

**LEGISLATIVE COUNCIL.***Wednesday, 10th July, 1935.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR GEOFFREY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

**PRESENT.**

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

The Hon. the Attorney General, Mr. Hector Josephs, K.C.

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

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

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

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

The Hon. G. J. De Freitas, K.C. (Nominated Unofficial Member).

The Hon. J. Mullin, O.B.E. Commissioner of Lands and Mines.

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

The Hon. G. I. Goring, General Manager Transport and Harbours Department (Acting).

The Hon. M. B. Laing, District Commissioner, East Coast Demerara District.

The Hon. Q. B. De Freitas, Surgeon-General (Acting).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. F. J. Seaford (Georgetown North).

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

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

**MINUTES.**

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

**UNOFFICIAL NOTICES.****RECLASSIFICATION OF OFFICERS.**

Mr. GONSALVES gave notice of the following questions:—

1. Has the Committee appointed in 1933 by Government to re-classify officers who were not included in the last re-classification yet functioned and reported?

2. How soon will the report of the Committee be presented?

3. Have any such officers who were not so classified since been re-classified although the Committee has not yet reported? If so, who are the officers and to which Departments do they belong?

**LUBRICATING OIL.**

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

1. How many gallons of lubricating oil have been imported during 1935 from the Crown Agents for the Transport and Harbours Department and from whence imported?

2. Is it true that the importations were from a foreign source?

3. If the answer to question 2 is in the affirmative will Government say:—

(a) Whether the oil has given the same satisfaction in use as the British oil obtained through local suppliers.

(b) Whether it is their intention to continue purchasing foreign oil instead of British?

**PARIKA POLICE STATION.**

Dr. SINGH gave notice of the following questions:—

1. Is Government aware of the fact that Parika is one of the largest railway termini in the Colony?

- (a) Is it not the gateway to the interior, gold and diamond areas, and town of Bartica?
- (b) Is it not the egress and ingress for most of the traffic between the capital, Leguan, Essequibo, Bartica, and the interior?
- (c) Is it not also true that gold and diamond returns, from the interior, pass through this point to the metropolis?
2. In view of the inadequate police protection at this important terminus, as well as from what has recently happened at Leguan, together with gold and diamond robberies, will Government not consider the re-opening of the Parika Police Station?

#### PETITION.

Dr. SINGH laid on the table a petition from A. Fernandes, late boathand, Department of Lands and Mines, praying for a compassionate allowance in compensation for an injury received in connection with the attempted seizure of wood aback of Boerasirie Creek, on 4th April, 1932.

#### ORDER OF THE DAY.

#### LOCAL GOVERNMENT (VILLAGE COUNCILS) BILL.

The Council resolved itself into Committee and resumed consideration of "A Bill to amend the Local Government Ordinance, Chapter 84, with respect to the constitution of Village Councils, the election of Village Councillors and matters connected therewith, and to make provision for regulating the proceedings at elections."

THE CHAIRMAN: When the Committee adjourned we were discussing clause 29. The hon. Member for Berbice River raised a point which must properly be considered on clause 27. In order to give the hon. Member an opportunity of discussing his point, and to be in order at the same time, I propose to recommit clause 27.

Mr. ELEAZAR: I want to ask you, sir, whether you will see your way to recommit clause 24(4), which was passed yesterday.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): Might I make a suggestion. If we leave clause 24 for the present and go on with the other we may be able to discuss it.

Mr. ELEAZAR: Very well. With respect to clause 27 I suggest that after the word "presented" in the third line of sub-clause (1) the words "to the Supreme Court on deposit with the Registrar of the sum of \$100 or security for that sum for costs within ten days after the election" be inserted. The reason for this amendment is that election petitions should be presented to and dealt with by the Supreme Court instead of by a Magistrate. I can see no difference between a person who in a Village Council election is guilty of the corrupt practices enumerated in this Bill and a person who is guilty of such practices in connection with the election of members of the Legislative Council or the Town Councils of Georgetown and New Amsterdam. A corrupt practice in connection with an election does not become more serious or more important on account of the body to which the candidate presents himself. The importance in degree of the body does not count but the criminal intention of the individual. Most of these rules are taken from the rules governing this Assembly and there should be no differentiation. If the amendment is accepted it would dispense with clause 30, because the Supreme Court would deal with petitions finally. In the event of a Magistrate finding a person guilty of corrupt practices the maximum imprisonment he can impose is six months, but there is a right of appeal from his decision to a Judge of the Supreme Court. One cannot appeal on facts but on the law, and possibly on a mixture of both, but never on facts alone. A person who is dissatisfied with the decision of a Magistrate on facts therefore cannot appeal.

On the other hand, a person who is guilty of corrupt practices in elections to the Municipality or to this House knows that he is running the risk of going to prison and there is no appeal. Corrupt practices are the result of a corrupt mind, and a man who essays to enter any of these bodies with a corrupt mind is as guilty in one as in the other. I had two election petitions before the Supreme Court and won both, but I am not sure what would have been the result before a Magistrate. A Magistrate has not the time to study the law

applicable to election petitions. Judges of the Supreme Court have been accustomed to deal with these matters and have not to study the position. It is agreed that Magistrates are highly overworked. Why throw more and such important matters on them? These matters are sufficiently important to warrant the consideration of the highest tribunal in the land. If corrupt practices, as I know them, are to be wiped out, they should be dealt with seriously and people made to feel that they are sufficiently grave to occupy the attention of the highest tribunal and not be placed on a par with common assault or petty theft. I do not think the mover of this Bill will now see any difficulty in accepting the amendment.

Mr. HUMPHRYS: There is a good deal in what the hon. Member has said, but the matter certainly bristles with difficulties. While I am in agreement with him I see many difficulties that will have to be overcome. In the first place, an election petition tried by the Supreme Court would involve considerable costs. The hon. Member has proposed a deposit of \$100. Every petition to the Supreme Court has resulted in thousands of dollars costs to one side or the other and a deposit of \$100 would be totally inadequate. We now have to deposit \$1,000 and costs amount to two or three thousand. I agree with the hon. Member that a Judge should try an election petition and not a Magistrate. But can any villager make a deposit to cover the costs of an election petition? What counsel would they get to represent them in the Supreme Court if only \$100 is deposited to cover costs? I think that is where the great stumbling block will come in. We have Magistrates who can deal with these matters well, and they become Judges themselves. The hon. Member seems to think it would be treating the matter as of no importance if Magistrates tried election petitions. The procedure in an election petition should be made simple for the very reason that an endeavour should be made to wipe out corrupt practices.

If these petitions have to go to the Supreme Court, and the costs are going to be as heavy as they must be, there would hardly be any petitions from the

villages because the people would not be able to afford to bring them. The question Government has seriously to consider in endeavouring to wipe out corrupt practices is whether the best course is to adopt an expensive or cheaper method. My view is that if an endeavour is to be made to wipe out corrupt practices in village elections the method should be made simple. Magistrates are quite capable of sifting facts and it is very difficult to appeal from a decision on facts, but if the facts are outrageously against the decision the Court of Appeal will upset the Magistrate's decision. The question should be given very careful consideration before a decision is arrived at, but I do not think this Council would be serving any useful purpose in making election petitions prohibitive if they have to go before the Supreme Court. There can be little doubt that we will never hear of election petitions from any of the villages in respect of corrupt practices if they have to be tried by the Supreme Court. For those reasons it would be much better to have these petitions heard by a Magistrate with the right of appeal. May I ask why it is proposed that an appeal should go to a single Judge and not to the Full Court? Appeals from Magistrates' decisions go to the Full Court and it is an anomaly that appeals in respect of election petitions should be to a single Judge.

THE CHAIRMAN: The hon. Member might bring that point up on the appropriate clause.

Mr. HUMPHRYS: Very well, sir. I need only add that the question under discussion requires further consideration, and I ask Government not to come to a hasty conclusion.

THE ATTORNEY-GENERAL: I have listened with great interest to what has been said by the two speakers. The matter is one of considerable importance, and I agree that it requires careful consideration. One has to weigh all the surrounding causes in order to arrive at a conclusion as to what is best to do. I think I am correct in saying that the present practice provided for by the Local Government Ordinance is that an



appeal with reference to an election goes to the Local Government Board and in certain circumstances there is a right of appeal to the Governor in Council. I do not know why that mode was devised; and no more unsatisfactory mode could have been devised. Neither the Local Government Board nor the Governor in Council is a tribunal to try cases of that kind with the degree of care and attention with regard to evidence which any such case requires. Now we are engaged on putting the villages on an entirely different footing, clearing away a lot of illogicalities in the constitution and putting them on modern lines, making as far as we can now see provisions so that it will be possible to make them as useful as they ought to be in their particular districts, and providing simple means of dealing with any corrupt practices which exist or may exist.

The hon. Member for Berbice River indicates that there is a good deal of corrupt and illegal practices and it is necessary that these matters should be dealt with and cleaned up. I endorse what my learned friend the hon. Member for Eastern Demerara says. If you are going to make the tribunal the Supreme Court corrupt and illegal practices will necessarily flourish, because the expense would be prohibitive. As I indicated yesterday, the Supreme Court can sit only in Georgetown, New Amsterdam and Essequibo, and that at once gives you an indication of what the cost is going to be in dealing with the matter. On the other hand, we should have a domestic tribunal at the door of the village, so to speak, where the Magistrate could sit in his nearest Court and adjudicate in the matter. The fact that a particular Magistrate or a particular lawyer has never dealt with a particular kind of case does not preclude him in the slightest from dealing with it. He reads the law carefully, listens to the arguments and looks at the authorities, and he is just as likely to come to a correct decision as some lawyer who has been practising in these matters all along. In fact, a general practice in a particular branch of law is liable to lead a practitioner into mistakes, and the only means of succeeding in it is continuous study and accuracy.

The hon. Member is rather worried about a Magistrate trying any case of corrupt or illegal practice and says it is not done in Georgetown or New Amsterdam. That may be. He also insisted that it is not done in connection with this Legislature. That is an illustration of what I said just now. If you are going to quote law on any particular point before making a quotation you look it up and be quite sure that you are absolutely accurate. It is interesting to find that the Constitution Order in Council itself provides for certain election offences, which are declared to be illegal practices, "and every person who shall be guilty of an illegal practice shall, on summary conviction thereof, be liable to a fine not exceeding five hundred dollars, and be incapable, during a period of five years from the date of conviction, of being registered as a voter, or voting at any election of a Member of the Council." What does that mean? That a Magistrate can convict a person of an illegal practice, fine him the maximum of \$500, and for five years that person would be incapable of being registered as a voter. In other words, he is disfranchised. If it is thought fit to include such a provision in the Constitution Order in Council, I venture to think that this House would not consider out of place a similar provision in the Bill with regard to villages. One does not anticipate a numerous crop of election petitions, but if that should be the case provision would, of course, be made to leave a Magistrate free to devote himself to these election petitions when they come before him so that they could be speedily disposed of.

I should also like to point out, in so far as Local Government elections are concerned, that when it comes to Rural and District Councils election petitions are presented in respect of them but they are not dealt with in the High Court at all. The Judges of the High Court appoint Commissioners who try these matters in the very place where a matter has originated, one of the essentials being that they should be tried in or near the place. The Supreme Court would not be able to do that because there is not the accommodation for it. I refer to this to show how those matters are dealt with. If there is a prevalence of corrupt and illegal practices and we

wish to eradicate them, the simplest way of dealing with them is to make the procedure for election petitions cheap and simple, sufficient to meet the particular circumstances of the case. It is clear that if these matters are to be made triable in the Supreme Court very few of them would be tried. I wish to emphasise that if you are going to make the obtaining of justice prohibitive then you are denying justice. These people would not have the means of inexpensive litigation, while it is essential for them to have judicial determination of their petition.

I understood from the hon. Member's comments on the Bill that we are making these villages too important. It is not consistent with his general contention, therefore, that election petitions should be tried in the Supreme Court instead of in the Magistrate's Court. Apart from that what I wish the Council really to consider are the circumstances. Is it reasonable, is it in the interest of good government and justice, that in these small villages where the people have not the means, but where acute questions may and will arise which ought to have a judicial determination, it should be put within their reach and within their means to go to a judicial tribunal to have these matters determined. Further, is it not going to help the purity of village life? I venture to submit, having regard to all circumstances, it is in the interest of the villages. It is quite right that this Council should consider the nature of the tribunal, but I am quite satisfied that when in a year or two the hon. Member for Berbice River sees how well it is working, he will be satisfied that the provisions of the Bill in this respect are correct.

Mr. SEAFORD: I am not capable of seeing what is behind the mind of the hon. Member for Berbice River, but when he was speaking it occurred to me that what was operating in his mind was that a Magistrate living in a district where an election petition eventuates might hear the tittle-tattle, and when he came to try the petition he would be unable to bring his judicial mind to bear on the subject. If that is what is operating in his mind I throw out the suggestion that a special Magistrate

might be appointed to try these cases. The hon. Member stated yesterday that with the amount of work the Magistrates already have to perform they would be unable to do this additional work. I do not know if the hon. Member or Government contemplate that this Bill is going to lead to a large number of election petitions. I sincerely hope not, but if it does I can quite see that Magistrates will have more than they can do. In a short time the Workmen's Compensation Bill will be brought into operation, and cases arising under that Ordinance will throw more work on the Magistrates than they now have to do. There might be a special Magistrate for the purpose of hearing these petitions, or it might be advisable to take cases out of the hands of Magistrates in whose districts cases arise.

Mr. GONSALVES: Perhaps clause 27 might be amended to provide for the filing of a petition with the Clerk of the Court of the district, who would hand over the documents to the Magistrate, and clause 29 to provide for the trial by a Magistrate appointed by the Governor or the Governor in Council. I also desire to point out that in clause 7 (?) the person suing out a process for recovery of a penalty has to deposit the sum of \$20, but when he is filing an election petition, which is more important and might require a number of witnesses, the deposit is only \$15 as security for costs. I do not think due consideration has been given to the matter from the point of view of expense.

THE ATTORNEY-GENERAL: I propose that the words "Magistrate's Court" be substituted for the word "Magistrate" in the third line. A petition is presented to the Court and the deposit is made with the Clerk. When we come to clause 29 that might be varied to read: "An election petition shall be tried by a Magistrate appointed for the purpose." With regard to the question of costs, the difference in clause 7 (2) is that the person who seeks to recover a penalty is regarded as a common informer, and things are not made too easy for him. Ample protection must be given to the other party, consequently he is always made to deposit a fair amount as security for costs in case he

fails. With regard to the question of a petition, a petitioner is not only pursuing a right but he is dealing with a matter of public importance as to whether a person is entitled to sit in a Village Council. That is the difference between the two, and that is how they are generally regarded. In the one case the informer gets the benefit for himself. In the other case it is a matter of deciding the status of a particular individual as to whether he should be a Councillor or not, and that is a matter of importance not merely to the petitioner but to the whole village community, which accounts for the difference in the costs.

THE CHAIRMAN: The amendment is to substitute the words "Magistrate's Court" for the word "Magistrate," with the subsequent intention of amending clause 29 to decide what Magistrate would try petitions.

MR. GONSALVES: I beg to move that the words "twenty-five" be substituted for the word "fifteen" in the fourth line of sub-clause (1).

THE CHAIRMAN: Does the Attorney-General's proposal meet the case of the hon. Member for Eastern Demerara?

MR. HUMPHRYS: It seems to me that Government would not appoint a Magistrate to hear an election petition if they thought it unsuitable for him to do so.

MR. G. J. DE FREITAS: That is just where difficulty is going to arise. I am rather inclined to think that no other Magistrate than the Magistrate of the district should hear these petitions, unless there was an application on one side or the other for a special Magistrate. That really comes under clause 29.

MR. LAING: I ask the hon. Member for Georgetown South not to press that the amount of the deposit should be \$25. I think it would be hard on persons who wish to bring election petitions.

MR. G. J. DE FREITAS: It has actually occurred in this country that a person got another who had nothing to lose to bring an election petition against another person who was assured of his seat, and when the costs were taxed against the petitioner there was nothing from

which to recover those costs and the respondent was mulcted in expenses of \$2,000 or \$3,000. If you are going to make it very cheap there will be a lot of frivolous petitions. If, on the other hand, you make it very expensive it will create a hardship.

THE ATTORNEY-GENERAL: To be a registered voter in a village a man must have property. To be a registered voter for the election of Members of the Legislative Council a man need not have property at all. Difficulties cannot arise in the case of a petition brought under this Bill because the petitioner will be registered in respect of his property. I think that will have some substantial effect.

MR. ELEAZAR: I do not agree with the Attorney-General that the Local Government Board tried petitions. The Board only dealt with elections. Until 1928, when the British Guiana (Constitution) Order in Council came into vogue, corrupt practices were absolutely unknown. The reason for that was that the man with the longest purse, while not actually corrupting voters, made it worth their while to support him. Bribery and corruption, which were unknown up to 1928, have sprung up like mushrooms. The suggestion of the hon. Member for Georgetown North will in some measure meet the situation. The Magistrate of a district is like one of the people and he should have nothing to do with petitions emanating in his district. I have nothing against the Magistrate himself, but it would be objectionable. If the clause is amended to meet that objection I will give way, because we have Magistrates who are capable lawyers and they will no doubt adjust their minds to cases and be able to deal with them. I think the deposit should be increased to \$25 as if it is made too cheap you will have petitions galore.

Original motion put, and lost.

THE CHAIRMAN: The amendment now before the Committee is that for the word "fifteen" in the fourth line there be substituted the words "twenty-five."

The Committee divided and voted:—  
Ayes—Messrs. Jones, Seaford, Walcott,



Austin, Dr. Singh, Gonsalves, Eleazar, Wight, Dr. De Freitas, G. J. De Freitas and Smellie—11.

*Noes*—Messrs. Humphrys, Peer Bacchus, De Aguiar, Laing, Goring, D'Andrade, Mullin, McDavid, Major Craig, Professor Dash, the Attorney-General and the Colonial Secretary—12.

THE CHAIRMAN: I will now put the amendment moved by the hon. Attorney-General that for the word "Magistrate" in the third line there be substituted the words "Magistrate's Court."

Agreed to.

Mr. G. J. DE FREITAS: The words "unless the Magistrate," in sub-clause (3) (b), seem to require some amendment.

THE ATTORNEY-GENERAL: That would be dealt with by the Magistrate of the district.

Mr. G. J. DE FREITAS: I suggest that the words be "unless the Magistrate of the district." That would put the matter beyond any doubt and avoid trouble or litigation.

THE ATTORNEY-GENERAL: I respect my view. The hon. Member must move an amendment.

Mr. G. J. DE FREITAS: It makes no difference to me. I am only trying to avoid trouble in the future. If the Attorney-General is satisfied that it means the Magistrate of the district very well.

Clause 29—Procedure.

THE ATTORNEY-GENERAL: As this clause stands now, unless some special action were taken, it would mean that the trial of an election petition will have to be by the Magistrate of the district. I am proposing an amendment which will leave it open as to whether it should be the Magistrate of the district or some other person. The clause will then read "An election petition shall be tried by a Magistrate appointed for the purpose. The procedure shall," etc.

Mr. ELEAZAR: I suggest that it be further amended by the addition of the words "other than the Magistrate of the district." The Magistrate of the district might be honest—

THE ATTORNEY-GENERAL: I take exception to the suggestion that a Magistrate is likely to be a partisan to an election petition.

Mr. WALCOTT: If the hon. Member for Berbice River is making a suggestion impugning the integrity of any of our Magistrates I also take exception to it.

Mr. ELEAZAR: I move an amendment that the Magistrate should be a Magistrate other than the Magistrate of the district in which the petition arose. I impugn the integrity of no Magistrate; I respect them all. I know that the Magistrate in a country district, even in Georgetown, is *au fait* with everybody, as he ought to be. Before a petition reaches him he gets some phase of it in his mind, and it is better for all the parties that he should approach the matter with his mind quite clear. That impugns nobody's character, and I mean nothing of the kind. What I want is that a special Magistrate should go into the district knowing nothing of the parties and have the matter put before him.

Amendment put, and negatived.

THE CHAIRMAN: I will now put the amendment by the Attorney-General.

Mr. G. J. DE FREITAS: Before that amendment is put I wish to suggest that the Magistrate of the district should be appointed unless there is an application by either of the parties, otherwise it would place Government in a peculiar position. How is Government to have notice whether or not a Magistrate is dishonest. The hon. Member for Berbice River wishes to put the matter beyond doubt in saying that a Magistrate other than the Magistrate of the district should be appointed. I do not incline to the idea that because a Magistrate is in a district he is going to hear all that is going round a village. The same thing might be said of the Judges in Georgetown, but it is never suggested that

because a Judge hears tittle-tattle he will be dishonest. I think the matter should be left to the Magistrate of the district and the Governor in Council given the right to appoint another Magistrate on application of either of the parties. I do not think it should go forth that there is any idea in this Council that the Magistrate of a district is not a fit and proper person. It is not suggested, but it is insinuated.

Mr. SEAFORD: The hon. Member for Berbice River must be aware that whenever there is an election petition it is discussed in every house and at every street corner. Georgetown is very much bigger than any district or village.

Mr. ELEAZAR: That is why it is necessary in the villages and not in Georgetown. In the villages the Magistrate knows everything that is happening because he lives there, and that is the reason why you should send a Magistrate who knows nobody so that nobody can accuse him afterwards.

Mr. WALCOTT: I have such a very high appreciation of the integrity of Members of this Council, and especially of my friend the hon. Member for Berbice River, that I cannot believe he realises quite what this will mean in the eyes of the general public, if it is going to go forth from this Council that any Magistrate appointed by Government would not be a man who would rise above any petty feelings of a village. Your Excellency will no doubt have all kinds of things said of you, but will any Member of this Council conceive that you will be influenced by anything you might hear. Your own commonsense and judgment will come into play. Magistrates and Judges are in the same position, and I refuse to believe that any Magistrate or Judge will be influenced by public opinion. If they are so influenced they should be turned out at once.

Mr. GONSALVES: It seems to me from the discussion that the amendment of the Attorney-General is intended to meet the suggestion that has been made, and when he proposes that an election petition shall be tried by a Magistrate appointed for the purpose I gather that it is the intention that some Magistrate other than the Magistrate of the district should hear these petitions.

THE ATTORNEY-GENERAL: The amendment gives the Governor authority to appoint a Magistrate for the purpose of hearing election petitions and the Governor may appoint any Magistrate. The Magistrate of the district or some other Magistrate may be appointed. The discretion is there to be exercised, and it will be a matter in each case to decide who should be appointed. If it is suggested that some other Magistrate than the Magistrate of the district should be appointed when a petition is filed one would be appointed, but if there is no objection then the Magistrate of the district may well be appointed to try the petition.

Mr. ELEAZAR: That is a back-handed way of doing it. Why not say the Magistrate of the district unless there is a request to the contrary? I cannot conceive why Government should seek to put the Magistrate of a district in an invidious position, in which he must be, by having him hear petitions arising in his district. Why not leave him out entirely and appoint him elsewhere.

THE CHAIRMAN: The hon. Member is arguing the last amendment which was lost. That has been already disposed of.

Mr. ELEAZAR: I am trying to see if I can get Government to realise that it is not fair to Government or to the community.

THE ATTORNEY-GENERAL: If this amendment is not carried and the clause stands as printed it would necessarily mean that only the Magistrate of the district could hear a petition.

Amendment put, agreed to.

Clause 30—Appeal.

Mr. HUMPHRYS: I should like to enquire what is the reason for the change of procedure. All appeals from a Magistrate's decision at present go to the Full Court. It is an anomaly for these appeals to go to a single Judge. It may be that the Attorney-General has not looked into the matter, or that he has good reasons for the departure. At present we have two Courts of Appeals, one going to a Single Judge under the Mining Law and the other, whether Criminal or Civil, going to the Full Court. I think it



would be very much better to have these appeals go to the Full Court as all other appeals from Magistrates' decisions. It would give more satisfaction to litigants and also be in the best interest of the work of the Supreme Court. I move that for the words "appeal to a Judge" there should be substituted the words "appeal to the Full Court."

**THE ATTORNEY GENERAL:** I have not forgotten the fact that appeals from a Magistrate in an ordinary matter go to the Full Court. I have not forgotten because I was instrumental in the change. Nor was I influenced by the anomaly of the mining law with which I had nothing to do. The position is on the analogy that election petitions are tried everywhere by a single Judge and his decision is final, and in providing for an appeal here it was with a view to following that analogy. I am not wedded to it, and if the Committee takes the view that it would be preferable that appeals should go to the Full Court, I am prepared to agree and the clause may be amended accordingly. In that case instead of "a Judge" the words will be "the Full Court," and for the word "Judge" the word "Court" will be substituted.

**THE CHAIRMAN:** As the Attorney-General has intimated that he is indifferent about the result of the amendment I leave the question to the open vote of the Committee.

Amendment agreed to.

Clause 31—Determination of election petition or appeal.

**THE ATTORNEY-GENERAL:** As a consequential amendment the word "Court" should be substituted for the word "Judge" in the second line.

Question put, and agreed to.

Clause 32—Frivolous and vexatious petitions.

**MR. HUMPHRYS:** This clause gives the Magistrate the power to award a sum not exceeding \$50 by way of compensation, "and if the money deposited is not sufficient to pay the costs and expenses or any sum awarded as compensation the balance of such any sum aforesaid may be

recovered by action in any Court of competent jurisdiction." I suggest that would give rise to a multiplicity of actions. If a Magistrate sees fit to award compensation such compensation together with the costs should be recoverable on his order, and it should be unnecessary for the person to whom compensation is awarded to bring another action. Under the law at present compensation is recovered without the necessity of another action. If the words after the word "compensation" are struck out it will effect the amendment I suggest.

I also observe that a petitioner has five days to make up his mind "that he does not intend to proceed with the petition" and on giving notice in writing to the candidate "he shall not be liable to pay the costs and expenses". I am going to ask for the deletion of that proviso. If an evilly disposed person feels that he can make money out of an election all he has to do is to file a petition and deposit \$15 and then go to the unfortunate respondent and say "I have filed a petition against you, but if you are prepared to pay me \$25 or \$50 I will not proceed with the petition. If I go on with the petition you might get six months imprisonment and it is cheaper for you to pay than to get six months." It is quite conceivable that such cases might happen. When a petition is filed it should only be withdrawn with the permission of the Magistrate. A petition with respect to the Legislature cannot be withdrawn without the permission of a Judge and it should be similarly here. I move that the proviso be struck out and there be added "An election petition shall not be withdrawn except with the permission of the Magistrate."

**MR. GONSALVES:** The hon. Member was entirely against my proposal to increase the deposit. It now appears that the deposit will not be sufficient for the award of compensation to be paid out of it. If the deposit is such a sum as will prevent people from filing frivolous petitions we will not have frivolous petitions. The hon. Member is asking Government to remedy in clause 32 what should have been remedied in clause 27, but he has my sympathy.

**MR. HUMPHRYS:** It is not a question of the amount but whether this clause cannot be made an instrument of black-

mail. While \$15 is quite sufficient to cover the costs of an election petition brought *bona fide*, this clause would enable a man to bring a petition which is not *bona fide*.

The Committee adjourned for the luncheon recess.

MR. ELEAZAR: I agree with the hon. Member for Eastern Demerara that the proviso should be deleted. Under clause 27 (1) a person has ten days within which to bring an election petition. By this proviso the respondent will have to wait five days to see if the petitioner will change his mind and look after himself. In the meantime the petitioner might try to get what he can out of the respondent. If a petitioner cannot proceed he should be subject to the same procedure as in civil cases and be liable to costs. I also think the words "such any sum" require amendment.

THE ATTORNEY-GENERAL: I sympathise with the hon. Member on his difficulty of understanding "such any sum." I will not venture to question him because he might say I have no authority for endeavouring to interpret them. It may be that a printer's devil thought "such any sum" is as good as "any such sum." That is a matter, however, that can be easily rectified. But I am rather surprised at the objection of the hon. Member for Berbice River to clause 32. He told us to day that he had many experiences of election petitions. If they were connected with the town of New Amsterdam he ought to be familiar with the section to which clause 32 practically applies, and I thought he would have been pleased to see in village administration sections of the New Amsterdam Town Council Ordinance which we are attempting to adopt because of their excellence. I have never heard the hon. Member complain against section 71 of that Ordinance of which this clause is practically a transcript. May I also point out that exactly the same section appears in the Ordinance of the Georgetown Town Council. I am therefore a little puzzled at the objection.

My learned friend the hon. Member for Eastern Demerara has expressed the opinion that instead of the proviso there should be a provision that an election petition should only be withdrawn with the

consent of the Magistrate. It was thought, perhaps wrongly, that the example of Georgetown and New Amsterdam would have been useful, and that the same provisions which existed with them for many years and have been acted upon would be quite good for the villages. In the election petition regulations of the Legislative Council there is a provision that an election petition is not to be withdrawn except with the consent of the Court, and the Court has to be satisfied that it is not the result of any bargain. If we desire that in this respect, as in many others, the law with regard to Village Councils should be on a higher plain than that of Georgetown or New Amsterdam, the proper place for such a provision would be in a sub-clause to clause 27. There is another point. It must be remembered that for the trial of an election petition the Magistrate's Court is a special tribunal created by this Bill for the specific purpose, and if the procedure, etc., were not made to apply by statutory provision here they would not apply. That is the reason why, I take it, both in Georgetown and New Amsterdam the amount to be awarded by way of compensation, if it exceeds the deposit, shall be recovered in a Court of competent jurisdiction.

An election petition tribunal is only for certain specific things set out in the statute, and it is not a Court that decides upon matters of compensation ordinarily. It does not exist for that purpose. What this clause does is to give power to award an amount, but it says if the amount deposited is not sufficient then the other amount can be recovered in a Court of competent jurisdiction. That is the reason for the provision. When an order like that has been made, if the amount deposited is insufficient to satisfy the amount ordered for compensation, there is no question of there being any defence to it. What will happen is that the suit in a Court of competent jurisdiction will be for the difference in the amount, to which there can be no objection, and all that is left to be done is for the Court to give judgment and to enforce that judgment. I suggest that we let it stand on the precedent which has gone before. We have had no suggestion that any wrong has been done or any harm has taken place. Not even in the reminiscent memory o

the hon. Member for Berbice River has been able to call to mind a case. If it is found to work any hardship then, of course, it will be amended.

Mr. HUMPHRYS: If there has been faulty legislation in the Ordinances of the Georgetown and New Amsterdam Town Councils that is no reason why it should continue. While I have great respect for the views of the learned Attorney-General, we who practice in the various Courts realise the absurdity of bringing two or three actions in respect of the same matter. I think the Council will be acting wisely in deleting the proviso and making provision that no petition can be withdrawn without the leave of the Magistrate. If the proviso is allowed to remain I am certain it is going to lead to a lot of mischief.

THE CHAIRMAN: Do I understand that if the Court awarded compensation which the deposit is insufficient to pay it will be necessary to recover the balance by process of another action?

THE ATTORNEY-GENERAL: For recovery of the balance an action in another Court would be necessary. What the hon. Member for Eastern Demerara desires is that the amount should be recovered by process in the Court which tries the election petition. It will be necessary to make provision for the recovery upon an enforcement order either in this Court or in the Magistrate's Court. Provision must be made for enforcing the order; it is not sufficient to strike out the words after the word "compensation." There should be provision either that the order should be enforced in the same way as costs in an election petition will be recovered, or the order should be transmitted to the Magistrate of the district to be enforced as if it were a judgment under the Summary Jurisdiction (Petty Debt) Ordinance. One of those two things is absolutely necessary. If the hon. Member desires that the proviso should be struck out and there should be a provision that an election petition should not be withdrawn without the permission of the Magistrate, it will have to be put in under clause 27 which deals with procedure in the Magistrate's Court, and it will also be necessary that there should be before the Magistrate affidavits on the application for withdrawal of a petition stating that

no agreement or promise of any kind whatsoever had been made or undertaking given with regard to the withdrawal of the petition.

Mr. G. J. DE FREITAS: I had prepared an amendment that occurred to me in connection with this clause. It seems to me futile that when compensation has been awarded one should go to the Magistrate's Court to recover that amount. My suggestion is that all the words after the word "compensation" should be struck out and the words "execution may issue for recovery of the balance in like manner as if it were a judgment under the Petty Debt Ordinance." The result then would be that if costs and compensation were more than the amount deposited you would apply for a writ and proceed to recovery as under the Petty Debt Ordinance. I do not see quite clearly what is the scale of costs. I am not quite sure whether clause 29 covers the point. There is authority to grant costs, but the scale of costs seems to require attention. I do not think the award of \$10 would be an encouragement to any practitioner to look into the law of petitions. I am also in agreement with the hon. Member for Eastern Demerara that the proviso might very well be struck out. I do not see why any person who files a petition and withdraws it should be exempt from paying costs. In the ordinary course of events the moment a person is served with a petition he consults his lawyer. Nor should a petitioner be allowed to withdraw a petition without the consent of the Magistrate. Whether the right is given to withdraw or not it is open to blackmailing, and if a petition is abandoned the Magistrate should have power to award costs as in any other matter.

Mr. HUMPHRYS: The more I see of this clause the less I like it. There is no provision for costs or compensation unless a petition is declared frivolous and vexatious. If a petition is abandoned the petitioner ought to be mulcted in costs if the Magistrate so directs. It is unnecessary to give the Magistrate power to issue execution for compensation because clause 29 gives him the same jurisdiction and authority as if he were trying a civil action.

THE CHAIRMAN: Is not clause 32 mandatory?



Mr. HUMPHRYS: Yes, but the Magistrate is bound to order costs if a petition is declared frivolous and vexatious. If a petition is dismissed on the merits he ought to issue a writ for the recovery of costs, but I think he is given that power under clause 29.

Mr. ELEAZAR: If a petition is not frivolous and vexatious but is not proved a man might be set free. It is a point worth considering.

THE CHAIRMAN: Do I understand the hon. Member for Eastern Demerara to move in the words "or dismissed."

Mr. HUMPHRYS: I move that the words "or is dismissed" be inserted.

Mr. WILLS: I invite the Council's attention to Chapter 14, section 43, which provides for an order for costs and compensation where a complaint is dismissed.

THE CHAIRMAN: That section says "may order." This clause says "shall order."

Mr. WILLS: I call attention to that section to show that a case may be dismissed and costs awarded. If an election petition is dismissed there is no provision for costs.

THE CHAIRMAN: In clause 29 there is power to grant costs, but in clause 32 it is mandatory.

THE ATTORNEY-GENERAL: Clause 32 deals with a special case, namely, the case of a person who presented an election petition abandoning it and the Court declaring the petition frivolous and vexatious. In those circumstances the Court shall order the costs and expenses incurred to be paid out of the money deposited together with a sum not exceeding \$50 by way of compensation. That deals with a special case apart from a petition which is tried out and on which the usual order is made. I think the point can be met as suggested by the hon. Nominated Member (Mr. De Freitas), by substituting for the words after the word "compensation" in the eighth line the words "execution may issue for the recovery of the balance in like manner as if it were a judgment under the Summary Jurisdiction (Petty Debt) Ordinance."

Mr. HUMPHRYS: I am quite satisfied with that.

THE ATTORNEY-GENERAL: Then I have no objection to the omission of the proviso.

Mr. G. J. DE FREITAS: I see no reason why costs should not be awarded, unless there are special circumstances to warrant the Court in withholding them, if a petition is either abandoned, dismissed or declared frivolous and vexatious. The hon. Member for Demerara River referred to section 43, Chapter 14. That is an Ordinance dealing with the summary jurisdiction of a Magistrate in criminal matters, and it has nothing to do with this question.

THE ATTORNEY-GENERAL: I am perfectly satisfied, at any rate my advice is, that clause 29 covers the provision for the awarding of costs in election petitions in the ordinary way when a petition is dealt with. The words are not as limited as the hon. Member for Berbice River thinks. The same powers, jurisdiction and authority are conferred on the Magistrate as if he were trying an action. The clause is exactly the same as section 78 of the Georgetown Town Council Ordinance, and there has never been any difficulty in awarding costs. Clause 32 deals, as I pointed out, with a particular case. Costs under clause 29 are within the discretion of the Magistrate to be dealt with as he thinks fit. Clause 32 takes away the discretion of the Magistrate with regard to costs, and there is a statutory duty to order costs if any person abandons a petition or if the petition is declared to be frivolous and vexatious. I cannot advise the Council to accept an amendment which is going to take away from the Magistrate the discretion provided by clause 32 and make it obligatory on him in every case dismissed to order payment of costs.

Mr. HUMPHRYS: I agree that clause 29 would give a Magistrate power to award costs if he dismissed a petition and that clause 32 makes it incumbent on him to award costs if the petition is declared frivolous and vexatious.

Clause as amended put, and agreed to.

Clause 36—Bribery, treating and undue influence.

Mr. ELEAZAR: This is an omnibus clause. If a candidate gives a voter a drink six months, or twelve months, after an election he is liable to six months imprisonment. I cannot make fish nor fowl nor good red herring out of the clause. I do not know who will be safe under it. I should like the Attorney-General to address his mind to it.

THE ATTORNEY-GENERAL: I shall do that. The clause says if he does any of the things enumerated "in order to obtain a vote or to recompense any person for a vote at that election." The hon. Member is familiar with the fact that it is an exact copy of section 53 of the New Amsterdam Town Council Ordinance (Laughter).

THE CHAIRMAN: Does the hon. Member accept the explanation?

Mr. ELEAZAR: He must fix a time. It may be six months afterwards, but he has to prove it was a bargain beforehand. There are some people wicked enough to come and ask you to give them something and when you have given them say it was a bribe. The Attorney-General must fix a time.

Mr. PEER BACCHUS: The clause carries peremptory imprisonment. So much has been copied from the Constitution Order in Council, which gives the alternative of a fine, that this clause also should provide for a fine. I suggest that after the word "conviction" the words "to a fine not exceeding one hundred dollars or."

Mr. LAING: There is no objection to the insertion of those words.

Mr. ELEAZAR: Before the amendment is put I ask the Attorney-General to consider the point I have raised. When this provision was made in the Town Council Ordinance bribery and corruption did not exist as they do today. I suggest the insertion of the words "during or within three months after any election" to give it the utmost limit.

THE ATTORNEY-GENERAL: When the hon. Member makes the statement that corrupt practices only became offences since 1928 he is perfectly wrong. These offences and punishment existed in the Constitution Ordinance since 1891

until 1928 when the Constitution Order in Council came into force. The law is no more stringent now than it was then, the only difference perhaps being that it is more efficiently enforced. The whole object of these provisions is to prevent corrupt practices, hence we find the provisions in the Constitution Order in Council framed in exactly the same way. There is no time limit.

Mr. HUMPHRYS: I should like to ask the Attorney-General to consider the advisability or otherwise of providing a penalty for a person who receives these benefits. As we are following so closely the Constitution Order in Council we might go a little further and make a person who receives a bribe also liable to the same penalty as the candidate.

THE ATTORNEY-GENERAL: The proposal of the hon. Member can very well be embodied in a new sub-clause to clause 36.

THE CHAIRMAN: I propose to call this clause 36 (1) and leave the new sub-clause (2) for the Attorney-General to draft when he has more time. The question is that the sub-clause be amended by the insertion of the words "during or within three months after any election."

Mr. ELEAZAR: I am asking Your Excellency to leave it at three months. There is a snag in the words "after any election."

Mr. G. J. DE FREITAS: I think the hon. Member has not read the clause very carefully. For the clause to be of any use the amendment suggested cannot possibly be accepted.

Amendment put, and negatived.

THE CHAIRMAN: I will now put the first amendment that after the words "summary conviction" in the twelfth line the words "to a fine not exceeding one hundred dollars or" be inserted.

Amendment agreed to.

Clause 37—Candidate proved on election petition guilty of bribery, etc., to be incapable of election for two years.

THE ATTORNEY-GENERAL: In this

clause wherever the word "Judge" occurs the word "Court" must be substituted. It is a consequential amendment.

Mr. ELEAZAR: Have the words "subject to the same incapacity" any reference to the fine or imprisonment or to the mere disability to election for two years?

THE ATTORNEY-GENERAL: It is a general principle of election law which has existed in many English and Colonial Statutes and is being inserted here. When it is proved that the candidate has been guilty of any of the offences which provide for disqualification he shall be subject to the same incapacity as if he was convicted of that offence. He is not punished because it is not a Criminal Court in which he is tried, and there is only the incapacity to be elected for two years.

Clause 39—Rules.

Mr. DE AGUIAR: I take it that the Rules will be published in the usual way.

THE ATTORNEY-GENERAL: The Interpretation Ordinance provides that Rules shall be published in the *Gazette* and it is quite unnecessary to insert it here.

Clause 41 (1) (viii.)—Nomination of candidates.

Mr. LAING: In the third line the words "the eleventh of November" appear. That day is a Public Holiday under the Public Holiday Ordinance and I ask that it be amended by the substitution of the word "twelfth" for the word "eleventh."

Question put, and agreed to.

Clause 24 (4)—Determination of seniority.

THE ATTORNEY-GENERAL: The hon. Member for Berbice River was very anxious about clause 24 (4) and I think it might be recommitted. I have considered the matter with one or two other Members and it seems the proper course would be to strike it out of clause 24 and make it sub-clause (11) of clause 2 and to renumber sub-clause (11) as (12). The sub-clause will now read:—

(11) Seniority of councillors shall be determined by the order of the date of appointment or election, or if appointed or elected on the same day according to the alphabetical order of

their names: provided that in the case of members elected by polling on the same day where the votes are unequal seniority shall be determined by the number of votes cast.

Mr. WALCOTT: It is suggested that the villages be divided into wards. You might have a ward with a smaller voting capacity than another, and I do not think seniority should depend on the number of voters in a division.

THE ATTORNEY-GENERAL: They should increase the number of voters in that event.

Amendment put, and agreed to.

Schedule B: Rules to regulate the proceedings at elections of Village Councillors.

Mr. ELEAZAR: It seems to me that the chickens are coming home to roost even before nightfall. I see that if any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed, the Returning Officer may cause his vote to be marked on the ballot paper in the manner directed by such voter. I want to know where that constitutes secret voting by ballot.

THE ATTORNEY-GENERAL: The hon. Member will find it in all laws governing elections and the very regulations under which he is elected to this Council with regard to blind and illiterate people.

The Council resumed.

#### DRAINAGE AND IRRIGATION.

THE PRESIDENT: By the permission of the Council and the mover, the motion by the hon. Member for Berbice River, requesting Government to forward to the Secretary of State the petition praying for effective drainage and irrigation schemes for the coastlands, will be deferred and taken to-morrow morning.

#### WIRELESS LICENCES, ETC.

Mr. DE AGUIAR asked the following questions:—

1. How many wireless receiving licences have been issued in each of the years 1933 and 1934 and to June 30, 1935?

2. What steps are being taken to control radio interference in Georgetown and New Amsterdam thus ensuring reasonably good reception?



3. What precautionary measures are taken in the installation of receiving sets to eliminate fire risk?

THE COLONIAL SECRETARY (Major Bain Gray) replied as follows:—

1. The number of wireless receiving licences issued during the undermentioned years is as follows:—

1933	...	...	90
1934			140
1935 (to 30th June)			163
			393

2. In Georgetown a considerable number of causes of interference with radio reception have been traced and removed. Most of them were found to be due to defects in lines and appliances. No such action has so far been taken in New Amsterdam.

3. The principal protection against fire risk is correct fusing, the use of wall points with switches, the avoidance of trailing cords and the erection of aerials so that they cannot come into contact with lines carrying electrical energy.

The installation of receiving sets is generally done in accordance with conditions advised by the Government Electrical Inspector. Regulations relating to this matter are in course of preparation and it is hoped to bring them into operation shortly. Details of the precautions which should be employed and which are gradually being observed are given in a pamphlet issued in September, 1934, by two local fire insurance companies with the approval of the Government Electrical Inspector.

#### GEORGETOWN ACCUMULATED TAXES AND RATES (FUNDING) BILL.

MR. McDAVID (Colonial Treasurer): I beg to move the second reading of "A Bill to empower the Georgetown Town Council to fund the total amount outstanding in respect of unpaid taxes and rates which have been levied during the years 1933 and 1934 under the Georgetown Town Council Ordinance (Chapter 86) and the Georgetown Sewerage and Water Ordinance, (Chapter 96) and the Georgetown Sewerage and Water Ordinance, 1930, and in respect of unpaid ratepayer's debts under the Georgetown Improvement Rates (Funding) Ordinance, 1932, together with interest thereon, and also to make provision for the payment of such taxes, rates and ratepayers' debts and interest." The object of this Bill is set out in the rather lengthy title I have just read and also in the preamble. The Bill is more or less an agreed measure and I think hon. Members are familiar with the events and the reasons that led to its introduction.

The position is that there is a considerable sum due to the Georgetown Town Council in respect of unpaid rates and unpaid taxes levied by the Town Council for the years 1933 and 1934. There is also due a considerable sum in respect of the ratepayers' debts, which comprise the unpaid improvement rates for the years 1929—1932 that were funded and made repayable within five years under the Georgetown Improvement Rates (Funding) Ordinance, 1932. Two instalments have become due in respect of these unpaid improvement rates and a large proportion remains unpaid.

I need not refer to the causes which have led to this unsatisfactory state of affairs. These matters have been debated in this Council and hon. Members are familiar with the facts. The point is that these arrears do exist and it is claimed that they constitute a serious burden on the ratepayers by whom they are due. It is also claimed that if the ordinary process of law were enforced for their collection considerable distress would ensue and a number of the defaulting ratepayers might lose their properties or might otherwise be ruined. In these circumstances the Georgetown Town Council have made representations to Government that an arrangement should be legalised by which all the unpaid rates and taxes and the ratepayers' debts should be funded and made repayable over a period of 25 years. It is claimed that such a measure would afford considerable relief and also at the same time lead to a more satisfactory collection of current rates and taxes. Government have taken into consideration all the circumstances and have agreed that such a proposal is desirable. In order to give effect to the proposal this Bill seeks to authorise the Town Council to raise by loan a sum of money which is the precise equivalent of the accumulated outstanding rates. The loan will be made repayable within 25 years from the date of subscription; the Town Council is also given power to redeem the loan at any time after 10 years. Interest will be payable at a rate not exceeding  $4\frac{1}{2}$  per cent, although I have information that the Council hope to raise the loan at 4 per cent.

There is one important feature of the loan which I will mention, and that is that it is hoped to raise a large portion by

means of a conversion operation with respect to the loan raised in 1932 under the Georgetown Improvement Rates (Funding) Ordinance. It is hoped that a large portion of that loan will be merged into the new loan which is to be raised. Bond holders of the 1932 loan will be given an opportunity to convert their bonds into new bonds to be issued under this Ordinance. Assuming therefore that all the bond holders of the 1932 loan will accept conversion, it will only be necessary for the Town Council to raise a new loan equivalent to the total of the accumulated debts, less the total of the old loan.

I will not weary the Council with all the financial details of the Bill, which have been very carefully worked out. I will however say that the latest information on the subject is that the total of the outstanding debts amounts to \$364,967. To that must be added interest which is accruing up to the date when this operation will take place. That is estimated at a sum of \$25,000. The amount of the 1932 loan is \$334,700, and therefore all the Town Council will have to raise by the new loan, assuming that the whole of the 1932 loan will be converted, is \$55,267. That is a rather more satisfactory position than we were led to expect when the proposal was first made.

I will now pass on to the ratepayers' debts. The ratepayers will be allowed 25 years to repay their accumulated liability, and they have to pay the whole of it in 25 equal annual instalments with interest at the rate of 6 per cent. per annum. Of course, no ratepayer will be prevented from repaying the whole of his indebtedness should he so desire at any time, and interest will thereupon cease. The first instalment will be made payable on the 15th December, 1935, and thereafter in each year on the 15th December.

Generally, the Bill follows the lines of the 1932 Funding Ordinance, and it is therefore unnecessary for me to refer specifically to the degree of preference which is given to the ratepayers' debts, to the mode of recovery, and so on. Those follow the usual lines in the 1932 Ordinance and in the Town Council Ordinance itself. Before I conclude I should like to say that I hope, and Government hope, that this measure and the other passed in this Council last week giving the

Town Council power to increase their statutory overdraft, together with the two other Ordinances passed earlier in the year fixing prescribed dates for the recovery of municipal taxes, will assist the Council in regaining that measure of financial stability which they have always had in the past and which it is fitting should be associated with the Municipal affairs of the capital City of the Colony. With these remarks I move the second reading of the Bill.

Mr. GONSALVES: With your permission, sir, I beg to second the motion. The details have been fully explained by the Colonial Treasurer and there is nothing I can add to them. The Bill was originally submitted by the Town Council and, though not now in the form in which it was submitted, it is in accord with the Council's wishes. I think the Council's financial stability is equally as good, if not as perfect, as it might have been. The Bill will receive the approbation of the community of Georgetown because it aims at giving some relief to the ratepayers with regard to their arrears. As regards the hope expressed by the Colonial Treasurer, I myself sincerely hope that matters Municipal may so improve as far as the collection of rates is concerned as not to necessitate our asking for another overdraft.

Mr. ELEAZAR: I am not opposed to this Bill. What strikes me is the provision in clause 15 that every ratepayer's accumulated debt together with the interest shall be preferent over and above all claims, whether against the premises or the owner thereof, except claims due to the Crown or the Colony. That I interpret to mean that if I bring an action against a ratepayer and recover the money the Town Clerk would say I cannot have it because the Town Council's claim is preferent to "all claims of whatever nature, whether against the premises or the owner." The Co-operative Credit Banks have a similar provision in their Ordinance, and it is an easy thing for a man to create a debt and when the creditor seeks to recover his money the Secretary of the Loan Bank comes along and claims the money. I know of a case where money was borrowed to erect a house and the debtor had to be sued in the Supreme Court for recovery of the money. Judg-

ment was obtained in that case and after a sale of the house at execution the Secretary of a Loan Bank went to the Registrar's Office and claimed the whole amount.

THE ATTORNEY-GENERAL: The clause is a reproduction of an important section in Chapter 86, and, of course, I do not understand why the hon. Member thinks there should be any variation in this Bill from the provisions under which taxes can now be collected. The extension of the time for payment must be subject to the same liabilities of collection as they now are.

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—Interpretation of terms.

Mr. McDAVID: I move that the expression "Owner" and the meanings assigned to it be deleted.

Question put, and agreed to.

Clause 11—Register of unpaid taxes and rates to be kept.

Mr. McDAVID: I move that in sub-clause (1) for the word "owner" in the fourth line there shall be substituted the words "proprietor or representative of the proprietor," which follow the phraseology of the Principal Ordinance.

Question put, and agreed to.

Clause 15—Debt and interest preferent except as against Crown or Colony.

Mr. McDAVID: I move that in sub-clause (1) the word "proprietor" be substituted for the word "owner" in the fourth line.

Question put, and agreed to.

Clause 16—Mode of recovering debt.

Mr. DE FREITAS: In sub-clause (3) the word "owner" also appears. In actual practice summonses are never sent out to the owners but to the proprietor, occupier or his representative, and to be consistent I suggest that the word "owner" should be altered to "proprietor."

THE ATTORNEY-GENERAL: There is no objection to that amendment.

Mr. McDAVID: In that case I move that for the word "owner" the word "proprietor" be substituted.

Question 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. McDavid*)

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