

LEGISLATIVE COUNCIL.*Wednesday, 16th August, 1933.*

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

PRESENT.

The Hon. the Colonial-Secretary, Mr. T. Millard, C.M.G. (Acting).

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

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

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

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

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

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

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

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

The Hon. F. Birkitt, Postmaster-General.

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

The Hon. P. W. King, Official Receiver.

The Hon. H. P. Christiani, Commissioner of Lands and Mines (Acting).

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

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. V. A. Pires (North West District).

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. H. G. Seaford (Nominated Unofficial Member).

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

MINUTES.

The minutes of the meeting of the Council held on the 15th August, as printed and circulated, were confirmed.

RICE COMMITTEE'S REPORT.

Mr. WALCOTT: Your Excellency, before the proceedings of the day are begun I ask your permission to say, in connection with the Report of the Select Committee of the Council which sat on the rice question, that I would like to make it clear that I am not a party to that Report.

THE PRESIDENT: The hon. Member is out of order in bringing this up now. He will be quite in order in doing so when the Report is before the Council. I think the hon. Member, having said all that he wanted to say, should resume his seat. (Laughter).

UNOFFICIAL NOTICES.**MENTAL HOSPITAL ATTENDANTS.**

Mr. ELEAZAR gave notice of the following motions:—

THAT this Council respectfully recommends that the Government make some provision for a gratuity or compassionate allowance to Robert Ben, Walter Beresford, Princess Jones and Harriet Paul, who served the Government as Attendants in varying capacities for 35 years and 10 months, 25 years and 1 month, 14 years and 4 months, and 17 years and 10 months, respectively, at the Mental Hospital, and whose services were terminated after 14 days' notice without any consideration.

CONTRIBUTION FOR ORPHANS.

WHEREAS Charles Vaughn, Police Constable No. 3797, served the Government for a period of nine years and six months;

AND WHEREAS the said Charles Vaughn became ill while on sentry duty and was conveyed to the Public Hospital, Georgetown, where he died on the 30th day of October, 1931, leaving a wife and five children, the eldest of whom is nine years and the youngest one year old and an invalid, without any provision whatsoever;

AND WHEREAS the only means of support on which the widow and children depend is the sum of 40 cents per month each granted by the Poor Law Commissioner for the maintenance of the five children

Be it Resolved.—That the Council respectfully recommend that Government make some provision for a contribution towards the widow and five children of the said deceased Police Constable, Charles Vaughn.

PETITIONS.

Mr. ELEAZAR laid on the table petitions from (1) Elizabeth Vaughn, widow of the late P.C. No. 3797 Charles Vaughn, praying for the addition of six months to the period of service of her late husband, in order that a gratuity or compassionate allowance be granted her; (2) residents of Pln. Mara, Berbice, and surrounding villages, praying that a canal be constructed between Plns. Mara and Friends for the transportation of canes.

ORDER OF THE DAY.

MINING BILL.

THE COLONIAL SECRETARY (Mr. T. Millard): I move that "A Bill to amend the Mining (Consolidation) Ordinance with respect to the duty on profits on gold won by milling and dredging," be now read a third time and passed.

Mr. SMELLIE seconded.

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

Bill read the third time and passed.

REFUND OF EXCISE DUTY.

THE COLONIAL SECRETARY: In moving the motion:—

THAT, with reference to Governor's Message No. 15 of the 3rd of July, 1933, this Council approves of the refund to Messrs. Booker Bros.,

McConnell & Co., Ltd. a sum of \$417.60, being the amount of excise duty paid on 104.5 liquid gallons of bitters manufactured in the Colony,

I would remind hon. Members that the application for refund of excise duty, as explained in the Message, was occasioned by the discovery that certain bitters manufactured in the Colony had deteriorated and were unsuitable to be placed on the market. But associated with the application to this Council to approve of a refund of excise duty is the condition that the quantity of bitters in question be destroyed in the presence of Government Officers.

Mr. SMELLIE seconded.

Mr. ELEAZAR: I am not sure whether I should oppose this motion. When Government brings it forward it seems that Government has made up its mind to carry it out. If I understand correctly, these people manufacture the bitters for export and had to pay duty on them. The bitters then turned out to be bad on account of their manufacture. I do not suppose the rum they got out of bond was bad rum. No one knows what they put in the bitters to make them bad but they come and ask Government to pay back the duty. When rumshop keepers have rum and it deteriorates and becomes under proof they are taken before the Magistrate and fined. No refund is made to them. I do not know what moved Government to be anxious to refund the money in these days. Government had money from a wealthy corporation and desire to give it back because for some reason of their own the manufacturers spoil the stuff for export. My vote alone will not prevent it and therefore I have to go with the crowd. One should not follow a multitude to do evil, but that is how the world goes I suppose.

THE COLONIAL SECRETARY: I think the hon Member for Berbice River has assumed that the bitters in question were manufactured for export but they were manufactured for consumption. The bitters manufactured are subjected to excise duty, which is a local duty. The bitters in question were not spoiled by any act but deteriorated owing to certain properties in manufacture.

Motion put, and agreed to.

PAYMENT OF A GRATUITY.

THE COLONIAL SECRETARY: I beg to move:—

THAT, with reference to Message No. 16 of the 6th of July, 1933, from His Excellency the Governor, this Council approves of the payment, as an act of grace, of a gratuity of \$300 to Mrs. E. Morgan, widow of the late Sergeant No. 3844 Morgan, Armourer of the Local Forces, who died on the 14th of February, 1933.

The circumstances giving rise to this motion being placed before the Council are set out fully in the Message to Council. The late Sergeant Morgan, Armourer of the Local Forces, died on the 14th February, 1933. His service did not qualify him for pension, but only to the extent of a fraction of a month. If his services had qualified him for pension his widow would have been entitled to such lump sum as would have fallen due to him if he had retired. The proposal is to grant, as an act of grace, a gratuity of \$300. The sum which would have fallen to him as lump sum if he had died seventeen days later is \$432.

Mr. SMELLIE seconded.

Motion put, and agreed to.

TRANSPORT AND HARBOURS.

THE COLONIAL SECRETARY: I move the following motion standing in my name:—

THAT, with reference to Governor's Message No. 17 of the 5th of July, 1933, this Council approves of the extraordinary expenditure on the Transport and Harbours Department as set out hereunder:—

<i>Renewals</i> —	
Renewal of 4½ Miles of Track	...\$ 27,000
<i>Improvements</i> —	
Railway Wharf Extension	15,000
New Stores Building	8,000
Turntable	6,000
Machine Tools (Central Workshop) ...	3,450
	\$ 59,450

and authorises the necessary provision being made therefor in the next Schedule of Additional Provision for the current year.

Hon. Members have been furnished with information regarding the proposals made by Mr. Cooper, and the Report containing those proposals has already been laid on the table of this Council and has been available to hon. Members. The items of expenditure printed are taken from that Report and represent Mr. Cooper's representations, which have been confirmed by

the Board of the Transport and Harbours Department and recommended by the Governor to the Secretary of State and have been approved by him for inclusion in the Estimates of the Colony. Much of the expenditure in question would have been otherwise met if we had been able to retain certain Funds that we abandoned in order to try and limit the amount of assistance we were getting from outside sources, pending the recovery of the economic position in this Colony and the market outside. I think hon. Members are familiar with Mr. Cooper's recommendations. There are certain Members here who belong to the Transport and Harbours Board and who are fully alive to the keenness of the present management of that Department with respect to the works that are being undertaken in which the Colony was considerably assisted by Mr. Cooper. The renewal of the track is to establish an annual rate of work on the lines recommended. Railway Wharf Extension, new Stores Building, Turntable, Machine Tools (Central Workshop) are other works that are recommended, and it is proposed to include provision for them in the Budget. Hon. Members will remember that Mr. Cooper made recommendations of other works, but he classified his recommendations as those that are pressing and those to be taken in hand as early as possible.

Mr. SMELLIE seconded.

Mr. DE AGUIAR: I do not propose to enter any opposition to this motion. I merely rise to enquire for information, as regards the item "Railway Wharf Extension \$15,000," whether it will be the policy of the Department to provide facilities for the storage of rice and other produce arriving by rail on the railway wharf, and whether permission will be given for the consignees to take delivery alongside the wharf. I know that at the present time there is a good deal of congestion of cargo arriving by rail from the East Coast particularly, and I believe, sir, that is the main reason for this recommendation. But, I submit, it will not go far enough unless the facility is afforded to consignees to have their produce stored for a couple of days pending transportation to other parts of the country or shipment abroad. I should like to know if it would be the policy of the Board to adopt such a measure.

Mr. ELEAZAR: Your Excellency, I do not see anything mentioned here about Berbice. I see "Railway Wharf Extension." I was hoping to see Berbice at the end or some part of it. We cannot get alongside, we cannot get ashore. The ferry steamer gets alongside at New Amsterdam according to the tide. I see all the nice things are for this end and we at the other end are left out. When we want to come to Georgetown we sometimes arrive here at 2.15, leaving New Amsterdam at 6.30 in the morning. That happened last week. Fortunately for me I was not on board that train, but yesterday I came late too. I mention that so as to direct attention to the Berbice wharf; the steamer does not get alongside. When the stelling was last—

THE PRESIDENT: The hon. Member has called attention to the point as regards Berbice. I do not think he need go into details.

Mr. ELEAZAR: I just want to say that the four years which Mr. Shields gave have elapsed. The silting up of the river has gone to the end of the wharf, and I am asking Government not to forget that.

Mr. BRASSINGTON: I should like to remind Government, as the hon. Member has done with regard to Berbice, that there is such a place as Essequibo. I should like to know when Government is going to spend some money in improving travelling facilities to Essequibo. I am in earnest. I have not got up to attempt to make a joke in this matter. For three days of the week you cannot get to Georgetown from Essequibo. We have got no telephone communication; we are going backward there and not forward.

THE COLONIAL SECRETARY: The hon. Member for Berbice River has drawn attention to the condition of the stelling at New Amsterdam. I would ask leave, though it is somewhat out of order, to inform the hon. Member that that matter is under the serious consideration of the Transport and Harbours Board. The Board is fully alive to the period previously mentioned as the limited period when further action has to be taken, and the Transport and Harbours Board trusts that Government will approve of recommenda-

tions shortly to be put before this Council. I do not think that at the present time, with this work in hand, additional storage accommodation can be attempted. I can assure the hon. Member who has spoken that, as Chairman of the Board, I will bring his remarks before the Board.

With regard to the reminder by the hon. Member for Western Essequibo that Essequibo is also on the map, I should like to tell the hon. Member that only a short while ago I was told, what appeared to me to be remarkable, that the journey from Georgetown as far as Pickersgill Sawmill was accomplished in a day. When one looks at the map it does seem to be a remarkably expeditious journey. The hon. Member says Essequibo is not provided with a steamer service on every day of the week, but I am sure the Transport and Harbours Board will be only too pleased to make such provision, if economically suitable.

Motion put, and agreed to.

BRITISH EMPIRE DEFINITION BILL.

THE COLONIAL SECRETARY: In moving the second reading of "A Bill further to amend the Customs Duties Ordinance, Chapter 34, by inserting therein a definition of the term "The British Empire," I would explain to hon. Members that it has been realised in connection with certain general tariff legislation of the Colony that the term "British Empire" does not possess a definition within any Customs legislation. A formula has been submitted which is considered satisfactory for the purpose. This is not put in the Definition Ordinance but into the Customs Duties Ordinance because of the requirements there. Hon. Members who have studied this formula may have had the same experience as I had. After I had read it for the second time I was quite satisfied that I could improve upon it. I made one or two attempts and have since abandoned them. But it is represented that this formula is satisfactory for the purpose of Customs Tariffs and their application to various territories within the Empire. I beg to move the second reading of this Bill.

Mr. SMELLIE 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 the next meeting of the Council it would be moved that the Bill be read the third time (*The Colonial Secretary*).

DRAINAGE AND IRRIGATION.

Major CRAIG (Director of Public Works): I beg to move the following motion standing in my name:—

THAT, with reference to Governor's Message No. 18 of the 18th of July, 1933, and Resolution No. XIII. of the 9th of June, 1933, this Council approves of the total costs of the following areas declared under section nine of the Drainage and Irrigation Ordinance, Chapter 165, being further reduced to the extent indicated:—

AREA.	Total cost.	Reduced total cost.	Proportionate cost payable by proprietors being 60% of reduced total cost.
ESSEQUEBO COAST— Johanna Cecelia to Annandale ...	\$ 43,942 30	\$ 24,935 00	\$ 14,961 00
EAST COAST, DEMERARA— Buxton and Friendship ...	75,303 10	37,669 90	22,601 94

In the Message is fully explained the reason for this further reduction.

Mr. BIRKITT seconded.

Mr. BRASSINGTON: I am very pleased, and I think every Elected Member is, for the reduction of the cost of the drainage and irrigation scheme in Essequibo and Buxton and Friendship. I will not be doing my duty to my constituents if I do not voice their great disappointment that Government have not seen fit to reduce the total cost to the proprietors of the northern end of the Coast from Annandale to Walton Hall. The cost of the drainage and irrigation scheme there, I make bold to say, has fallen very heavily on the proprietors of land at the northern end of the Essequibo Coast, and it is not my solitary opinion that the amount the proprietors of estates have to pay towards this scheme is far in excess of the benefits they have received. I speak very feelingly because in regard to one property—one of the largest properties in Essequibo to which I am connected—we have not got since the completion of the scheme any benefit in regard to irrigation and any improvement in drainage. I fully realise that this is a scheme that was put through by a previous Administration, and that the present Administration cannot be blamed for it at all. This is Mr. Pudsey's scheme. The proprietors between Annandale and Walton Hall have to pay a large assessment, for which I repeat we have got no benefits at all, certainly the large block of estates I represent, and

further we were assessed for 2,000 acres of land behind the backdam of the estates which are not even empoldered. Government I know, and I give them praise for it, have given facilities in the extension of the time that these rates should be paid, but, allowing all that, I still do believe that the Government might consider the present assessment. I know, for instance, Three Friends and Land of Plenty estate, which is owned by a young planter who is trying to make a living there. It is a crushing burden that they are not able to bear, and I cannot see how it is that a difference has been made in relieving one portion of the Coast as against another portion.

The south portion of the Coast has never had the difficulties to contend with in regard to drainage and irrigation which the proprietors in the northern end have. I do not think it is too late, after further reconsideration, to see even what small relief can be given the proprietors in the northern end of the Coast. I have never paid a visit to the Essequibo Coast and was not interviewed in regard to the burden of the assessment there in respect of drainage and irrigation, but not only by personal conversation with the proprietors but by correspondence they have frequently urged me to represent their grievances in this matter before the Legislature.

I would ask Your Excellency if it is possible not to let this be the final word in regard to the reduction. As I say, the people from Johanna Cecelia to

Annandale are very grateful to Government for the very large reduction made from nearly \$44,000 to \$24,000, but it is only that there is no reduction made in respect of the northern end. Essequibo, as Your Excellency knows—and I think everybody knows that too—is in a very terrible economic condition at the present time. The fertility of the soil on the Essequibo Coast, I venture to say, is as good as that of any other part of the coastlands of the Colony. I hope Your Excellency will see if something cannot be done to reduce the assessment that the proprietors at the northern end of the Coast are called on to pay, which they are unable to do, and it will mean that these estates will probably have to be taken over by the Government and the unfortunate proprietors will be on the road. I know of one or two instances of that having occurred. I do not think that is a position Government can contemplate with satisfaction. It is most unsatisfactory.

Mr. ELEAZAR: I think I would be wanting in my duty, Your Excellency, to the community if I did not thank Government for the considerable assistance given to the magnificent province, Buxton and Friendship combined, and in doing so you will permit me to extend charity to some other district. When Buxton is thanking you for having done this, I know for certain in other districts at least one individual who has been called upon to pay a considerable sum to Government although he has not received one particle of benefit, but simply because his holding comes within the definition of the drainage area. I have no doubt Government will hear something of it later. While Government have been quite gracious to look into these charges and reduce them in this way, Government will not allow certain individuals who have not complained in the same way as those of other districts to be kept out by these excessive charges. There are certain private individuals owning small estates who have been called upon to pay large sums which they cannot pay. If Government would find out what really is the position they would give it the consideration which I think it merits, and I am asking Government that while doing so to look into these matters.

Major CRAIG: I do not know I can

add anything that will be helpful. The matter has been discussed on many occasions and a Committee of the Board sat on it and made certain recommendations, including these reductions. With reference to the Essequibo Coast, the hon. Member for Western Essequibo said they had not had any additional water. I think that is not exactly correct, but I can assure the hon. Member that with the completion of the work now in progress placing an additional dam to the west of the estate he has mentioned, there will be a considerable addition of water to the estate he referred to. With reference to the remarks of the hon. Member for Berbice River, I think the area that he refers to is within the drainage area. I do not know how you can get out of that Ordinance. He mentioned that we are going to hear of it later, and I have no doubt that Government will give it full consideration when we do hear it.

Motion put, and agreed to.

SEA DEFENCE BILL.

Major CRAIG: In submitting this Bill —“A Bill to amend the Sea Defence Ordinance, 1933, with respect to the amounts to be voted in pursuance of paragraph (A) of sub-section (2) of section eighteen, and with respect to rates for nineteen hundred and thirty-three,”—for the second reading, there is very little that needs be said. It is a very minor alteration. The alteration in clause 2 makes the section in the original Ordinance clearer with regard to the total amount to be voted by Government, and the alterations in the schedule are necessary on account of the fact that the dates in the original Ordinance cannot be kept open, as the assent to the Ordinance was not given in time for action to be taken. I beg to move that the Bill be read a second time.

Mr. BIRKITT seconded.

Mr. DE AGUIAR: With regard to this Bill I merely rise to point out what seems to me to be an anomaly. When this Sea Defence Ordinance was introduced into this Council early this year it was made perfectly clear that works of a sea defence nature, whether permanent or temporary, will be borne by the Board. There are certain works of a permanent nature being

contemplated, and in view of certain difficulties that have arisen it is now desirable that a loan should be raised in order that works of this nature be carried out during the current year. I believe that is the reason for this Bill; but, sir, in clause 2 of this Bill—

THE PRESIDENT: I think the hon. Member is thinking of something else. This Bill does not provide for a loan but seeks to amend certain of the sections with respect to the collection of rates.

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.

Major CRAIG: In order that this Bill may be ready for publication in the *Official Gazette* on Saturday, I ask leave to move that Standing Order No. 11 (1) be suspended in order that the Bill may be put through its third reading to-day.

Mr. BIRKITT seconded.

Question put, and agreed to.

Major CRAIG: I beg to move that the Bill be read a third time.

Mr. BIRKITT seconded.

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

Bill read the third time.

OPTICIANS BILL.

Dr. HENDERSON (Surgeon-General): I beg to move that "A Bill to make provision for the Registration of Opticians, to regulate the practice of sight-testing and for purposes incidental thereto," be now read a second time. A considerable time ago the late Surgeon-General and the Acting Surgeon-General were concerned about the manner in which sight-testing was being carried out in the country. The Medical Board were also concerned in this regard. It is apparent that the practice of Optometry really was malpractised.

The prescriptions of medical practitioners and Opticians were not being properly filled and certain Opticians were issuing any sort of lens to their patients. In fact, the public were being badly served by certain of the Opticians. The cause of this, I gather from reading the files and from conversations with those who know Optometry, was very largely due to ignorance, and procedure in some cases, also to unscrupulousness. The Medical Board examined the matter carefully and considered that it would be proper to cause a Select Committee to examine the whole question. This was done and the Committee heard, among others, practising opticians, sick-nurses and dispensers, chemists and druggists, and wholesale dealers. In the evidence it was clear that there was a great deal of ignorance on the part of certain practising Opticians, and the witnesses themselves strongly advocated that there should be registration of qualified Opticians and also legislation to govern matters connected with sight-testing. The Medical Board approved of and adopted the Report of the Select Committee which set forth these findings.

Sir, the Bill before this hon. Council is not unique. In the neighbouring Colony of Trinidad the Government introduced an Act of this nature some six or seven months ago. I am not in a position to say how the Act in that country has operated. I heard the hon. Member for Berbice River refer to the Colony of Jamaica. I take the liberty also of referring to Jamaica, where I had the honour and privilege to serve for a few years. There, sir, an Act with sections very similar to the clauses in this Bill has been in operation for the last six to seven years. I had some experience in dealing with it and I think there is no doubt that it worked well, both in the interest of the public and of the Opticians. As I say, sir, the Bill before this hon. Council is very similar to the Act in Jamaica and the Act in Trinidad. As hon. Members know, the main principles set out in this Bill are the registration of Opticians after the Medical Board is satisfied that they had obtained a certain standard of knowledge in this work. The Bill enables control to be established, not only of Opticians, but of those who may practice illegally. The Bill also provides for a certain section of the public—the poor—to be able to buy spec-

tacles and lenses on the premises of chemists and druggists and wholesale dealers. I think, sir, that is a good point because more good is likely to be done than harm. Of course, it may be argued that this should not be allowed, but I say that more good is likely to accrue than harm, and in time education, I think, will help us on this particular question. The Bill before us will enable the institution of a measure of control in the practice of Optometry; that is in the interest of Opticians and will provide in this particular direction improved service to the country. I beg to

• move that this Bill be read a second time.

Mr. McDAVID seconded.

Mr. ELEAZAR: I cannot say I have heard a better appeal for a Trade Union by the Chief of any particular body than I have heard from the hon. Surgeon-General. These dealers against whom the Bill is aimed only fit the glasses. They fix a sort of frame to the eyes and put in a lens and say to you: "Are you seeing?" If you say "No," they put in another and repeat the question. This goes on until you say "Yes." If you have cataract or trachoma and you cannot see, then you go to the doctor and get your eyes examined and treated. The Optician has nothing to do with it. Your Excellency, it is passing strange that I am using glasses and I have never gone to an Optician at all. I discovered that I was not seeing one afternoon when a child played a nice hymn and I went afterwards to the piano to play it, only to find that I could not see to read the notes. I became a bit alarmed and began to feel that I was not seeing as well as I wanted. I mentioned it to a friend of mine who then said to me: "Go to Davson's; they have a box full of spectacles, and you try and try until you get one that fits you. Your Excellency, believe me, I went to Davson's and they produced a box of spectacles. I tried one after the other until I found one that suited me and that lasted me for several years. I had purchased those glasses for one shilling, but when those years elapsed and I went to an Optician who tested my eyes with something more elaborate he made me pay handsomely for it. I have no grouse with this Bill. If the Medical Board want to get these men under some measure of control let them do so. This thing cannot

go on,—everybody coming and saying that he is an Optician.

Although I do not see any harm in the principle of the Bill, I think my grouse is with clause 5 (c). I see there that a person who at the commencement of this Ordinance has been domiciled in the Colony for not less than five years and also is and has been for not less than five years *bona fide* engaged in the practice of sight-testing in this Colony—this is the part I take objection to—"and whom the Board permits to be registered after having passed an examination in manner hereinafter specified." Now, sir, I think it is really unfair that a man who has been practising this thing for five years must go before the Board to be examined. That man should be exempted. I know of one man in New Amsterdam who has been doing it for more than 10 or 15 years and he has a regular outfit which, I think, has cost him some money to get. He has been testing the sight for perhaps 20 years, and he must go to be examined? It is tantamount to making a law to register solicitors and saying that all solicitors must go up for examination. I do not know what would become of the hon. Mr. Dias, whom I do not expect to go and do now a boy's work. Is it then fair to put these Opticians in the same position. I say the men who have been practising for five years should be registered but without the need to go to examination and those who come henceforth may go to this examination. In that case you would want another clause added or strike out the words from "and whom" to the end. If that finds favour then in going through the Bill you would find one or two of the other clauses which must be amended somewhat because of this amendment I have suggested.

I am just reminded by my learned friend on my right that there is precedent for that in the registration of Veterinary Surgeons. When Veterinary Surgeons were brought under registration those who were practising up to the date of the Ordinance were exempted, and the same with Accountants. My learned friend is saying Dentists also. All those then practising up to the time of the Bill to bring them under proper registration were exempted from examination, and I have not heard of a single instance where

anyone of those who were registered without examination did not come up to standard. It could not be said that they were exempted and appeared not to have qualification because they did bad work. Your Excellency would see with me that it is unfair to call upon a man who has been practising for some years to go back to examination. There is one other remark I would like to make on clause 5. That clause says "The following persons upon satisfying the Board by documentary or other evidence that they are of good moral character. . . ." I do not like the term "of good moral character" in a Bill. Who is going to test that? I do not think those words are necessary in a Bill of this sort and they should be left out. I think those words were put in there as mere verbiage but they might do a lot of harm, because a man on asking to be examined for registration can be told "Mr. So-and-So says you are not of a good moral character," when perhaps Mr. So-and-So is very much worse than the man he is disqualifying on that score. That is not necessary in the Bill and when we come to the Committee stage I am going to ask Government to delete those words or put something that means something, either recommendation by two prominent persons in a district one of whom is a doctor or by two doctors, but do not talk of moral character by documentary evidence. These are the views I wish to express.

Dr. HENDERSON: Sir, if I understand the hon. Member for Berbice River correctly he referred to two diseases of the eye—cataract and trachoma—in connection with this Bill, but, strictly speaking, they are really outside the province of this Bill. The Bill really deals with Optometry or matters of sight-testing. With regard to the hon. Member's point about playing the piano, it seems to me that the hon. Member requires two pairs of glasses, one for private reading and the other for reading music (Laughter). As a matter of fact he can still go to Messrs. Davson's or to any wholesale dealer for his glasses as they are still allowed to trade under the terms of the Bill. With regard to the matter of persons who have been practising in the Colony for five years, I think, sir, it is important that there should be an examination for them, and if I may say so the Medical Board very rightly represented the matter in this way. While I cannot speak for the

Examining Board that will be appointed by the Medical Board, my opinion is that they will see that the examination is conducted along essentially practical lines, and taking the spirit of the Act into consideration they will permit or be out to permit Opticians to practice where they consider that their knowledge is such as should allow them to practice. It would be a test of their knowledge. With regard to the question of Veterinary Surgeons and Dentists who were actually practising at the time of the introduction of the Act being permitted to practice without examination, I am not aware of the situation but, as I say, I think the method of having an examination is not an unfair one. Also the matter of the certificate as to good moral character is one to which there should be little opposition. There, again, the Board merely wish to be satisfied that the candidate for registration can be considered satisfactory in this respect. It means nothing, it is really a matter of the character from the public point of view, and, as I say, there should be no difficulty whatever in this matter.

Question put, and agreed to.

Bill read the second time.

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

Clause 5—Persons entitled to be registered.

Mr. ELEAZAR: I am asking Government to find some better expression for this term "good moral character." From what I can visualize now, if allowed to remain as it is, when the Bill is put into operation people otherwise qualified would find a lot of difficulty in getting registered. Why not ask for a personal recommendation either by a Minister of Religion or two prominent persons in a district? I cannot tell what is intended by the term. The Surgeon-General says it means nothing, and I agree with him, but when it is put in a Bill it will be said to mean something. When you make law you do not put meaningless things and leave it to the people to find a meaning for them. I am asking Government to delete the words "that they are of good moral character." I move that they be deleted.

Dr. HENDERSON: I do not think the hon. Member need be anxious. This phraseology is common in all matters of this kind, and, as I dared to explain before, I have always understood it to be essentially the character of the person concerned from the public point of view. As in most matters of this nature, it is, I think, the meaning that is attacked. I do not think there is any difficulty in this matter at all. It is a common phraseology which is used in all such connections.

Mr. ELEAZAR: That does not explain anything. What does it mean?

Mr. WOOLFORD: I share the view of the hon. Member for Berbice River. Those words should not be incorporated in the Act. The usual expression or expressions are the words "fit and proper person." That you will find in several Ordinances and in most requirements are usually embodied in the certificate or recommendation. For instance, if the application forms in the Colonial Secretary's Office were consulted you would find there provision for certificates to be rendered of the applicant's fitness to enter into the Service from responsible persons. If it were made compulsory to obtain from responsible persons in the community such certificates I think that would be an ample safeguard against a licence or permission being given to an undesirable person to practice Optometry. I suggest, therefore, that the obligation be cast on the applicants to obtain from responsible persons in the community certificates as to their fitness and certificates in support of their recommendation for admission into the profession. The words "moral character" involve too deep a meaning and place altogether too great an obligation on the person who has to find the necessary document for submission to the Board.

THE CHAIRMAN: May I ask the hon. Surgeon-General whether he is prepared to accept the words "that they are fit and proper persons to be registered?"

Dr. HENDERSON: Yes, sir, in that phraseology "fit and proper person" expresses the desire, in my opinion, of the Board.

THE CHAIRMAN: Does that meet with

the approval of the hon. Member for Berbice River?

Mr. ELEAZAR: Yes.

Mr. WOOLFORD: "Fit and proper persons and are otherwise entitled."

Question that the words "fit and proper persons and are otherwise entitled" be substituted for the words "of good moral character and of their right" in the second and third lines" put, and agreed to.

Clause 5 (c)—Examination of five years' practitioner.

Mr. ELEAZAR: This is where I have my strong objection. Even if I had allowed "moral character" to go by I do not think I could allow this clause. The more I think of it and read it the more I see it could not possibly be considered fair and just. A man who has been practising for five years is to be suddenly called upon to pay a fee of \$24 to be registered and to go to an examination for which he is to pay \$5. The point I wish to make is that it is out of all sense of what is proper. All the Doctors are going to register themselves for the first time as Opticians and will pay nothing as they are exempted, but these other men must pay \$24 and go for examination. Again I have to cite the chemist and druggist examinations which we have here. Those youngsters used to go to the College for lectures by the Master of Chemistry. They had a curriculum which they could not get through and when they went to examination they were examined on the whole of the curriculum. They could not get through it because there was this trying to find out from them things they do not know. The person responsible for it is not here and so I can speak freely. Suppose you say to the Doctors, "If you do not go and get a certain diploma and pay a fee of \$24 you would lose your jobs." They have given qualifying papers, and have been practising here, killing and curing without let or hindrance, and suddenly some one comes along and says to them "You must get the Diploma of Tropical Medicine"—and when I say that of the Doctors I say the same thing of the Lawyers and of the Parsons. They must still go back to school and get the diploma? They might come back worse than they went. It is a hardship and

what I am appealing for is that those words be struck out. These men should not be subjected to any examination after having given proof that they had been practising in this way for five years. Those who are coming now should be made to pass an examination and to pay a fee for registration. You cannot make a law retrospective. It is a very bad form of making law. We are living in a progressive age and ought not to object to increase qualifications, but those who have gone through the mill and have been exercising their skill all these years should not be sent back for examination again. The juniors who are coming out do not know as much of the thing as the old men who had been doing it for years. I move that the words "and whom the Board permits to be registered after having passed an examination in manner hereinafter specified" be deleted.

Dr. HENDERSON: I sympathise with those Opticians who come under clause 5 (c), but I feel it would be very wise for them to go to examination as specified here. As regards the fees, I have no objection to the amount being very materially reduced. I am interested in the public getting a certain standard of efficient service.

THE CHAIRMAN: What fees do you refer to?

Dr. HENDERSON: The fee for examination.

THE CHAIRMAN: Everyone has to pay a fee for registration?

Dr. HENDERSON: Yes, sir.

THE CHAIRMAN: By the amendment it would mean that those persons would not pay for examination?

Dr. HENDERSON: Yes, sir.

THE CHAIRMAN (to Mr. Eleazar): The hon. mover of the motion has met you with regard to persons who are practising for five years not paying a fee for examination but he considers they should all pay for registration.

Dr. HENDERSON: To a point of correction, I suggest that the fee for examination should be reduced.

Mr. ELEAZAR: I do not thank him for that. I am saying it is unfair to examine them.

The Committee divided on the amendment and voted:—

Ayes—Messrs. Walcott, Peer Bacchus, DeAguiar, Pires, Gonsalves, Eleazar, Wight, Cannon, Woolford, Brassington—(10).

Noes—Messrs. Seaford, Jones, Christiani, King, McDavid, Birkitt, Dr. Henderson, Major Craig, Professor Dash, Major Bain Gray, Messrs. Dias, Smellie and the Colonial Secretary—(13).

THE CHAIRMAN: It has been pointed out that the wording of the clause is still unsatisfactory. There is a repetition of the word "entitled."

THE COLONIAL SECRETARY: I suggest the substitution of the word "qualified" for "entitled" after "otherwise."

Question put, and agreed to.

Clause 6 (2)—Examination by Board of applicants under section 5 (c).

Mr. DEAGUIAR: I can foresee that this Board of Examiners would comprise three medical practitioners. I can hardly think that as time goes on this registered Optician will ever have a place on that Board. I think it is very desirable that an Optician practising in this Colony should be a member of that Board, and therefore this Ordinance should make it perfectly clear that the Board of Examiners should comprise two medical practitioners and an Optician instead of leaving it to be arranged. I therefore move as an amendment that the clause read: "For the purposes of this examination the Board shall nominate three persons two of whom shall be medical practitioners and the other a registered Optician to be the examiners

Dr. HENDERSON: I am very glad the hon. Member has raised this point. In the original draft it was exactly as the hon. Member has suggested and it was then represented that there might be difficulty in obtaining the one Optician. In view of clause 5 (b) the Medical Board might not be in a position to have a registered Optician, hence the phraseology

was altered essentially for the conduct of the first examination so that the first examination should have three medical practitioners in case there is no one Optician already registered. The difficulty is having at the outset, or rather being able to get, an Optician who is actually registered.

Mr. ELEAZAR: I was not far wrong when I said this is Trade Union with a vengeance.

THE CHAIRMAN: Oh, no; until you start to register you cannot have a registered Optician. I reckon that the hon. Surgeon General will give an assurance that after the first examination the examiners will have a registered Optician.

Mr. DEAGUIAR: I can appreciate the point made and I see the difficulty, and with a definite assurance given I am prepared to withdraw my amendment.

THE CHAIRMAN (to the Surgeon-General): Are you prepared to give the assurance?

Dr. HENDERSON: I give the definite assurance that after the first examination the Board of Examiners will always include a registered Optician except no candidate at all qualifies for registration.

Mr. DEAGUIAR: One registered Optician will always be there on the Board?

Dr. HENDERSON: Yes, except for the first examination. We may find one qualified under clause 5 (b) and there will be no need for three medical practitioners.

THE CHAIRMAN: You give the assurance that there will be an Optician on the Board in any case?

Dr. HENDERSON: I do.

Mr. ELEAZAR: Everything you say I agree with, but I am afraid that some day you will get a Pharaoh who does not know Joseph.

Clause 6 (3) — Examiners' Fee.

Mr. ELEAZAR: I move that the fee for the examination of those who have been practising five years should be struck out. They should not be made to pay anything at all. They had been practising all these years and to bring them in for examination

they should not be made to pay at all. I would be very much surprised if any of them passed the examination which would be set, but I am begging Government, if they did pass, not to inflict the penalty on them of having to pay \$15 to be examined in addition to the indignity of being made to subject themselves to an examination. I am asking Government to make an exemption in that particular clause.

Dr. HENDERSON: While I have no objection personally to the question of the fees being limited, I think it would be rather hard upon the members of the Examining Board to give their time to examining candidates without remuneration. I am not insisting upon the same fee as in the case of the new-comers, but I am asking this Council to make some provision for the remuneration of the members of the Examining Board for giving their time.

Mr. WALCOTT: I am rather surprised to hear the hon. Surgeon-General suggest that medical officers will not be prepared to give their time free of charge; because there are several professional and other members of the community who give their time on Boards and Committees in the public interest without being in receipt of any remuneration whatever.

Dr. HENDERSON: I was speaking more especially of Opticians. It would be very much easier to get medical practitioners on the Board.

Mr. ELEAZAR: The Optician only gets the \$5 which has to be paid to a medical practitioner for his services in addition to his regular emolument. The hon. Surgeon-General has just come and does not know that Department of which he is head is a nursery for millionaires. The people should not be made to pay.

THE CHAIRMAN: Are you prepared to let them be examined free?

Dr. HENDERSON: Yes.

THE CHAIRMAN: What do you suggest as the new wording of clause 6 (3)?

Dr. HENDERSON: I beg to move that the wording of clause 6 (3) be: "Each examiner shall be entitled to be paid a fee of \$5 except in regard to the examination referred to in clause 5 (c).

THE CHAIRMAN: The point raised is that there should be no fees at all for any of those examiners in respect of those candidates who had been practising in the Colony for five years or more.

Dr. HENDERSON: I think if we delete clause 6 (3) that would meet the case.

THE CHAIRMAN: In that case there would be no fees for examiners at all. I suggest to Council that the fee for each examination be \$1 in respect of each candidate and that the amount be divided between the examiners. You cannot ask examiners to come in and hold examinations without remuneration.

Mr. WOOLFORD: There are two instances where examiners' fees are not collected—Pilots and Land Surveyors—and in both cases the Government bear the cost. Cannot the cost be met through the registration cost?

THE CHAIRMAN: I suggest that you abandon the fee altogether rather than make it nominal. I have no objection to that.

Dr. HENDERSON: I agree to that.

Question put, and agreed to.

Dr. HENDERSON: I move that the words "fit and proper person" be substituted for "good moral character."

Question put, and agreed to.

Mr. ELEAZAR: I am begging Government not to mulct the people who had been practising for five years in the sum of \$24 for registration with the men who came in yesterday to start practice. These people were serving the community for years when you could have got nobody else. I appeal to Government. I do not think it is the money Government is after, or that it is playing the game. Let them go up to examination and register themselves without paying for registration.

Dr. HENDERSON: I have no objection to a reduction of the fee from \$24 to \$12.

THE CHAIRMAN: That means we will

have to go back to clause 5, as there we have already passed a fee of \$24.

Dr. HENDERSON: I beg to move that further consideration of clauses 5 and 6 be deferred.

Question put, and agreed to.

Clauses 7 to 17 and Schedule passed without amendment.

The Council resumed.

PENSIONS BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move the second reading of "A Bill for regulating pensions, gratuities and other allowances to be granted in respect of service in offices held by Civil Servants in this Colony." As this Council is aware, the question of making better provision for pension has been under consideration for some time, and in consequence of that a Bill came before the Council some time ago. As a matter of fact it came before the Council in 1931, and after some debate the Bill was committed to a Select Committee, which went into the matter very carefully indeed, and after much consideration made a Report which is before hon. Members as Legislative Council Paper No. 4 of 1932. In that Report there is set out on page 7 and following pages the Bill as reported and amended by the Select Committee. The present Bill, sir, is very largely the Bill of the Select Committee, with certain amendments and changes which have been put forward not with any great material effect but for the purpose of the better working of the Bill. I may mention that the general principle of the Bill was, of course, approved by this Council in 1931. The second reading was passed and the principle therefore accepted, and the Bill was referred to the Committee which made the Report to which I have made previous reference.

Certain matters in respect of which opinions had been expressed during the debate on the second reading were dealt with by the Select Committee, and the Bill as reported by the Committee included

these matters. Among them, for instance, is the definition of "pensionable office," which is one of the definitions that has been amended in accordance with the views expressed by Council, that the approval of the Legislative Council is essential to the declaration of a new office as being pensionable. The definitions contained in the Bill, sir, are those which had been approved by the Legislative Council previously. There is a short memorandum at the beginning of the Bill before the Council which sets out or indicates the changes which have been made in this Bill from the Bill amended by the Select Committee. The changes are in clause 5 of the Bill and also in the regulations which are part of the Bill and will be enacted as part of the Ordinance. It should be observed, first of all, that pensions and other allowances to be approved by the Governor-in-Council will be granted in accordance with the provisions of the Ordinance and the regulations set forth in the Schedule to the Ordinance.

Touching on the changes in clause 5 of the Bill before Council, sub-clauses (1) and (2) are the usual provisions. Sub-clause (3) is a new provision requiring an officer to produce a certificate that he has discharged his office with such diligence and fidelity as to justify the grant to him of a pension or gratuity or other allowance. It was not part of the law hitherto, but it is now being embodied in the statute. The other clauses—6, 7 and 8—do not call for any comment except in so far as there is any paragraph which may require a slight modification. Clauses 9, 10 and 11 are the usual clauses but there is a proviso added to sub-clause (2) of 11, which has been put in by reason of the change in clause 12 of the Bill. The original clause 12 approved by the Select Committee in this form does not now exist. The object of that clause is to give to an officer the option of accepting or asking for a straight pension, that is to say, an annuity calculated on the basis of the length of the service, or instead of taking the straight pension taking three-quarters of it as an annuity—

The Council adjourned for the luncheon recess.

Mr. E. F. FREDERICKS was present when the Council resumed.

THE ATTORNEY-GENERAL: At the adjournment of the Council I was dealing with clause 12 of the Bill and was pointing out the nature of the provision there made, namely, that of giving a retiring officer the option either to take his whole pension as an annuity of so much per annum, or take three-fourths as an annuity and 10 times the other quarter as a gratuity or lump sum payment. With reference to that I ought to explain that the particular form here used is one with reference to gratuity which has been arrived at after careful actuarial calculation in respect to the Colonies and it is now being generally adopted. The result of that actuarial calculation is that it will not cost the Colony any more than if a straight pension is paid. That distinguishes it considerably from the provision in our existing Pensions Ordinance, whereby a lump sum is paid that reduces the pension but the lump sum amounts to about one-fifteenth of the officer's retiring salary for every year of service up to 30 years. That amount was perhaps not arbitrarily agreed upon by the Combined Court when it considered the matter in 1920. It is a higher gratuity than is paid anywhere else and it is a higher gratuity than is paid under the British Superannuation Act of 1909. The result, therefore, of this is that the Colony will be involved in no greater expenditure than if this pension is paid, and there will disappear from our Annual Estimates the large amount of lump sum which is now paid to pensioners (Hear, hear). With reference to that, sir, I propose when the Bill is in Committee to move an amendment with reference to the rest of the clauses other than sub-clause (1).

There are some options provided for in sub-clause (2) of clause 12. These options conflict with the option, which is in the usual form, and is given in clause 21 (2) of the Bill. There it is provided that the Bill shall apply to any officer serving in the Colony at the commencement of the Ordinance and to any other officer transferred to other Public Service before the commencement of the Ordinance, who is still serving at the date of the commencement of the Ordinance and who within one year of the commencement of the Ordinance signifies his intention to come within the provisions of the Ordinance. The provision in sub-clause (2) clashes with it and I

propose to move in an amendment, which I think has been distributed to Members and which is taken from the latest provisions of this kind. It would mean substituting a new sub-clause (2), and adding a new sub-clause (3). Sub-clause (2) will provide that the option referred to in sub-clause (1) shall be exercisable not later than the date of the retirement of the officer. That is to say, an officer need not exercise the option until the date of his retirement from the Public Service, and that after all is only reasonable because his circumstances may vary during the period of the service and he has exercised the option in one way. It may seem more advisable to him to exercise it in another way subsequently. Then there are certain provisos which do not affect the principle generally. Sub-clause (3) fixes the date of the exercise of the option to be taken to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies. That is the same as paragraph 2 in the last but one of the clauses of the Bill. I think, sir, that the Council would have no objection in substituting that clause for the other one. As a consequence of that the proviso I refer to, at the top of page 6 is inserted which provides that the calculation of pension shall be deemed for the purpose of this sub-clause to be four-thirds of the actual amount of the annuity. It is never to exceed two-thirds of the highest pensionable emoluments of the officer. You have to calculate four-thirds where he gets a gratuity so as to get the full amount of the annuity. That is the object of it.

MR. ELEAZAR: Four-thirds?

THE ATTORNEY-GENERAL: That is to say one plus one-third.

MR. ELEAZAR: Then you are giving him more than his salary.

THE ATTORNEY-GENERAL: Let me explain to the hon. Member who no doubt is much more versed in arithmetic. The point about it is this: If an officer's straight pension is X. and instead of taking the straight pension he says I will take three-fourths of X. plus ten times one-fourth of X. as gratuity he will be getting as a straight pension three-fourths of X.

because he will have drawn one-fourth of X. in the form of a gratuity. Then you have to calculate how much his maximum pension should be, and in order to see that it does not conflict with the rule in getting more than two-thirds of his salary as pension you have to take that annuity which he is getting as four-thirds and you get the same amount as if he had been drawing a straight pension. In the case of a man getting a straight pension it remains as X. The matter is quite a settled one. Unfortunately, I cannot claim credit for it. It is something introduced by people who know more than I do.

MR. ELEAZAR: I am glad to hear that.

THE ATTORNEY-GENERAL: I thought the hon. Member had a higher opinion of me than that. Clause 19 provides that where an officer who has been in the service of the Colony for not less than one year dies while in such service the Governor in Council may grant to his legal personal representative a gratuity not exceeding one year's pensionable emoluments. The expression "not exceeding one year's pensionable emoluments" in the last line is stated for the reason that in all cases an officer is not entitled at all to pension nor is he necessarily entitled to the full amount of pension or gratuity. If he has discharged his duties with the utmost diligence and fidelity the full amount may be allowed to him. There may be cases in the future, and there have been cases, in which it may be necessary, in view of the nature of the officer's services, that the amount, either by gratuity or pension, should not be of the highest.

The next clause is 20, which provides for gratuities and pensions to dependents of an officer killed on duty. The first part of this clause—A, B. and C.—is in accordance with the usual provisions. The Committee had substituted a form of words which is used in the Workmen's Compensation Act, but the wording was "Where an officer dies as the result of personal injury by accident arising out of and in the course of employment while in the service of the Colony the Governor-in-Council may grant to his legal personal representatives a gratuity in accordance with the rate prescribed in the preceding section: Provided this section does not apply to injury due to misconduct on his part." It

is considered better to use the precise form which now appears in this clause. I submit that this wording is preferable to the Workmen's Compensation Act, which contemplates a totally different co-ordination of circumstances. Then, sir, further provision is made in the rest of the clause for the possibility of small pensions being granted to the officer's widow or children. Small amounts are being granted because it is clear the amounts are limited to not less than \$48 and more than \$288 in the case of gratuities. There is provision for gratuities for children in the case of the officer's wife having predeceased him, and there is also the possibility of a pension to his mother, but these pensions are to cease on marriage. I venture to think, and I would like the Council to take that view also, that these are very fair provisions: It is better that in any of these cases the widow or dependant of an officer should have something certain, even though it be a small pension which can be relied upon to help them along in life. We all know that it sometimes happen when a gratuity has been paid to the widow of an officer that through not being good in business matters, or through want of foresight, or carelessness or importunity of friends, the substantial sum very quickly disappears and the people whom it is intended to benefit are left with no resource really in respect of the services which their father or husband, as the case may be, has rendered to the Colony.

Clause 21 deals with the application of the Ordinance (1) to all officers appointed to the Public Service of the Colony (a) after the commencement of this Ordinance or (b) before the commencement of this Ordinance to whom it was intimated before appointment that they were liable to be affected by any change in the pension law of the Colony; and (2) to any other officer serving in the Colony at the commencement of this Ordinance and to any other officer transferred to other public service before the commencement of this Ordinance who shall be still serving at the date of such commencement who shall have given notice in writing to the Colonial Secretary of his desire that the provisions of this Ordinance shall apply to him.

Regulations form part of this Ordinance and are to be enacted in connection therewith. There has also been some change

with reference to these. First of all, with reference to the definition of "Scheduled Government," the point that arises is as to the provision for what is known as continuous pension, that is to say, Colonies which schedule one another provide for a continuous pension to those officers who have served in those Colonies. The principle of continuous pension has been adopted by this Council in a resolution which was passed some time ago, and these are the usual regulations which provide for the carrying out of it. But the limitation in clause 2 with reference to "Scheduled Government" is that this Colony shall not schedule generally other Colonies but only Colonies or Governments which reciprocate with this Colony, so that the officers will benefit in the case of service in reciprocating Colonies and this particular Colony. That is why the definition of "Scheduled Government" in the first regulation has been modified. There is also in regulation 4 a modification of the gratuity which might be given to an officer although he has not completed the minimum service qualifying him for pension which means ten years in all. There is provision there that he might be granted a gratuity the amount not exceeding five times the annual amount of pension which might be granted to him if the period of the service had been pensionable. The other regulations are the usual ones and no change has been made except in regulation 13, where there has been a variation in clause 2 and the rule with regard to the rates of pensions is more fully expressed. Then there is provision in regulation 17, for officers who have served fifteen years in non-pensionable offices for an allowance which may be made to them.

Part III. of these regulations, sir, deals with continuous pension and then follows the usual form which is used in respect of continuous pension. There is an additional proviso to the regulation which is substituted by the proviso for regulation 20 in the Bill as reported by the Committee. The effect of it is that the officer will not obtain a pension in excess of the pension he would have received in the absence of the regulation by more than one-third.

I want to point out another matter which appears in regulations 20, 21 and 22. That is what is known as the provision for the granting of pension on the

arithmetic mean basis. The principle with regard to continuous pension under the scheduled Governments is clearly set out in regulation 19, but 20 and the others deal with the case of an officer whose service has not been wholly with scheduled Governments and therefore he cannot get a continuous pension. What it is proposed to do is to grant a pension calculated on the mean of what his pension would be if he had served under scheduled Governments, and what his pension would be if his service had been entirely in the Colony. That is to say, when you come to calculate his pension for his service in the Colony it will be on the basis of that pension which he is to get from the Colony which will be the mean between the pension he could have received if his service had been wholly under scheduled Governments and what his pension would have been on the straight. It enables him to get a little more pension. That is the principle now incorporated in the regulations.

Regulation 26 (1) provides that "Where an officer who has been transferred to or from the service of the Colony from or to other public service retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity but has not completed in the aggregate the minimum period of service qualifying him for a pension he may be granted from the funds of the Colony a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulations nineteen, twenty, twenty-one or twenty-two as the case may be." That depends on whether his service is in continuous pension Colonies or other Colonies.

I ought to mention with regard to regulation 20, which provides for the arithmetic mean where service has been wholly or partly under scheduled Governments, that the other Governments mentioned in Schedule II. to these regulations are the Federated Malay States, the Straits Settlements and Trinidad. Those officers who serve in any of those Colonies and also in this Colony will have their pension calculated on the arithmetic mean basis. With regard to the Colonies in Schedule I

to these regulations those are the reciprocating Colonies. The amendment with regard to regulation 20 provides for the possibility of an addition to the Schedule where any other Government is created. I think, sir, I have traversed the principal points in connexion with this Bill. As I have mentioned, the subject is not a new one having been considered by this Council before; and what is before this Council now is that Report of the Select Committee as modified in certain respects to which I have referred. The distinguishing feature of the present legislation is that the large lump sum payments will disappear from the annual Estimates. I move the second reading of the Bill.

Mr. DIAS seconded.

Mr. ELEAZAR: Your Excellency, I regret that is one of the few things I have left undone. I am not accustomed to leave things undone. I had certainly left this Bill in the kind keeping of my hon. friend (Mr. Crane) but he has gone touring the Islands and I am left to face the music although I have tried to get away from it. Clause 12 of this Bill, the learned Attorney-General has told us and I am delighted to learn, is not of his creation. The provision for lump sum pension was done by Mr. Darnley of the Colonial Office and sent out here. How I understand it is that assuming an officer has to get \$12 pension he takes three-fourths of that, which is \$9 as pension and 10 times the remaining one-fourth which will amount to \$30 as a gratuity. What is the necessity of the \$9?

THE ATTORNEY-GENERAL: I am sorry the hon. Member has not understood it. The position is that if the pension of an officer is to be \$12 he has the right to elect to take either the \$12 or an annuity of \$9 and 10 times the balance which makes \$30 lump sum the equivalent of an annuity of \$3. If he has taken the lump sum you take his pension as an annuity of \$9.

Mr. ELEAZAR: Now that I have got your explanation it seems that the thing is not as it looks. If it is so, Your Excellency, that the man has been granted part of his pension as a lump sum I have no objection to that although it seems to me that what was intended originally was that a person should be able to make a living

on retirement if he got two years of his salary in advance of his pension.

Mr. SEAFORD: May I ask the hon. Attorney-General whether this Bill will cost Government any more?

THE ATTORNEY-GENERAL: The difference between this Bill and the other, as I have already indicated, is that the very large sums already paid by this Colony are not calculated on an actuarial basis. The effect of this Bill would be that the burden on the Colony will be reduced and in process of time will become smaller.

Mr. CANNON: This lump sum business was given effect to during the prosperity of this Colony. I happened to be then on the other side of the table and I am glad to see, at any rate, that it has outlived its usefulness and that another form of pension rights is to be established. The Attorney-General has stated in reply to the hon. Mr. Seaford that he does not think this Bill will cost the Colony more and that in time there will be a reduction. I personally do not think there is going to be any saving, but time will prove that to us. There are not many of us who can grasp at first flash all that has been told us by the Attorney-General. I moved a motion on January 23, 1930, and I just wish to refer to it:—

WHEREAS in the existing pension legislation certain senior officers of Government transferred to this Colony from the service of other Colonies are penalized in the computation of their pensions on eventually retiring from the Service, as compared with officers who have served under the British Guiana Pension Regulations for a considerable period:

Be it resolved that this Council requests His Excellency the Officer Administering the Government to direct the framing of a Bill in revision of the existing Pensions Ordinance with a view of removing the disability suffered by the aforesaid officers.

That little motion has brought forward this document here which I hope will do some good to the officers who I intended it should operate to help. It would be a long time again before I attempt to move such a simple motion as I did, because if it is going to cause Government all this trouble I would refrain from doing so in future.

THE ATTORNEY-GENERAL: I give notice that at the Committee stage I shall

move the following amendment to clause 12 by substituting a new sub-clause. (2) and by the addition of a new sub-clause (3):—

(2) The option referred to in sub-section (1) shall be exercisable not later than the date of retirement:

Provided that in a case where an order of retirement is retrospective in its effect the officer may exercise his option within two months of the date on which the order of retirement is communicated to him:

Provided further that the Governor may authorise the acceptance of an option received at a date later than the date herein prescribed, if it is established that an officer was prevented by causes not within his control from exercising the option by the prescribed date, but in no case shall an option be accepted after a retired officer has begun to draw pension or annuity.

(3) The date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Colonial Secretary in the Colony or to the Crown Agents for the Colonies.

THE COLONIAL SECRETARY: Sir, the hon. Member for Georgetown North has not really given this Council the true indication of his mental process at the time he placed his motion before the Council. What the hon. Member has said, and what we all realize, is that he is thinking solely along the lines of modern pension legislation. What the hon. Member proposes in the resolution is a principle which has been incorporated generally in pension legislation throughout the Colonies. I think I may explain just briefly what this very small worded motion means in so far as its operation relates to continuous service pension. Perhaps it will be helpful. It simply means that if an individual officer serving in a territory continues in that territory and retires his pension is calculated on his service and on his salary at the time. In the case of a Public Officer serving in more than one Colony continuous service pension is to be given calculated in the same way. The Colony is not penalized in paying that pension as the Colonies in which he has served will contribute their share. Another point, sir, is that the hon. Member for Demerara River, who was a member of the Select Committee, signed and approved the report of that Committee on this Bill.

Question "That the Bill be read the second time" put, and agreed to.

Bill read the second time.

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

Clause 12—Option to take reduced pension with gratuity.

THE ATTORNEY-GENERAL: I move that sub-clause (2) be deleted and that there be added to the clause a new sub-clause (2) and a new sub-clause (3), copies of which are in hon. Members' hands.

Mr. ELEAZAR: I cannot say I follow that. I do not see why an officer should be given the option of coming here and working and then when he is finished to say what he would take. He should be made to do it at the time of entry into the Service. He must know what he is doing before he serves. When entering into the Service he should indicate where he stands and what we have to expect.

THE ATTORNEY-GENERAL: I think I had in moving the second reading called attention particularly to this point. The object of it is that the officer should have the right to exercise the option up to the time of his retirement. I may mention that this question has never arisen before under any of the pension laws of this Colony. The reason for such an option is that an officer's option once exercised is already on record and his conditions and circumstances may so change at the time of his retirement that it gives him an opportunity of deciding which he prefers: the straight pension or three-quarter pension and a lump sum gratuity. It is a question of what is best in the interest of the officer. This matter has been the subject of careful actuarial calculation and on the whole the Colony will in no way be penalized by the exercise of either one of the options.

Mr. ELEAZAR: I am saying it has arisen in this Colony already where at the end of an officer's service he sent back and said "I did not know I had an option." That should not happen in future. An officer should not wait until he clears out and sees which side of the scale is going to turn before he decides. He must decide when entering the Service what he is to get.

THE ATTORNEY-GENERAL: It is essential to correct the statement just made, the result no doubt of the hon.

Member's legislative inexperience. Those of us whose experience goes beyond that of the hon. Member will realise that when Ordinance No. 15 of 1921 was enacted—an Ordinance which provided for the reduced pension and the lump sum—there was a provision in it that it should apply to all officers then in the Service. Some of the officers were unaware of the limitation of the provision and asked to be allowed the option of coming under that Ordinance.

Mr. ELEAZAR: They should be aware that the option is there for them to exercise. I am not questioning about "being aware." I say he should be aware now. At least one month after he has entered the Service he should exercise the option and not wait until he retires or is retrenched.

Clause as amended agreed to.

Clause 18—Pensions, &c., to cease on accepting certain appointments.

Mr. SEAFORD: I move the deletion of this clause. It has always been complained that officers on retiring go and live abroad. It seems that it would be preferable if they remain here. I know some of them would be welcomed on some directorates. This clause precludes them from living in the Colony and accepting such positions but at the same time it enables them to leave the Colony and accept posts abroad. I think it is to the advantage of the Colony if they reside in it on retiring.

THE ATTORNEY-GENERAL: The provision is a general one and it is one which it is necessary to have. It is to be observed that the permission of the Governor and the approval of the Secretary of State are necessary before an officer can accept such a position. It is clear that an officer may by reason of his duties have certain relations or transaction officially with a particular company or business. If on his retirement he becomes a director of that business concern it might not look very nice. It may lead to people ascribing reasons or thinking certain things, and it is better therefore in the interest of the Public Service in the Colony and of the officers concerned, and also of the business concerns generally, that such should not occur. Of course,

the matter is remedied by the fact that the Governor and Secretary of State have the power of approval in such cases as they think fit.

THE CHAIRMAN: Only the permission of the Governor, not of the Secretary of State.

Clause 19. Gratuity to estate where an officer dies in the Service.

Mr. ELEAZAR: An officer is not entitled to pension who has not served a year and yet you come and ask for a year's pensionable emoluments. How is that calculated?

THE ATTORNEY-GENERAL: In 1920 the Court of Policy, in pursuance of a resolution of the Combined Court, passed an Ordinance providing for the grant to the widows of officers who are not on the Fixed Establishment of the payment of an amount of three months' salary of their husbands. It was then thought that it was a wise thing to make that provision for the widow. This clause provides that "Where an officer who has been in the service of the Colony for not less than one year dies while in such service the Governor-in-Council may grant to his legal personal representative a gratuity not exceeding one year's pensionable emoluments." The hon. Member has taken the case of an officer with a year's service. I leave him to work the calculation out. It must be borne in mind that gratuity of one-sixtieth of the officer's salary will be given for a year's service. It means one year's salary on which he could have been pensioned if it were pensionable. With regard to that it is not very much to give to the personal representative. It is not a grant to the widow but a grant to the personal representative, which would go to the officer's family, and the object of that is because he would not be in a position, generally speaking, to have made provision for his family, because he would not have served long enough to have been entitled to a pension.

Mr. ELEAZAR: Might it not be better to say an amount not exceeding three months, and let the thing finish at that?

THE ATTORNEY-GENERAL: I would like to point out that the Select Committee which approved unanimously of the Bill as

submitted had proposed in clause 18 of their Report a gratuity of one year's pensionable emoluments. This has made it not exceeding one year, so that it gives to the Governor-in-Council discretion in saying, having regard to the circumstances, how much he should get. If an officer serves nine years he cannot get an amount exceeding one year's pensionable emoluments given to his legal personal representative because he is yet not entitled to pension.

Mr. FREDERICKS: What would one year's pensionable emoluments be? It may be a rather trifling amount. I would suggest that some definite amount be given.

THE COLONIAL SECRETARY: I suppose I can help. One year's pensionable emoluments is one year's salary. I think the hon. Member for Berbice River may be helped if I make the point that "not less than one year" mean one year and "pensionable service" is service that is pensionable—40 years. An individual dying in the Service may have any portion of that period as service. At an earlier stage in one draft of this Ordinance we endeavoured to put in here a schedule giving the different lengths of service, and different amounts to be given to the legal representatives of the deceased. But for that purpose we had to take more than one year's salary, and on subsequent consideration it was decided that it would be better to limit it to one year's salary and leave it at not exceeding that to be granted by the Governor-in-Council. One year's service establishes an individual as one holding office for pension.

Mr. ELEAZAR: Until an officer is 10 years in the Service he is not entitled to pension. If that is so, he could not have pensionable emoluments until he is entitled to pension. I say he is not entitled to anything by way of pension, but if you are going to give him anything say if it is three months or one year, as the case may be.

THE COLONIAL SECRETARY: The hon. Member was saying that if an officer has only served 10 years he could have pensionable emoluments. An officer is appointed to a pensionable office and the salary given is pensionable emolument, but he cannot have a pension until he has

served 10 years and he cannot even get it then until he is of an age to retire.

Mr. ELEAZAR : So that when he dies you give him a year's salary for nothing.

THE COLONIAL SECRETARY : You give it to his dependents. There is some provision in the existing Ordinance limiting it to two years' salary.

THE ATTORNEY-GENERAL : An officer serves 30 years and dies before he can get a pension ; only an amount not exceeding one year's salary can be given to his personal representative.

Mr. ELEAZAR : I am up against Caesar and Caesar's brother, so I give up. It is only appealing from Caesar to Caesar.

Clause 20—Gratuities and pensions to dependents of an officer killed on duty.

THE ATTORNEY-GENERAL : I move that the word "eighteen" in the last line at the bottom of the page 8 be changed to "nineteen," and that the word "eighteen" in the last line of sub-clause (2) near to the bottom of page 9 be also changed to "nineteen."

Clause as amended agreed to.

Regulation 9—Computation of pensions, etc., on what emoluments to be based.

Mr. SEAFORD : Why not five years as in the existing pensions regulations ?

THE COLONIAL SECRETARY : Three conforms to modern practice. Five years is peculiar to the 1903 Ordinance.

Regulation 20—Where service has been wholly or partly under the Government's mentioned.

THE ATTORNEY-GENERAL : I move the insertion in the third line, after the word "Regulations," the words in brackets "which Schedule may be varied by Order-in-Council by the addition thereto or the removal therefrom of any Government." The reason for that is that the regulation refers to Schedule II. of the Regulations on page 17, and it is necessary that it should be made elastic because, as I intimated in moving the second reading of the Bill, if other Colonies should be included then those other Colonies will have to be included in the Schedule for the calculation of the pension on the arithmetic mean basis, and if a Colony ceases to be then it has to be removed from Schedule II.

THE ATTORNEY-GENERAL : I move

that Schedule I. be amended by deleting "Kenya-Uganda Railways and Harbours,"

Question put, and agreed to.

THE ATTORNEY-GENERAL : I move that Schedule II. be amended by inserting after "Federated Malay States" "Kenya-Uganda Railways and Harbour Administration."

Schedule as amended agreed to.

The Council resumed.

THE ATTORNEY-GENERAL gave notice that at the next meeting of the Council he would move the third reading of the Bill.

SUPPLEMENTARY APPROPRIATION BILL.

Mr. McDAVID (Colonial Treasurer) : I beg to move that "A Bill to allow and confirm certain additional expenditure incurred in the year ended thirty-first day of December, 1932" be read a second time. This Bill when passed will provide an official authority for the expenditure on the Public Service during the year 1932. The Bill will allow and confirm supplementary expenditure. Four Supplementary Estimates were passed in respect of 1932. The total supplementary expenditure so approved amounted to \$237,419, but this total has been reduced by savings on the heads effected to the extent indicated in the Bill, namely, \$89,508.49. In order to make it quite clear, I will add that the excesses approved by the Council were reduced by savings and left only those heads with excesses as illustrated in the Bill. The actual total expenditure for the year 1932, however, was less than the total on the original estimate—\$61,267. This Bill merely confirms excesses on those heads where there were no savings. I beg to move the second reading of the Bill.

Mr. CHRISTIANI 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 the next meeting of the Council it would be moved that the Bill be read the third time (*Mr. McDavid*).

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