable to be laid out for building purposes. I think the Council will agree that it would be improper for the Central Board of Health to set its seal and signature to applications for such lands to be laid out as suitable for building purposes.

Section 135 of the Public Health Ordinance demands that land to be laid out for building purposes must comply with three main factors. The first is that the lots must be paaled, secondly, the drainage must be put in order and third, proper means of access must be available to each lot. I submit that it is not proper for the Central Board of Health, in dealing with any applications from such flooded areas, to agree that such land is suitable for building purposes. Nevertheless, it has been felt that it is unfair, or would be unfair to turn down applications for the laying out of land for building purposes indefinitely in areas where we know that the local sanitary authorities cannot improve it on financial grounds, and in order to correct the position legally this Bill is being introduced. The Bill enables the Governor in Council, upon publication in the *Gazette*, to exclude certain of those areas from having to carry out the provisions of sections 135 to 143. It enables those people who have lived in certain areas for generations, to continue to repair their buildings and keep their dwelling houses in reasonable order, even though that land has not been laid out for building purposes in accordance with section 135. I do not feel that there will be any opposition by hon. members to this humanitarian action. It is not in any sense a lowering of the status of the Central Board of Health. I move that the Bill be read the second time.

Mr. CASE seconded.

Mr. ELEAZAR: I have the greatest possible pleasure to second the motion. (laughter). Government has taken the

credit for being so kind to those people, but Your Excellency does not know that this was forced upon Government. When those objectionable clauses were being enacted Government's attention was drawn to the fact that it was impossible for some areas to comply with the provisions. Now that Government has seen that they are impracticable Government has decided not to kick against the pricks. I have the greatest pleasure into supporting the Bill.

Mr. JACOB: I rise to support what has been said by the hon. member for Berbice River (Mr. Eleazar). On the 16th November last year, when the Estimates were being considered, my hon. friend referred to the Public Health Bill as class legislation. I have the report of the debate here. In my remarks on the working of the Ordinance I pointed out that although provision had been made for twelve members of the Central Board of Health, there were only eleven, and I pleaded that the vacancy should be filled. I suggested too that the Ordinance was not working properly and that it was creating severe hardships, particularly on certain sections of the community, although Government had promised when the Bill was introduced four years before, that if any hardships were created something would be done. I am glad to see that Government has now seen the necessity of making these amendments. Severe hardships will still be created, and I am asking that further amendments be made as early as possible. Section 3 (2) of the Ordinance provides:—

> (2) The Board shall consist of the Surgeon-General who shall be Chairman of the Board, the Mayor of Georgetown and the Mayor of New Amsterdam, and of members appointed by the Governor as under:—
>
> (*a*) Two elected members of the Legislative Council.
>
> (*b*) One nominated unofficial member of the Legislative Council;
>
> (*c*) Not more than six other persons of whom one shall be a member of the Georgetown Town Council and one a representative of the British Guiana Sugar Producers Association to be selected from names submitted by those bodies.

I am submitting with all confidence that this section needs amendment. The name of the British Guiana Sugar Producers Association should be removed from the Ordinance. No one can take exception to the inclusion of the Georgetown and New Amsterdam Town Councils. They are corporate bodies the members of which are elected by popular vote. I do not know whether the Association I refer to is a corporate body, or whether its members are elected by popular vote. This Council represents the whole community and is composed of elected and nominated members. I think it is double if not treble representation for the Association to be represented on such an important body as the Central Board of Health, and I am submitting with all confidence that Government should remove the name of the Association from the Ordinance as promptly as possible. It is class legislation, and if a survey was made of the whole Colony to see the conditions under which certain people live, and especially how the Ordinance is being worked, I do not think it would be desirable to have the representation which is at present on the Board. I am not going to give any details of what I am saying. I leave it to Government to enquire into the matter, and I am sure that if Government enquires in the right and ordinary way it will be perfectly satisfied that my criticisms are justified.

I observe that there is an amendment in this Bill to change the quorum of the Board from six to five members. I cannot understand why on a Board consisting of twelve members the quorum should be less than six. Is it because certain members are ornaments and do not attend the meetings? In the Civil Service List for 1938 I observe the names of two doctors, in addition to the Surgeon-General, among the members of the Board. I am not going to comment on the personnel of the Board. The majority of the Boards in this Colony are what I might call packed Boards. The names of certain people appear all the time. Maybe they adorn those Boards, and their names adorn the books of Government, but these are difficult times, and in the interest of all concerned I suggest to Government that serious investigation be made. I have been requested to ask that a Commission be appointed to enquire into the working of this Central Board of Health, but I do not think it would be proper at this juncture to do so. I would urge Government to appoint Commissions instead of Committees in future, so that persons can give evidence on oath when enquiries are being held.

Urgent matters and matters of great importance are withheld, and statements are made at Committees which should not be made, and yet we are told that the Committee is enquiring. Some of these Boards should be purged and thoroughly investigated, and then we will see some hope of progress. I think Government should be congratulated on the amendments proposed, even at this late stage, and I trust it will do something more in the near future.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committe to consider the Bill clause by clause.

Mr. WOOLFORD: I should like the Surgeon-General to tell us how he proposes to deal with pending applications before the Central Board of Health. There are a number of applications in respect of dwellings which require alteration or improvement, which have been either postponed or declined, and I think there is a pending prosecution. If the Central Board is going to be vested with authority to deal with these applications we will either have to notify applicants to proceed with their buildings, or advise them to approach the Governor in Council. The difficulty about this amendment is that it does not apply to individual applications. It only applies to areas which cannot be dealt with sanitarily. The Bill provides that those areas may apply and get relief. Does it give power to an individual who wishes his building improved? What has happened in practice is that a man makes an application to the Central Board of Health to substitute for a troolie roof a galvanized roof, to add a kitchen or to provide additional accommodation. He is declined permission because of the existence of section 136 of the Ordinance. I have always contended that that section is not retrospective, and prosecutions have been instituted. How is it proposed to remedy that? I would like to think that a person living in an area can make an application to the Governor in Council, and that body would extend the benefit of this amendment to that individual, unsupported by an application from the area. Unless that is intended, all those evils which the hon. member for Berbice River (Mr. Eleazar) imagines will be disposed of by this Bill will not be removed at all, and before the end of the day he will realise that he should not have congratulated the mover at all.

Mr. ELEAZAR: I congratulated the mover on having the temerity to tell Government that it is impracticable. I certainly think that the Bill was intended to apply to areas *in futuro*. A man was told he could not repair his house; he must take it down and rebuild it because the land was not laid out for building purposes. He repaired it and was prosecuted and reprimanded by the Magistrate. The law was never intended to apply to those long-standing areas, and if the Surgeon-General does not object, I think section 136(4) might be amended to apply to buildings *in futuro*.

Mr. LUCKHOO: I would like to support the argument of the hon. member for New Amsterdam (Mr. Woolford). I think that section requires further revision. Many prosecutions have been brought with respect to repairs done to existing buildings. Recently a man was charged with adding a kitchen to his house. I appeared for him and he was reprimanded and discharged. There has been a great deal of discontent among people living in villages and outlying areas. They are not permitted to build unless the land is laid out for building purposes. A person who has transport should not be prevented from building on a particular area if he is in a position to carry out the sanitary arrangements. Why should he go to the further trouble of having the particular area partitioned in order to comply with the Public Health Ordinance? It is well that this exemption has been made, but it only refers to areas and not to individual applications. Hon. members seem to have missed the effect of this amendment, which will not meet the case of existing buildings.

Mr. KING: Section 136 of the Ordinance distinctly states that no building shall be erected without the previous approval in writing of the local sanitary authority. A man is entitled to keep his building in repair, and as I read the section I do not see that it is compulsory for a man to obtain permission to repair his building.

The Committee adjourned until 2 p.m. for the luncheon recess.

2 p.m.—

Messrs. LEE and WALCOTT were present.

Mr. ELEAZAR: Your Excellency, I doubt whether Government will not permit the amendment to this clause in order to make it more definite. I understand from the acting Surgeon General that what he is referring to here has some reference more or less to certain specific areas and does not take in some of the districts most affected. In other words there are some districts where this section 136 of the Principal Ordinance is known to operate in a way adversely—very adversely indeed—and has provoked great dissatisfaction. It must do so because, for example, where a man owns by transport a lot of land two roods in width in a recognised settlement area, long established but not sufficiently large to be a Village District, under this clause he is supposed not to erect a building on that lot without leaving six feet on each side, and therefore it means that he only has 12 feet width of land to build on, and is not permitted to erect a building thereon unless he sends a plan showing that the building will not encroach upon any more of that remaining 12 feet. That is all the land the man has, and if the building is to be a new one he may be able to make the dimensions so as not to include that prohibited portion of the land, but what makes it worse is that if a building is there already he is not permitted to repair it or add to it; it must remain as it is until it falls to pieces. It is thought advisable that while we are about it there should be inserted an amendment which would have the effect of relieving the situation. To be candid, I had whole-heartedly seconded the motion because I had conceived the idea that this Bill embraced the whole matter, but on reading through the Bill later I discovered that it did not. That is the sore spot in the Ordinance. Your Excellency, you can see the fallacy of the thing. Let us say a man owns 300 acres of land but has not erected a building thereon. He subsequently conceives the idea of erecting a country house for his own purpose. Under this law he is not permitted to do so unless he gets a surveyor to lay out the site and sends a plan to the Board. He has to do all that in order to put up a building 24 feet by 12 or 14 feet on 300 acres of land. It is monstrous. The idea is that where there is a new district and it is intended to start building operations it must be laid out according to this Ordinance, so as to provide against the recurrence of what we say in these days is not up to sanitary requirements. But the hon. Surgeon-General applies the Ordinance to buildings which had been erected since Noah was building the ark. That was not intended at all. I have spoken to the hon. Attorney-General about it and I do not know what he has done. I am asking Government to accept an amendment which will relieve us of that flaw.

Mr. SEAFORD: I do not quite agree with all that has been said by hon. members of this Council. The whole situation, as I see it, bristles with difficulties. I do not think, however, it can be the intention of Government to prevent people from repairing their houses. Difficulty arises to define what is repairing, what is reconstruction, and what is improvement. So many houses are rebuilt on the strength of being repaired, that I can quite perceive Government not being willing to accept it. We have progressed in our health statistics. Within the last few years public health in this Colony has improved considerably, and Government Medical Officers, I believe, are trying to do their best to improve conditions. It seems a retrograde step if people are to be allowed to rebuild houses or to build them on any site or in any position they like. It seems in such a case that the money we are spending on public health in this Colony would be money thrown away. Least of all, however, I would wish hardship to be put on people who desire to repair the houses in which they have been living for years. I feel that they should be allowed to do so, but I wish to ask hon. members to realise the difficulty of defining what is repairing and what is rebuilding. I am in favour of allowing people to repair a window, but not to take down a house and rebuild it on the same site which is recognised to be insanitary and full of malaria and other Tropical diseases that we have in this Colony.

Mr. LEE: I would like to draw this Council's attention to two hardships which

had been brought to my notice. A man had a house in the erection of which all the regulations had been complied with. The zinc roof of that house had fallen into disrepair and he asked the permission of the Sanitary Authorities to replace it with a troolie roof, which in my opinion is cooler and healthier than a zinc roof and also cheaper. He was however not permitted to do so. This is a hardship, as the present price of galvanized zinc sheets is prohibitive in so far as that person is concerned. I may state that many people are prevented from erecting their houses on that account. The other case is that of two persons who are living in troolie roofed houses. They desire to retroolie their roofs but are denied permission to do so, and are therefore compelled to remain in the houses with the rain and the sun coming through the roof on them. I think the regulations should be amended to meet such cases.

Mr. SEYMOUR: The difficulty about this Public Health Bill is lack of finance. When this Bill was brought before the Council it was not considered whether there was the money to carry it out. If we are going to bring about public health measures, we should first study the conditions which obtain in the various parts of the Colony. It is entirely wrong to expect to carry out a Bill of this nature by force. It is unconstitutional and not a matter of progress but a matter of persecution. I am very glad the hon. Surgeon-General has seen fit to modify that Bill. There has been quite a lot of talk on the matter privately, and I know that he realises himself that in certain parts of the Colony it is impossible through lack of finance to do what we would so much like to have done. It is all right to talk about what we would like to do and to stand in this Council and say that the people should do it, but surely you must have a longer vision and must realise the people's point of view. They cannot make bricks without straw. What can we do to help the people? I recall that we had unemployment relief work in Georgetown, and I made application for a loan of $1,000 to be passed on to somebody else for similar work on my estate. I was bluntly refused and yet the Sanitary Inspector comes along and takes objection to this and that. The houses are collapsing about the people's heads and yet the Sanitary Inspector says dogmatically to them: "No, you cannot do this and that to your houses." They have nowhere else to go and live; they had lived there for years. I venture to say that this is the only Colony in these parts that has such drastic laws. I have been to Trinidad and Jamaica and have seen real ramshackle houses there, and the houses of the poor people of this Colony are 100 per cent. better than those I have seen in those two Colonies. I myself have been prosecuted by the Public Health Authorities for building a house more sanitary than the Magistrate's house in Essequebo. Government itself has failed to carry out sanitation in Essequebo and should be ashamed at the situation there, yet it wants to force the people to do what it has itself failed to do. That is where the iniquity of the law, the injustice of it lays. If we are going to do something in the matter, let us then suggest to Government to do as is done in other parts—begin with slum clearance. Government can in that manner endeavour to help the people instead of bringing the mailed fist down on them where they have not the money to do it themselves. There is much talk about latrines. The people have not got $15 to pay for a latrine of the type demanded. It is a great hardship on the people, and I am glad an effort is being made here to somewhat minimise the situation which obtains, and which the hon. Surgeon-General rightly knows. Everybody knows what sanitation can and will do, but for one to stand here and say it must be done, I regret very much to say it cannot be done.

Mr. ELEAZAR: I always state facts. I heard my hon. friend state that Government cannot allow people to make repairs. I am speaking of repairs. For example, a man wants to repair the roof of his house which may have been 20 or 30 years old; he will not be adding one inch to it but just making it water tight. He must apply to the Board to do that because that is major repair. If a window drops off the hinges it can be put back, but if the roof is leaking like a sieve you cannot touch it without applying to the Board, and when you apply you are refused because it is major repair. Let it be denied—but it cannot be denied. That is what I am talking about. You are not permitted to repair a house which is fall-

ing down and in which people have been living for 30 or 40 years when the village was not laid out for building purposes; when it was so laid out no one knows. You do not want argument against that. People have been taken before the Magistrate. A man who does not know the regulations is living in a house which is actually falling down and decides to repair his house. He plants four posts in the ground and is then told by someone that he must obtain permission from the Sanitary Authorities to do that. He applies at once for permission and the Sanitary Inspector informs him that he will visit the place. The Inspector does not go until a fortnight later when he finds the four posts standing up in the ground and nothing further done. The man is however taken before the Magistrate. That happened in the case of a poor man, John Glasgow of Liverpool District. Law is the essence of commonsense, and when you get stark stupidity and call it law it is enough for the people to become annoyed.

Dr. WASE-BAILEY: This proposed clause 3 of the Bill is a little wider than certain hon. members may realise. It can be utilised, if necessary, to include building regulations made under the Public Health Ordinance, and can be extended if necessary to meet any particular hardship, but the primary reason of this clause is to include areas which are badly drained and which on financial grounds cannot be drained. The hon. member for New Amsterdam (Mr. Woolford) raised the point as to what would happen in the case of existing applications. I do not see any difficulty there. I cannot speak on behalf of the Central Board of Health, but I will certainly advise them that if it comes to a case of hardship the application might be deferred to another meeting if by then the area concerned has not been excluded, but the existing laws must stand in respect of other areas. I must confess that I received somewhat of a shock or surprise this morning, because so far as I gather certain hon. members—the members for Berbice River (Mr. Eleazar) and Eastern Berbice (Mr. Luckhoo) particularly—suggested that this clause should be extended to include individual applications. It is not the intention of this proposed Bill to do so, and very definitely so. I have always understood that those two hon. members are very staunch advocates of Local Government, yet one finds them coming to this Council this morning and recommending that we take away from the Local Authorities of Village and Country Districts powers and privileges, which they have been enjoying over two generations, and placing those powers in the hands of the Governor in Council. I would not recommend that, unless these Authorities feel from experience that these powers should be taken away from them.

Throughout the discussion this morning and this afternoon it appears that hon. members are not quite clear as to the differentiation in the powers and activities of the Board and the Department as against those of the Local Sanitary Authorities. I do not think those hon. members have realised that building applications on the whole in all village and country districts are dealt with entirely by the Local Sanitary Authorities, and do not one come to the Central Board of Health at all. The Sanitary Inspector advises, but the power and action lie with the Local Sanitary Authority. The hon. member for Berbice River mentioned one severe case, and I would point out that that case was dealt with by the Local Sanitary Authority under its powers and had nothing to do with the Central Board of Health. It is clearly laid down in the Ordinance:—

> **Subject to the Provisions of this Ordinance and of any regulations made thereunder local sanitary authorities shall have and may exercise within the boundaries of their respective districts all such powers, functions and duties relating to public health as may be conferred by this or any other ordinance.**

Section 136 of the Ordinance states: "No building shall be erected, altered or enlarged by any person without the previous approval in writing of the local sanitary authority." Hon. members have suggested that such power be taken away from them and placed in the hands of the Governor in Council. I do not think this Council should agree to that suggestion. Reference has been made by two hon. members to settled village areas which have been so for a generation or two, hence presumably they are laid out for building purposes. In the rural areas of the hon. members' County there exist several lots which were legally transported and are 12 feet wide by 1,000 roods in length. I

do ask the hon. members seriously to consider whether that land can be said to have been laid out for building purposes. There were several lots 11½ feet by 75 roods, which had been legally transported anda great many practically 5 roods in width by 75 roods, which have been since then transported into quarter lots, the old method of dividing lots having always been in a lineal direction so as to give the desired access to the middle-walk trench and to the public road. It cannot be assumed that land 1¼ by 75 roods is laid out for building purposes. The hon. member has stated that a margin of 4 feet must be given on each side or boundary of that land, and that leaves too small a space for a building. I cannot advise this Council to accept that as a so-called settled village area.

The hon. member for Western Essequebo (Mr. Seymour) has referred to the application of the law as being very drastic in this Colony, more so than in other countries. I admit that we have progressed in this Colony more than other colonies, principally in housing. If I may quote some figures to show the advance made in public health:—In 1917 the last indentured immigrant ship arrived here. For the fifty years prior to 1918 the total excess of births over deaths amounted to 5,900. Since 1918, that is for the following 20 years, the excess of births over deaths exceeded 34,000. That clearly shows we have made progress in this Colony. We have seen the death rate declining definitely and rapidly. In respect of Trinidad with all its natural drainage, finance, etc., we still find in the Commissioners' report recently submitted on the recent labour unrest there recommendations with respect to public health and particularly to housing. I think what the Commissioners have recommended for Trinidad we have in fact largely been putting forward for the last ten years in this Colony. I move that the clause stand as printed.

Mr. ELEAZAR: I am sorry to disappoint the Attorney-General, but I am told here that the Local Authorities deal exclusively with these applications and not the Board. I have seen several circulars emanating from the Board to these Local Authorities to the effect that they must not permit those cases to which I have referred. Who is responsible for that? The Local Authorities' hands are tied. This Colony is largely managed by circulars. When you come and say that the Local Government Board has nothing to do with it but the Local Authorities who have a circular from the Board to do so and so, we do not know where we are. If you like to push it through you can.

Mr. WOOLFORD: In connection with the remarks of the acting Surgeon-General, I may state that in practice several applications under the terms of section 136 although addressed to the Local Authority are transmitted to and dealt with by him as head of the Public Health Department or by the Local Government Board, because I have seen cases in Court in which a circular was sent by the Central Board of Health to reject the—

Dr. WASE-BAILEY: To a point of correction. Those are cases of rural sanitary districts of which the Central Board of Health is the local sanitary authority.

Mr. WOOLFORD: It is in respect of these districts that the complaint is made. Section 153 of the Ordinance under which legal proceedings are conducted states that they may be taken by any officer of the authority or of the Board if duly authorised by the chairman thereof. It is idle to deny or pretend ignorance of the fact that there is no prosecution under section 136 that has taken place without the approval and knowledge of the Board. Although I have called attention to it, I am in agreement with the proposed amendment. I do hope that circumstances will permit an examination of the discontent throughout the Colony, as to the injury which is being done and if there are any cases in which notice has been given whether it was just or not. That word "alter" in section 136 is being interpreted either by the local sanitary officer or the Local Authority as including all repairs. There is no justification for that interpretation. When a man is told not to do any work and he receives a summons that certainly prevents him from doing the work and causes him to incur a certain amount of legal expenses. I think the sanitary inspectors should not have been advised that the word "alter" includes repairs.

Mr. JACOB: I gather from the figures quoted by the hon. Surgeon-General that during the fifty years prior to 1918 the amount of births over deaths was 5,900, and from 1918 to the present time—20 years—the amount has exceeded 34,000. I wonder whether when those figures were extracted due attention was paid to the number of persons who were sent back to India from this Colony under the repatriation system? I would like to give another reason why there has been such an increase. It is due to the large proportion of males over females brought here under that pernicious indenture system. As a matter of fact during the last 20 years there has been some improvement, but I do not think it can be claimed by the Public Health Department that any major improvement was made in the country districts. If I were to point to the whole of the County of Essequebo a strong case is there made out against any claim that can be made that as the result of the Public Health regulations and laws there has been improvement as regards health conditions there. The figures quoted by the hon. Surgeon-General are misleading and I would like to examine them in closer detail. The point I wish to make is that severe hardships had been created on the people in the past, and I only hope that with an amendment to the Ordinance those hardships would be minimised.

Clause put, and agreed to.

The Council resumed.

Notice given that at the next meeting of the Council it would be moved that the Bill be read the third time and passed. (*Dr. Wase-Bailey*).

HAND-IN-HAND FIRE INSURANCE COMPANY BILL.

The Council resolved itself into Committee and resumed consideration of the "Hand-in-Hand Fire Insurance Company Bill" clause by clause.

Clause 20—Exemption from liability for registering a forged transfer—Power of Company to make compensation.

Mr. KING: In view of the proposed amendments on the Order Paper for to-day, I beg to withdraw my motion previously given to the Council for the deletion of the clause.

Mr. WIGHT: My hon. friend has not enquired whether his seconder would permit him to withdraw the motion. I am not in agreement with the withdrawal. Before proceeding further I would like a ruling from the Chair in a matter. On my arrival this morning I noticed a type-written document on the Council table. It does not state whether it has been laid by any particular person, but whoever wrote it seems ashamed to sign it. I do not know whether Your Excellency has been supplied with a copy of it, and whether it is a new procedure. It is something unusal.

THE CHAIRMAN: I do not know to what document the hon. member refers.

Mr. WIGHT: A type-written document that I see on the table.

THE CHAIRMAN: As far as I am informed this document has not been laid on the table. Somebody may have put it on the table.

Mr. WIGHT: I would like to know who did that?

THE CHAIRMAN: I cannot say.

Mr. WIGHT: I certainly object to it. If a man is too mean to provide a printed document, it cannot be type-written and put before this Council.

Mr. HUMPHRYS: I beg to move that in place of clause 20 (sub-clauses 1 and 2) appearing in the Bill we substitute the new clause 20 appearing on the Order Paper. Pursuant to the debate which took place on clause 20 and the conference which followed thereon, it is thought advisable, in view of the attitude of certain hon. members towards the original clause, that it should be withdrawn. One of the main reasons for the withdrawal is that the promoters of this Bill are anxious to convince hon. members of the Council that they have no wish to impose anything on the Council or the public which for good reasons is thought objectionable. Personally I do not think that clause is objectionable, but as it has not met with universal approval no harm will be done by with-

drawing it. At some future date Government may see fit to introduce such a clause to apply to all companies. The promoters of the Bill are particularly pleased to receive criticism of any of the clauses of the Bill where criticism is well intended—as it should be—and particularly if that criticism is in any way constructive. It is easy to criticise and destroy, but very difficult to construct. The new clause to be inserted provides for the payment of compensation in cash or scrip to any person who has suffered any loss arising from the forging of a transfer or a false power of attorney. The new sub-clause 2 provides that the Company shall stand in the shoe of the person who is compensated and may take such proceedings against the wrong-doer as the person who had been wronged could have taken. The clause as it now stands can meet with no possible objection. I beg to move the substitution of the new clause 20 appearing on the Order Paper for that appearing in the Bill.

Mr. WIGHT: I certainly object to the clause as it stands. It states in sub-clause 1, "The Company may make compensation. . ." I am no obstructionist, but with respect to "may make" why leave it to the Company to decide? It should be deleted altogether and left to be determined according to the laws of the Colony. I do not think there is any necessity for the clause at all, and I do believe it would be better if it is left out.

Mr. HUMPHRYS: Do I understand the hon. member does not appreciate what the word "may" means? It is simply permissive. The expression "The Company may make compensation" in no way deprives a person of any right he has. Unless you have that, it would be necessary for the Directors to obtain the general approval of the meeting of shareholders to do so. By that provision the Directors may do it themselves. That is all the clause conveys.

Clause as amended put, and agreed to.

Clause 22—Capital of the Company and minimum limit thereof.

Mr. WOOLFORD: I would like to ask the mover of this Bill whether I am not right in thinking that in the creation of the capital the preservation of the minimum limit is 20 per cent?—

Mr. HUMPHRYS: I am sorry to interrupt the hon. member. I would be glad if he speaks louder as not only myself but most members on this side of the table have very great difficulty in hearing him.

Mr. WOOLFORD: The clause as it reads has for its object the maintenance of the capital consisting of undistributed premiums, reserved funds and scrip capital in equal proportion. In other words, 10 per cent. will be equally distributed among those three items, all forming part of the capital of the Company. Most of the criticism that has appeared in the Press and on this memorandum which has been issued, I do not suppose, is generally understood. I do not know whether you are aware that in this Colony the system of insurance that prevails exists nowhere else, and it is well to understand it. It consists of a system whereby companies offer insurance policies for an annual premium payable half-yearly or yearly, and that premium is paid for a period of three years. It is described as the triennial period. At the end of that period if the policy is still in force the accumulated premiums over those three years, less the working expenses and the withdrawal of a proportion for the purpose of a reserve fund, are returned to the members of the company or shareholders and these are called triennial profits. The returns vary from 50 to 60 per cent. of the total premiums paid over that period. That really happens in the existence of this Company, and it is for that purpose I have risen to make a suggestion to the promoters of this Bill. This Company should not be established with the original guarantee. The people provided the money in the first place to prevent the Company going into liquidation if a fire took place during that three years' period. Before the Company had created a reserve fund the scripholder was the guarantor of the Company. He came in and said "I will find the money to pay these risks." The position of that scripholder is this: his guaranteed percentage is fixed at six per cent. per annum on his investment. He has been receiving it for very many years. He may or may not be a member of the Company, but he is in a large

measure an investor and acts as a buffer between the Company and loss. He has done so for many years. The criticism is, here is a man who has been your guarantor for many years being placed in a position to be told "We cannot afford to pay you six per cent. but we can afford to give you back your capital." These people, sir, have themselves to blame in a good many directions for not insisting from time to time on such an amendment to the Ordinance as to have made them members. They could have insured for any amount they liked and become members, and there is no doubt that a good many who are members do not desire that this clause be inserted. It appears to be very unfair to the man who stood behind the Company all these years to say to them, "Now this scrip capital that you possess must run the risk of the minimum limit in equal proportion to our reserve fund." Suppose a fire takes place to-morrow the reserve fund would have to be touched before his stock can be attacked, whereas with this clause it seems to me that the risk would be distributed in equal proportion. It occurs to me to be a differentiation in the mode of distribution of the Company's capital. You are saying to people, who have invested in the Company and who never anticipated their capital would be subject to attack or subject to risk, which this clause really subjects them to, that they must take that risk without having given them notice. In any investment if you are going to redeem it you have to give notice. I would suggest that this clause be reconsidered and that the scrip capital be not merged into it at all. It is quite clear that the financial position of this Company makes it almost impossible for a fire to take place which will dissipate the whole of their reserve fund. I cannot conceive of such a serious conflagration taking place that the whole reserve fund and the whole three years' accumulated dividends will disappear. Why include in this risk the scrip capital? My own view is, that the financial position of the Company is so sound that you can say to the scripholder: "Very well, we give you notice that after three years we propose to leave out scrip," but without being consulted to insert a clause of this kind it does seem unfair to the holders of scrip invested in the Company. I do ask that the distribution be reconsidered.

Mr. HUMPHRYS: I regret I have not heard quite a lot of what the hon. member said, but I did my best to hear as much as I could. I wish to call his attention to the fact that by no amount of reasoning scripholders can become the guarantors of the Company. Scripholders are simply those people who in the early days of the Company instead of being paid their profits in cash were given scrip, and that scrip continued to earn interest for many years. They cannot be called guarantors. I do not follow the complaint of the hon. members, because the clause we are now dealing with is identical in all respects with the section that at present exists in the Ordinance, Chap. 224. If hon. members tell me what they are complaining about, perhaps I may be able to meet them, but the wording is the same in the existing section 41 of the Ordinance which corresponds to clause 22 of this Bill. I cannot see any distinction between what exists already and what is now stated in this Bill. Perhaps my learned hon. friend (Mr. Woolford) may be able to point out some obtuse distinction. If that is the existing law, surely there can be no complaint if it is applied in this Bill.

Mr. WOOLFORD: I do not know if the hon. member knows that the original scripholders—men like Mr. Conyers—gave their personal guarantee. That was long before he was born.

Mr. DIAS: The hon. member makes a mistake. The policyholder was the man who gave his personal guarantee.

Mr. WOOLFORD: If he is a scripholder.

Clause 40—Demand of poll not to prevent transaction of other business.

Mr. WIGHT: I desire to move an amendment to this new clause which reads as follows:—

40.-(1) The Board shall, on the requisition of not less than four of its number or of twenty-five members or of any number of members who between them are entitled to not less than one-sixth of the entire number of votes which could from time to time be given on a poll, forthwith proceed to convene a special genera meeting of the Company.

That is a tangled kind of provision to put into a Bill. Why should four members of the Board have the power and not four members or policyholders also? I do not see why such unnecessary verbiage should be qut into the Bill. It should have been made to read "Any four members of the Board or four members or policyholders. . ." How are you going to get at the exact number of people who can vote?

Mr. HUMPHRYS: This clause 40 (1) the hon. member will find, corresponds exactly with section 9 of the existing Ordinance which states:—

"Not less than four directors, or not less than twenty-five members of the Company, or any member or members of the Company who is or are between them entitled to not less than one-sixth of the entire votes which could from time to time be given on a poll, may at any time request the directors to convene a special general meeting of the Company."

There is no distinction between the two—that section and this clause—and I cannot see that there can be any objection to it. I think it should be allowed to remain without any change.

Mr. WIGHT: How are you going to get at the number of votes? Are you going to stop the meeting and calculate the "one-sixth?" Why cannot you make it simple—four members of the Board or ten members or policyholders? As we are making amendments to the Ordinance, why not make it up to date? I feel sure that every member would wish it to be made as simple as possible. The members of the Board are certainly policyholders, and therefore why penalise the members by restricting them to twenty-five or any number of members who between them are entitled to not less than one-sixth of the entire votes which could from time to time be given on a poll? How you are going to get at that beats me. I am only asking that it be made simple.

Mr. SEAFORD: I would like to remind the hon. member that a general meeting of this Company was called and the shareholders or policyholders were there asked to bring up any points they desired. This was not brought up, and I do not think the hon. member spared the time to attend that meeting.

Mr. WIGHT: I am not welcome.

Mr. HUMPHRYS: In reply to the hon. member for Georgetown Central (Mr. Wight) I desire to point out that it will be quite easy for the Board to ascertain how many votes can be given at a poll at any time, because the calculation of the votes is provided for under the Ordinance. The Board can always say how many votes can be given at a poll if every vote is exercised. That is the way by which we will be able to arrive at "one-sixth."

Clause put, and agreed to.

Clause 51—Right to demand a poll—Computation of majority.

Mr. WIGHT: I do not think this clause should be in the Bill. Why the Chairman alone should demand a poll? I think the Chairman and two other members of the Board should have that power. There will be the same three members in that case.

Mr. HUMPHRYS: It is quite a common provision. This is one of the clauses in the draft Bill which was discussed and agreed to by the policyholders, and I cannot see any difficulty in the matter at all. The Chairman would hardly call for a poll unless he knew it was the wish of the majority of the Directors. He would be working in conjunction with them. He will hardly act on his own if he knows the Board is against him. I see no harm done in having that provision. The reason for the provision that the three members must be entitled between them to fifty votes is to prevent any three irresponsible members with a very small quantity of votes between them going there and causing a great deal of inconvenience over little or nothing at all by asking for a poll. It is necessary, I think, that the clause should stand as it is. It is well worded and should remain.

Clause put, and agreed to.

Clause 65—Disqualification of directors.

Mr. HUMPHRYS: I beg to move that clause 65 (*h*) appearing on the Motion Paper be substituted for that printed in the Bill. It will now read:—

(*h*) is requested in writing to resign by all his co-directors present at a meeting of the Board, called for the purpose and of which notice has been given.

That change has been made as the result

of representation to the effect that it would be fair that every director be duly warned that a meeting has been called for that purpose. He will, therefore, be given every opportunity to attend.

Mr. WIGHT: I suggest that it should go a little further and reason be given for a request by the co-directors present at a meeting calling upon a director to resign. I think that in fairness to that director reason should be given for dispensing with his services on the Board. The other directors may not like the colour of his hair, or his projecting nose. I think some valid reason should be given, as not because a director is disliked that a meeting should be called to have him removed. It looks "un-British." I notice that the mover of the motion omitted to refer to sub-clause *(g)* when he was moving the second reading of the Bill. Obviously he has not read it carefully, as he distinctly said they did not want a broker on the Board as he would be examining people's transfers. It is therefore evident that the mover did not read that sub-clause because it says: "being engaged in the business of a stock or share broker or any similar business, is concerned in the purchase, sale or exchange of any stocks, shares, bonds, debentures, scrip or other similar securities by, to, or with the Company, either as principal or agent, or as broker, or otherwise." I object to the explanation given; it is meant rather as a reflection on me personally, but these things do not worry me. I move that the words, "after assigning some reason" be inserted in the clause.

THE CHAIRMAN: I cannot accept it as an amendment.

Mr. WIGHT: Some reason should be assigned for dispensing with the services of a director.

Mr. SEAFORD: The hon. member was and still is a member of several Boards in this Colony. I would like him to tell me in which Ordinance he sees that included.

Mr. ELEAZAR: I have no hope of becoming a director of any company, and I am speaking purely impartially as a public man and as a lawyer. I think this clause should be deleted. There is such a word or phrase in American politics as "the tyranny of the majority;" in this Colony we have not got the equivalent but we know what that can mean. Just imagine the people qualified to vote requiring Mr. A. to be a director. He may be a person like myself—perhaps several hon. members wish I am not here to talk at certain times, and, I know, that some times they wish I am in Timbuctoo. What is easier for the other directors than to combine together and serve him with a notice that they do not want him and are calling a meeting to vote him out. When they do that, it means that *ipso facto* his seat becomes vacant. There is no form of oppression more deadening than a conspiracy of equals. If men in your own standing conspire to get you out of a position they can find excuses for doing it. I have never seen at any time and anywhere an embodiment of that expression put in better form than in this clause. The members who are entitled to vote may put Mr. A. on the directorate and the other members of the Board, who have no more right to be there than those members who have put Mr. A. there, may not want him to be on the Board and all they need do is to request him to resign and put their request in writing, and that director is put out. I do not think that as a law-making body this Council should allow it. There was a time in this very Council when one member, who is no longer here but is still in the flesh, guaranteed to speak for two days, and at the end of those two days the Governor put the closure on him; the other members were so disgusted that it would have been the easiest thing for them to say they did not want him in the Council if there had been such a provision in the law. I wonder if my hon. friend, who is responsible for this thing here, knows what he is doing—that is, however, if he is the draughtsman. Whoever is the draughtsman, I desire to say to him that this thing savours of nothing more than an opportunity for other people to conspire against Mr. A., B. or C. who has earned their displeasure. It cannot be otherwise.

I am going to move the deletion of the sub-clause. I suppose the people responsible for it will get up and give the reason for putting it in the Bill, but I imagine it will be very difficult to justify. Is this thing any worse than members of

this Council getting up and saying that they do not want Mr. Eleazar in this Legislative Council because he is always making long speeches when members want to go home and have a swizzle, and all they have to do is to request me to resign? The provision gives too wide a scope for conspiracy. The directors are all appointed by the voters or members of the Company and are all in the same position, but if the others do not like a director because he calls a spade by its right name or does not join them in some scheme, for that reason they can just call on him to resign. I am going to ask Government not to be a party to it. I move the deletion of this particular sub-clause.

Mr. HUMPHRYS: I would like to reply to the hon. member for Berbice River (Mr. Eleazar). He has said that he has never seen a similar provision in any Ordinance. I can assure the hon. member that this provision is to be found in the Articles of Association of any reputable company. I know that in the ordinary practice of law in New Amsterdam my learned friend is not kept much in touch with Company Law because there is no necessity for it there, but I can assure him that within quite recent years a similar provision was passed on two occasions. I would like to refer him to the B.G. and Trinidad Mutual Life Insurance Company Ordinance, Chapter 225, and the B.G. and Trinidad Mutual Fire Insurance Company Ordinance, Chapter 226. The provision there is even more drastic than it is in this Ordinance. It provides there that "the office of a director shall *ipso facto* be vacated if he is requested in writing by all the remaining directors in the colony to vacate his office." That is very much stronger than the provision in this Bill. This gives an opportunity to those who are not against the director to support him. There can be no valid objection to this sub-clause. It is actually in other Ordinances of a similar nature.

Mr. ELEAZAR: That supposes that this Company up to now is not a company of any repute because it is a new one and is following a multitude to do evil. I would like the hon. member to answer the proposition that I have put forward. As I said before, there is no form of oppression more deadening than a conspiracy of equals. That this lends an opportunity for that cannot be questioned. Let him answer that. It opens itself to a conspiracy all the time against any particular member for no particular reason. The clause should be deleted.

Mr. WIGHT: I would move an amendment to this clause —

THE CHAIRMAN: The hon. member is within the Rules, but I suggest it would meet the convenience of the Council better if the amendment proposing the deletion of the clause be put. If that amendment is carried then all other amendments fall to the ground. The hon. member will then have an opportunity of putting his amendment later.

Mr. WIGHT: I desire only to say that it has been pointed out that there is a similar provision in the Ordinances of other companies with which I am associated. Two wrongs do not make a right. It is not the Directors who appoint the Board of Directors but the members of the company who are the policyholders. They elect the directors. If one director goes out of office during the period of twelve months for which he has been elected, then the other directors elect someone to fill the place until the term of the seat expires.

THE CHAIRMAN: The hon. member understands. I will put this motion for the deletion, and if it is not carried he will have an opportunity to move his amendment. The question is that clause 65 (*h*) be deleted.

Mr. SEAFORD: Which amendment?

THE CHAIRMAN: The amendment moved by the hon. member for Berbice River. (*Mr. Eleazar*).

Mr. SEAFORD: I thought it was the amendment moved before that.

THE CHAIRMAN: This is an overriding one, and if it is carried all others fall because the clause would be deleted.

Mr. WIGHT: If I may be allowed to point out, clause 66 provides that the Company may by special resolution remove any director from office. That means they will have to summon a meeting to pass that special resolution.

The deletion of clause 65 (*h*) put, and the Committee divided, the voting being as follows :—

For—Messrs. Lee, Jacob, Peer Bacchus, Eleazar, Wight, Wood, Dr. Wase-Bailey, Messrs. Case, McDavid, Luckhoo, Dias, the Colonial Secretary—12.

Against—Messrs. Mackey, Jackson, King, Humphrys, Walcott, Laing, Austin, Seaford, the Attorney-General—9.

Did not vote—Messrs. Seymour and Richards and Professor Dash—3.

Amendment carried, and clause 65 (*h*) deleted.

THE CHAIRMAN : The other amendments consequently fall to the ground.

Clause 65 as amended put, and agreed to.

Clause 82—Unclaimed Moneys.

Mr. HUMPHRYS : There is an amendment which I beg to move here. It is that sub-clauses 3 and 4 in the Bill be sub-clauses 3 and 4 as printed on the Order Paper. The object of this amendment is to provide that although the Company may carry any amount unclaimed to the reserve fund and has taken such a step, any person entitled to it may at any time thereafter claim it.

Amendment put, and agreed to.

Clause 87—Winding up by the Court.

Mr. HUMPHRYS : There is a small insertion in the marginal note I desire to make. I move that the words "Chapter 178" be inserted after the word "Court" in the marginal note to clause 87.

Amendment put, and agreed to.

Clause 88—Chapter 178 not to apply to Company.

Mr. HUMPHRYS : I desire to move as a small amendment to clause 88, the insertion of the word "to" after the word "apply" in the last line.

Amendment put, and agreed to.

Clause 89—Chapter 7—14 Geo. III c. 78.

Mr. HUMPHRYS : I move as an amendment the insertion of the words "of British Guiana" after the word "Law" in the first line of clause 89, and also the insertion of the words "Metropolitan Building Act 1774 not to apply" in the marginal note.

Mr. WIGHT : Is this clause in the old Ordinance ?

Mr. HUMPHRYS : Yes, 43 is the corresponding section.

Amendment put, and agreed to.

Clause 95—Fees and duties payable on incorporation.

Clause 96—Non-exemption of company from taxation.

THE ATTORNEY-GENERAL : I beg to move the insertion of two new clauses after clause 94. They are printed on the Order Paper as amendments to be moved in the Bill. I do not want to go over in detail what I have already said on this matter during the second reading debate on the Bill. These amendments were provided and suggested by Government to the promoters of the Bill. The reason for clause 95 is this. It is quite evident that it will be inequitable to subject this Company to those forms of taxation on capital which are governed by the Tax Ordinance in relation to the capital of a newly formed company in this Colony. I have heard a great deal of discussion since the second reading of this Bill, as to what exactly this Bill is doing to the old Hand-in-Hand Company. I have heard quite a lot of argument and debate about the nature of the words "Incorporation" and "Re-incorporation," and some of the authorities put forward as regards the particular and minute meaning of those words would have done credit to the subtlety of a University professor. I ask this Council, and I think you must come to the conclusion that what this Bill is doing, and which the promoters made quite clear at the beginning, is to continue the existing corporation of the Company with altered Articles of Association. The whole clue to this Bill in my view is in clause 3 of the Bill which says :

"As from the commencement of this Ordinance, all persons who immediately prior thereto were members of the corporation shall continue to be one body politic and corporate, etc." In effect what this Bill is doing to the old Hand-in-Hand Company is to change its name in a very slight manner and also its Articles of Association. Beyond that it does nothing more. From Government's view it would be inequitable to regard that as the statutory formation of a new company which would be subject to the ordinary taxation levied on a new company, and in all the debate and sometimes windy argument I have heard directed to this Bill, I have not yet heard from any member of this Council or from anybody outside of this Council any argument put forward which has affected that view. If this Company was not incorporated by statute at all, if it was a company which had elected to regulate its affairs under the Companies (Consolidation) Ordinance, it could have achieved what it is attempting to achieve by this Bill by the expenditure of a few dollars. It could have changed its name by giving notice to the Registrar and paying a purely nominal fee, and altered its Articles of Association in the course of its meeting. This is a company incorporated by statute and for that luxury it has had to pay very dearly, as what would have cost an ordinary company a few dollars had cost it the sum of $400, apart from what it may have to pay in legal expenses, if I may say so with respect to the hon. member in charge of the Bill. (laughter).

I have been asked what this Company may have had to pay if it were a new company. In other words, if there had never been an old Hand-in-Hand Company at all, what is it that the Company would have been liable to pay by way of fees and stamp duties under the provisions of the Tax Ordinance? That is on the assumption for the moment that this new company is in truth and in fact a new company. On that point it is impossible to give any clear and definite answer, because it depends upon an examination of the precise character of the capital and assets which go to make up this company. The Company will certainly have to pay something for registration as well as a percentage duty on its nominal capital, if it had any, and a duty on its loan capital, if it had any. We know the peculiar nature of the term "Scrip Capital" in this Colony, and the question is whether scrip capital is loan capital within the meaning of the Ordinance. That is another point which will have to be determined. The determination of this question may be one for the Taxing Authorities, and it is not a simple one. It is therefore impossible for me or anyone else to answer an enquiry as to what the Company would have had to pay had the Government taken the view that it is in truth and in fact a new company. I have already indicated, Government's view is that it will be inequitable to regard this Company in the light of a new company seeking incorporation for the first time.

The reason why clause 95 is inserted in the Bill is because as how this Ordinance framed unless there is some sort of pr sion of this nature difficulties or question may arise for determinat the future. Presuming therefore Government is right on the equity suggestion, then this is the most co ent way of making it clear in the law itself what the position of this Company will be. That position is made clear by a total payment of $25 in satisfaction of any duties which would or might be otherwise payable on the formation of this Company. As I have already told the Council, this form of clause is very common in Acts of this kind and, I think, I can quote a precedent—the Colonial Bank Act which, I think, was enacted in the United Kingdom in 1925 when the Colonial Bank was re-incorporated into Barclays Bank. If any hon. member is sufficiently interested he can turn to the Colonial Bank Act and there find a section similar in effect and with almost precisely similar wording, whereby the incorporating company made a total payment in lieu and full satisfaction of the stamp duties which would otherwise have been payable.

As regards clause 96, whether or not there is any controversy on clause 95, I do not think there can be any. It has been inserted so as to make it quite clear what the position of the Company will be in the future and to make it not possible for the Company to take up the position hereafter that not being a company incorporated under the Companies (Consolidation) Ordinance they are exempt from taxation on their loan capital. I beg to

move that clauses 95 and 96 be inserted in the Bill.

Mr. WIGHT: This has been the gravamen of my complaint from the beginning; that, I think, you will recollect. As the hon. member for Georgetown North (Mr. Seaford) represents the scripholder and policyholder in this matter, I am likewise representing the poor taxpayer. I consider this is not in the interest of the taxpayer. It is evident from the argument adduced by the learned Attorney-General that he is in doubt about it. The matter should have been left entirely to the Registrar to say whether or not this Company is liable to pay for its re-incorporation. I am still of the opinion that this is a new company. It is not comparable with the re-incorporation of the Colonial Bank which is doing business under a Royal Charter. A Royal Charter affords protection without an enabling Act. I want to impress upon this Council that we have had companies, such as Versailles and Schoon Ord, which were amalgamated with the same shareholders but had to pay tremendous fees and stamp duties to the Registrar as though a new company was being incorporated. Fortunately I am not speaking in a personal vein as I am not a shareholder of that concern. With all due respect to the learned Attorney-General, I consider it is not fair. There is a doubt in the Attorney-General's mind and, therefore, he fixes the nominal sum of $25. I have no grievance against the Hand-in-Hand Company, and I only attack it from the taxpayers' standpoint. It is not correct and the clause should be deleted. I certainly object to the manner in which it has been done—very secretively. The members had not an opportunity to consider it. It was sponsored by the Attorney-General, and naturally I am not capable of arguing effectively with him, but I understand the law of equity. When the learned Attorney-General sponsored that clause he placed me at a very great disadvantage. I think the clause should be deleted, and if the Company is liable under the Tax Ordinance it should be left to the Registrar to act. There is at the present time a law-suit pending on a similar question, the Registrar insisting on payment for increased capital of a company in which I am interested. This is a new company, all the rules have been altered and new classes of business undertaken. In the case of Schoon Ord and Versailles with absolutely the same shareholders and the Articles of Association being almost word for word, it was simply a merging of interests into a big company and that was regarded as a new company—

Mr. SEAFORD: To a point of correction. Versailles and Schoon Ord were separate companies and not one company all the time.

Mr. WIGHT: The shareholders in the two companies were the same. That company could have come here and got similar treatment then. I am satisfied it is not fair to the taxpayers. I am not going to use language for which Your Excellency can call me to order, but I think it is absolutely unfair that the Hand-in-Hand Company, a wealthy concern, should get away with the goods in this manner. Secrecy and this particular clause are the gravamen of my complaint. It leaves a very nasty taste in my mouth. It should be deleted and I formally move that these two clauses be deleted and the matter left to the Company, if made liable to taxation, to make a test case of it.

THE CHAIRMAN: The hon. member is speaking against the motion which is that the two clauses be inserted. If the hon. member is successful in his opposition and the motion is lost, the clauses will not be inserted. There is therefore no necessity for his motion for the deletion of the clauses.

Mr. WALCOTT: Perhaps the hon. member suggests that there should be no fee at all in connection with this matter. It is unfortunate that the opposition comes from a director of another company. I do not think—

Mr. WIGHT: To a point of correction. I do not sit here as a director of the B. G. & Trinidad Mutual Company, but as a member of the Legislative Council representing the taxpayers. I do not think any reference should be made to any company with which I am associated.

Mr. WALCOTT: If I am wrong, I apologize. I desire to say that the Hand-in-Hand Company never asked Government to make any special concession in regard to this Bill. The matter was put forward

in the ordinary way and the Law Officers of the Crown told them what they should pay and what they should do, and they did so.

Mr. KING: These clauses have exercised my mind considerably when first I understood the proposed amendments were to be brought forward by the hon. learned mover of the motion. Subsequently I was told that the proposed insertion was by Government to protect future companies or rather to protect revenues which Government may derive from future companies. Government is not waiving any rights to which at present it is entitled, and the Company, I understand, is perfectly willing to stand on its legal rights on the question whether Government can demand any payment in respect of its re-incorporation. As a member of the Legislature I think Government will be well advised to accept that position. I had discussed it with the learned Attorney-General and the hon. mover of the motion, and while I am quite aware that I did not convince them I think they are quite aware that they did not convince me that Government is standing on its legal rights, whatever they are, and the Company is standing on its legal rights, whatever they are. If fees are payable for this incorporation (or re-incorporation as it has been called) and they amount to a sum in the vicinity of $1,000, then I think that is a considerable sum of money, and a total payment of $25 should not be substituted therefor. It is a gamble with the possibility of Government losing if it becomes necessary to take this matter up.

The hon. learned Attorney-General referred to the case of the Colonial Bank, and I have taken the trouble to look up the Ordinance dealing with that Bank. I have discovered that the Imperial Government waived the fees and duties payable but were satisfied that they were due. This proposed amendment before this Council does not suggest that Government is entitled to any fees and duties. I think it would have been better if Government had come forward and said: "We are satisfied that this Government is entitled to fees payable by the Hand-in-Hand Company on this present Bill which is now going through the Council, but Government thinks that it is not equitable to ask the Company for payment in view of the fact that it is merely a re-incorporation of its existing charter." As a member of this Council I would then have been prepared to accept Government's statement that in its discretion it felt it would be inequitable to ask this Company to pay the fees and stamp duties due and payable. In the Colonial Bank case it was not a question of "might." It was definite.

If it is the intention of Government to press this amendment, I would suggest that the words "or might" in the fourth line of the proposed amendment be deleted. That will protect Government. While in law it may be held to be an incorporation, on the repeal of the Ordinance that particular company now existing goes out of existence as a legal entity. Let Government come forward and say that fees are payable but that it is satisfied it will not be fair in the circumstances to ask the Company to pay them, otherwise I will support the hon. member for Georgetown Central (Mr. Wight) that the clauses be taken out of the Bill altogether and that the Company and Government stand on their respective legal rights, whatever they are. If Government is prepared to do that, I would be prepared to accept Government's statement. It should not be left in the air as to whether fees are payable or not.

Mr. HUMPHRYS: So far as I am concerned I accept Government's amendments and would like to point out to the hon. member for Demerara River (Mr. King) that the Attorney-General made it clear in his speech just now and, I think, yesterday at the conference that he cannot agree to the word "might" being deleted because he is not clear that fees will be payable. The attitude the Attorney-General took up is this: If fees are payable it would be inequitable that they should be paid and therefore why leave out the word "might," but it is clear that if fees are payable it would be inequitable to charge the Company. For future reference and to preserve future taxation he desired to have this clause inserted. The Company agreed to it. I would like to refer hon. members to what happened to the B.G. and Trinidad Mutual Insurance Company and the B.G. Mutual Life. Both of these companies were recently incorporated. In fact the B.G.

Mutual Life was a new company while the B.G. and Trinidad Mutual was re-incorporated. Fees were not charged those companies. The "Demerara Life" was re incorporated in 1918 and fees were never charged the Company. The "Hand-in-Hand" was re-incorporated in 1918 and also no fees were charged. The reason why Government is now asking that this clause be put in this Bill is that the Attorney-General feels that for future reference there may be some fees payable on a construction of some Ordinance or some future charge may be imposed and he will consider them then. I see no object in opposing the amendments. So far as Government is concerned I am quite sure that this Company will be allowed the same concession as the other companies. It seems that for some reason or other, there is a desire on the part of certain persons to treat this Company differently from the others, while Government says it thinks that it will be inequitable to charge this Company and desires that a token of payment be made, and so this clause is inserted. Surely if Government desires it we should not be against it. It is a suggestion by Government and not by the Company, and as a lawyer I see no possible harm in it. I feel quite sure that no fees will be payable, and in every respect it is better to have this clause in the Bill so that no question can arise in after years which may occasion a great deal of litigation between the Taxing Officer and the Company. No useful purpose will be served in making the Company come back and say that as regards the B.G. Mutual and the Demerara Life fees were not charged though they were re-incorporated and therefore fees should be collected from them. I think that in the interest of all concerned this clause should be inserted as put forward by Government.

Mr. ELEAZAR: Where a company has its own inherent rights we do not interfere, but where it comes to a point at which the taxpayer is touched, it is another matter. I am going to move the deletion of this clause because if fees are payable there is an officer who levies these fees and demands them. If the Company feels it cannot pay the fees, that officer is the person who is to decide it or interpret the Ordinance. It means that if that officer misconstrues the Ordinance one way and the Company another way, there is only one place—the Supreme Court of three Judges—to interpret it. The mere insertion of this clause leads one to think that Government itself is doubtful whether this Company should pay and so makes it that they should not pay at all. I do not know that Government can over-ride the laws of the Colony in any fashion. If that is not the idea, let us have it that these people should pay, but in consideration of the Company having existed all the time Government is asking the Council to waive the payment. The Council has been asked time and again to waive payment of dues. This dubious move to give largesse at the expense of the taxpayers leaves a very bitter taste in the mouth, as Mr. Wight has said. I am moving the deletion of these clauses as amended.

Clauses 95 and 96 as amended put, and the Committee divided as follows:—

For—Messrs. Mackey, Jackson, Seymour, Humphrys, Walcott, Peer Bacchus, Richards, Dr. Wase-Bailey, Messrs. Case, Laing, Austin, Seaford, McDavid, Professor Dash, Mr. Dias, the Attorney-General, the Colonial Secretary—17.

Against—Messrs. King, Jacob, Eleazar, Wight, Woolford, Luckhoo—6.

Did not vote—Mr. Lee—1.

Amendment carried.

Clauses 95 and 96 as printed in the Bill were renumbered as clauses 97 and 98.

Schedule—By-laws of the Hand-in-Hand Mutual Fire Insurance Co., Ltd.

Mr. HUMPHRYS: There are, two amendments to By-law 41 which I desire to move—the deletion of the word "and" in the sixth line and the insertion of the word "entitled" in the eighth line thereof.

Amendment put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read a third time. *(Mr. Humphrys)*.

The Council adjourned until the following day at 10 30 o'clock.