

# LEGISLATIVE COUNCIL.

*Wednesday, 20th May, 1936.*

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, (Mr. E. J. Waddington, C.M.G., ●.B.E.)

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

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

Major the Hon. W. Bain Gray, C.B.E., Director of Education.

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

The Hon. E. A. Luckhoo (Eastern Berbice).

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

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

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

The Hon. J. Gonsalves (Georgetown South).

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

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

The Hon. J. A. Henderson, Surgeon-General.

The Hon. S. E. Gomes, Assistant Attorney-General.

The Hon. A. MacDougall, General Manager, Transport and Harbours Department.

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. A. R. Crum Ewing (Essequibo River).

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

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

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

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

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

## MINUTES.

The minutes of the meeting of the Council held on the 19th May, as printed and circulated, were confirmed.

## PAPERS LAID.

The following documents were laid on the table:—

Preliminary Report by Mr. Gerald O. Case, F.S.E., on the Sea Defences between Betervagting and Friendship, East Coast, Demerara, with minute by Major the Hon. J. C. Craig, D.S.O., M. Inst. C.E., Director of Public Works, and Chairman Sea Defence Board.

Report of the District Commissioner on the work of the West Demerara District for the year 1935.

Report of the Government Analyst for the year 1935. (*The Colonial Secretary*).

## ORDER OF THE DAY.

### MAHAICA-SUPPLY CREDIT BANK.

THE COLONIAL SECRETARY (Mr. Waddington): Sir, I ask that the motion standing in the name of Professor Dash be taken now as the question with which it deals is included in the Supplementary Estimate.

Mr. JACOB: Your Excellency, I think it is customary to afford Members of the Council an opportunity of making a few remarks on your Address. If you have no objection, sir, I crave your indulgence to do so.

THE PRESIDENT: I will give the hon. Member an opportunity on another day during the session. I prefer to proceed with the Order of the Day at the moment.

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

THAT with reference to Message No 11 of the 3rd of March, 1936, this Council approves the write-off of the sum of \$1,178.60, being the amount of loan capital outstanding in respect of loans made to the Mahaica-Supply Co-operative Credit Bank.

The reason for this motion is clearly set out in the Message, and I do not think there is any need for me to go over the ground which is covered there.

Mr. DIAS seconded.

Motion put, and agreed to.

#### SUPPLEMENTARY EXPENDITURE.

THE COLONIAL SECRETARY: I beg to move:—

THAT this Council approves the expenditure in excess of the provision already made for the year 1935, as set forth in the statement of supplementary expenditure for the year 1935, additional to that included in the schedules of additional provision for the year 1935, already passed by the Legislative Council.

After making one or two short remarks I propose to move that the Council resolves itself into Committee to consider the statement. The total excess which the Council is asked to approve amounts to \$24,905 exclusive of Colonial Development Fund schemes, and of this total nearly half is represented by a refund to the Savings Bank of the surplus on operations. I think Members will be interested to know, sir, that this schedule is very much smaller, both in respect of its total and of the number of items, than that which was presented to the Council last year. In the majority of cases the excesses have been met from savings under the same head, and the total expenditure for the year, including the amount in this

schedule and all other provision that was made during the year, was less than the original budget provision for the year. I now move that the Council resolve itself into Committee of the whole Council to consider the details of the supplementary schedule.

Mr. DIAS seconded.

Question put, and agreed to.

#### AUDIT DEPARTMENT.

Mr. DE AGUIAR: With your permission, sir, I would like to associate myself with the remarks which you made yesterday as regards the loss the Colony has sustained through the transfer of the Auditor to Jamaica on promotion and the retirement of the Attorney-General and the Director of Public Works. I can bear testimony to the valuable services Mr. Worledge has rendered the Colony. There can be no doubt that he was a very hardworking and industrious officer. Turning now to my good friend the learned Attorney-General, who I understand is returning to his island home, words fail me to express appreciation of the services he has rendered to me and other junior Members of this Council. I hope he will live long to enjoy his retirement. As regards the forced retirement of the Director of Public Works, the circumstances are so tragic that it is painful to me even to make reference to it. We shall all be very sorry indeed to lose the services of Major Craig, both inside and outside this House. I have been associated with him on several Committees and Boards, and I particularly wish to make reference to the services he has rendered to the Sea Defence Board. It is a matter for regret that his period of service in this Colony falls short of 10 years by a few months, and I desire to express the hope that his valuable services will be taken into consideration. I am fully aware of the circumstances in relation to his appointment, but I have every reason to believe that had he served the full 10 years consideration would have been given to those services. I feel sure that in making this request I will be joined by other Members of the Council. It would be a just and fitting tribute to the officer and I commend my request to the favourable consideration of Government and the Council. It only remains for me to add the hope that this officer will live

long enough to enjoy his well deserved retirement.

THE CHAIRMAN: I shall bear in mind what the hon. Member has said when the time arrives.

#### HOSPITALS AND DISPENSARIES.

Mr. DE AGUIAR: We are asked to vote \$688.33 for freight and the explanatory note says "It is difficult to estimate for this item correctly; the excess is more than covered by a saving of \$1,664.82 on the vote for Drugs and Medical Appliances." We have already voted \$5,040 for freight and I have a suspicion that this \$688 is not only for freight. What is the value of drugs imported through the Crown Agents for this year?

Dr. HENDERSON (Surgeon-General): This sub-head includes not only ocean freight but inland freight throughout the Colony in connection with the Medical Department. One difficulty in estimating accurately the freight on commodities ordered from overseas is the fact that consignments have to be delivered in various parts of the Colony, and that means that several packages have to be made up in order to effect transportation. This question has been gone into by the Department to see whether it would not be advantageous to eliminate this difficulty of calculation on certain articles, but the conclusion arrived at is that in order to do so it will require a store larger than we have at present, and also additional staff which would largely be of the nature of casual labour. There is no doubt that the savings will be more than what is recorded. Those savings only refer to drugs and medical appliances, and there are other savings to the extent of nearly \$1,000 in regard to clothing and bedding. It is impossible to calculate freight more accurately than we have done. We went very carefully into the question at the time it was raised by the hon. Member early last year, and we then came to the conclusion that the provision of 12½ per cent. and other additions were all that could be done in an approximate calculation.

Mr. DE AGUIAR: I have not received a reply to my specific question: what is the value of the drugs on which we paid this amount of freight? I made it perfectly

clear that I had a strong suspicion that this item did not relate to freight alone. On that my fear has been removed, but it would be well for this Department to keep two accounts, one of ocean freight and the other of local freight. I ask Your Excellency to go into this matter because some people feel that preference is being given to the Crown Agents to the detriment of local dealers without the knowledge of Government.

Mr. WALCOTT: I gather from the reply of the Surgeon-General that even if the prices of the Crown Agents are somewhat lower, the cost of distribution is greater than if the stores were bought locally. I think the time has come when Government should appoint a committee to go carefully into the question of buying through the Crown Agents. I am sure it will be found that a considerable saving can be effected. I know of one instance where the Crown Agents drew commission that they were not entitled to.

THE COLONIAL SECRETARY: thought I had disposed of the question of purchases through the Crown Agents at the last meeting of the Council when I gave figures in regard to certain questions. Those figures were accepted and Members admitted, tacitly at any rate, that the decision of Government was entirely correct in that respect. I referred to two items in particular, where I showed that the cost to the Crown Agents in one case was 32 per cent. and in the other 37 per cent. less. I also referred to the question of drugs and informed the Council that we had done our utmost to place orders for drugs locally. I stated then that in order to achieve as much as possible in that direction we had gone through every item in the list that the Medical Department required for the year and had made a separate list of those items which could be economically purchased locally and that orders had been placed locally for these. I gave full figures and the reason for the action Government had taken in the matter, and I had hoped that they were accepted by the Council. They were not questioned in any way. In regard to freight, in next year's Estimate it is proposed to put forward for consideration a slight alteration in the method of placing those items in the estimate, and to include freight in the cost of the articles them

selves so that for each item Members will know exactly what the cost is going to be. I think Members will find that that is an improvement.

**THE CHAIRMAN:** I should like to add that I consider myself it would be proper to define the cost of distribution within the country in a separate sub-head.

**POST OFFICE.**

**Mr. JACOB:** I would like to mention at this stage something that affects travelling allowances generally. A circular was issued last year advising Heads of Departments that bicycle allowances would be reduced from \$24 to \$12. That circular was withdrawn and another substituted this year making the allowance \$18. The people who are asked to suffer the reduction are those who receive very small salaries, and they feel it is a distinct hardship that they should be asked to forego \$6 per annum when compared with officers of a higher grade who use motor cars. I am informed that some reduction has been made in respect of allowances for motor cars but that when the matter was brought to the notice of Government there was a refund of licences and insurance premiums. The saving of a few hundred dollars will not affect the expenditure. Nor is it fair that junior officers should be made to suffer, and for this reason alone I think there should be no reduction of these allowances.

**Mr. DE AGUIAR:** I have some recollection that when the proposal to reduce bicycle allowances was mooted Government saw the wisdom of the objection to it, and I understood that the circular was to be withdrawn. I know of no just reason why so shortly after another attempt should be made to reduce these small allowances. If what was said on the last occasion on behalf of these junior officers was good enough the same position exists to-day.

**Mr. SEYMOUR:** I do not think the condition of the roads today justifies any reduction of bicycle allowances. I refer especially to men employed in the Post Office. They have to go about their duties in all kinds of weather, and if they get into one of the many ruts in the roads it might smash up the whole machine. A very small salary is paid to these men

and I ask Government to let them have the \$2 per month.

**Mr. DIAS:** There must be some misconception of what is the true position of this matter. I do not know from what angle the Members who have spoken look at it. If they are advocating an increase of the salaries paid to these officers there might be some merit in that; but if they are contending that \$18 a year is an insufficient allowance for the upkeep of a bicycle I challenge them to put up a statement showing the expenditure. There is no Member around this table who can go into calculations and prove that it cost as much as \$18 to maintain a bicycle. I submit that there is justification for reducing the allowance. If, on the other hand, it is suggested to give the officers the extra \$6 to supplement what they are paid as salaries, that is going about the matter in the wrong way. I know that it does not cost the firm of one Member who has spoken \$18 to maintain a bicycle, and I am surprised that his firm does not give an allowance of \$24. It has been established that \$18 is too much, but \$18 has been given. If the salaries of the officers are not considered enough approach Government and say they deserve more, but to say that they should be paid more by means of an increased allowance for maintenance of a bicycle is not dealing with the matter from a business point of view.

**Mr. DE AGUIAR:** I appreciate the logic of my hon. friend, but he might have given us an analogy of motor cars. I do not think that anyone can deny that \$18 is a reasonable sum, but that does not destroy the point that officers in a better position are allowed to use motor cars, and we have no comparison of how these allowances compare with the depreciation of motor cars.

**Mr. JACOB:** I should like to add that this is a most inopportune time to reduce these allowances. If Government propose to reduce them at the annual session we might then make the alternative suggestion that salaries should be increased. Nothing can be done until the end of the year.

**Mr. McDAVID (Colonial Treasurer):** I was a member of the Committee that went very carefully into the allowances, not only

for bicycles but for motor cars. Every item was worked out accurately, including depreciation, and we arrived at the conclusion that an allowance of \$1.50 per month for a bicycle was quite reasonable. With regard to motor cars we arrived at special rates which are embodied in the regulations now in force. Subsequently it was found that it would be better, in regard to the licence and insurance, if the allowance were reduced and the actual amount of the licence refunded to the officer. As a matter of fact the full amount of the insurance premium is not refunded, because part of it is taken as the proportionate cost that should be borne by the officer himself in respect of private travelling, but the fixed allowance was reduced in consequence of that modification and I can assure the hon. Member for Central Demerara that no officer now in receipt of a motor car allowance is making anything out of it.

THE CHAIRMAN: The hon. Member for North Western District has asked for an opportunity to reply to my Address. If what he wishes to say turns on the financial situation or on the expenditure or revenue last year this will be an opportunity for him to do so. If he wishes to defer his remarks he may do so.

Mr. JACOB: I should like to defer them and make one thing of it, sir.

The Council resumed.

Motion put, and agreed to.

#### SUPPLEMENTARY ESTIMATE.

THE COLONIAL SECRETARY: I beg to move:—

THAT this Council approves additional provision being made to meet expenditure in excess of the provision already made for the year 1936, as set forth in the schedule of additional provision required to meet expenditure in excess of the Estimate for year 1936, for the period 1st January to 31st March, 1936.

It is inevitable that a supplementary estimate should be placed before Council at about this time of the year to cover necessary expenditure which could not have been foreseen at the time that the annual estimates were passed. Every endeavour has been made to keep the figures as low as possible and I trust that

Members will find the explanations of additional requirements to be adequate in every case. The total amount required, exclusive of Colonial Development Fund schemes, is \$104,338, but of this amount \$35,771 is a revote for the new steamer and \$46,281 is in respect of the new loan, leaving an amount of \$22,286 for other services.

I do not propose at this stage to give any further explanations, except in regard to one item which is in the nature of a new service. I refer to the provision of a Warden at the Leprosy Hospital and buildings for the Warden and an Assistant Medical Officer. The appointment of Warden was strongly recommended in Dr. Cochrane's report. It has been apparent for some considerable time that it is very desirable that the Medical Superintendent should be relieved of many of his routine duties of management in order that he might devote more time to his professional duties, and it is proposed to appoint a lay Warden at a salary of \$1,240 rising by increments of \$72 to \$1,488. A complementary item is that under Public Works Extraordinary where \$6,200 is provided for two small houses, one for the Warden and the other for an Assistant Medical Officer. The Medical Officer will not be permanently posted at the Leprosy Hospital, but will be posted there from time to time as the Surgeon-General finds it possible to do so from his existing staff.

Mr. DIAZ seconded.

The Council resolved itself into Committee to consider the schedule in detail.

#### AGRICULTURE.

Mr. PEER BACCHUS: I am opposing the item \$200 to provide for the cost of publication of an agricultural magazine for circulation among the small farming community. I do not think such a publication will serve any useful purpose to the ordinary farmer, who would be better served by demonstration plots.

Professor DASH: For some considerable time it has been felt by Government, and I think by a number of people in the community who are interested in agricultural matters, that the "Agricultural Journal," while a very admirable publica-

tion, does not reach the rank and file of many of our farming communities. It is therefore sought to extend that service, in which Government has the fullest support of the Board of Agriculture, to include a simpler type of publication which will not only be distributed at a very nominal cost within the reach of every member of the community, but will also be of service in the schools where provision is now being made to give a more definite agricultural bias to the instruction. I need not elaborate on that point. I think hon. Members are aware that we have a course of instruction now for teachers along agricultural lines, so, broadly speaking, this effort will in a way co-ordinate and bring these activities together. Such a little journal of a very popular type will be of extremely valuable service in keeping farmers generally more adequately informed. I appreciate the point of the hon. Member about demonstration plots, but, as a matter of fact, if we are to go much further with the scheme it will cost a much larger sum than \$200. This small amount is very well worth spending for the object we have in view. There is a small revenue anticipated but I am not bringing forward that point.

Mr. JACOB: I can see no useful purpose to be served by passing this vote. I would like to ask whether the Director of Agriculture is really serious and sincere in thinking that \$200 will add one more gallon of rice or anything at all to the agricultural products now produced. Literature won't do that. The Director tells us that the Board of Agriculture approves of this expenditure, but spending money on literature and things of that kind is not going to help us at all. I intend to make some observations later on, but I do ask the Director of Agriculture to be serious and sincere in his statements here.

THE CHAIRMAN: The hon. Member may not intentionally impugn the sincerity of the Director of Agriculture; but I do not think he intended to do so. I should like to add to what has been said that a publication of this kind is, I believe, strongly supported by the agricultural community in Jamaica, and of my own knowledge in the Gold Coast it is widely read by the community. It consists of contributions written in elementary style,

but it serves a useful purpose to the agricultural community.

#### DISTRICT ADMINISTRATION.

Mr. WALCOTT: I understand from the District Commissioner for East Coast, Demerara, that he is unable to carry out the Copra Products Ordinance because he has not got the staff, and I was hoping that Government would make some provision for the employment of a constable to enable the Commissioner to do so. Provision is being made for an additional constable in the Rupununi, where one might perhaps be not so necessary. It is ridiculous that Government should be losing revenue as it is doing, and the point is being reached where I am afraid that we are going to have a good deal of trouble if some notice is not taken of the people who are making oil. I know that some attention has been given to the matter, but it is not sufficient. People are making oil which is not of the standard of purity required, and they are selling it and not paying any excise duty. It is bad enough to think of the health of the people being jeopardised by this impure oil, but I am more concerned with the fact that Government is losing a large amount of revenue through not enforcing the Order in Council. I think Government should take definite steps in the matter.

Mr. DE AGUIAR: As far as I know several people have been prosecuted for making crude coconut oil. I make a complaint of the method employed in taking samples from the manufacturers. These people bring their crude oil into the city in drums of about 40 gallons. In these drums are two bungs, one large and the other small, and in taking samples through the large bung fully a gallon of the oil escapes. I ask that instructions be issued that greater care should be exercised in taking samples.

THE COLONIAL SECRETARY: I can tell the hon. Member for Central Demerara that there has not been a single complaint in respect of the matter to which he has referred; if there had been the matter would have been investigated. This is the first occasion, so far as I am aware, that there has been any complaint with respect to the way samples are taken. If any improved methods of sampling can be sug-

gested, the officers concerned will certainly do their best to follow them.

With regard to the remarks of the hon. Nominated Member, he is aware, I know, that the matter has been receiving very close consideration of all the officers concerned with the control under the Copra Products Ordinance. I myself not very long ago had a meeting with several persons who are interested in, and have a knowledge of the trade from various points of view, the District Commissioners and others, and I did hear the complaint at that time that revenue was being lost. I tried to get from the people who made that statement something specific on which I could take action, but I could get nothing at all beyond the assertion that revenue was being lost.

We realise that there is an opportunity for revenue to be lost in dealing with an Ordinance such as this, as there are certain difficulties, but we are taking such precautionary steps as are possible. If anyone has any suggestion to make in regard to the matter I would be only too happy to have it myself and to give it consideration. The revenue has increased considerably in the last two or three months in respect of licence fees—I do not know if it were in regard to that that the hon. Member refers—and so far as I can see the methods that are being adopted are such as will cause the Ordinance to be carried into effect and prevent leakage of revenue.

Mr. SEYMOUR: At a later stage of the session—when I am not quite sure—I propose to bring before Government the Ordinance obtaining in Trinidad. It is a very simple Ordinance and without all the elaboration we have here. Why we don't follow that Ordinance surprises me. We have an Ordinance which is not serving the purpose.

THE CHAIRMAN: I think this subject will have to be specially ventilated in view of the fact that we are dealing with the constable for Rupununi. I will just add, in reply to the hon. Member for Western Essequibo, that it would be in his competence to move a motion that Government should consider the adoption of the Trinidad Ordinance or something of that kind.

Mr. SEYMOUR: I propose doing so, sir.

#### MEDICAL.

Mr. JACOB: I should like to enquire when is it possible that the report of the Medical Re-organisation Committee will be placed before the Council.

Major BAIN GRAY (Director of Education): One part of the report is in proof and is being actually revised.

#### POST OFFICE.

THE COLONIAL SECRETARY: I beg to move the insertion of a new item, viz., "3. Purchase and redemption of Home Safes, \$70." There is a sum of \$690 in the Estimate for this purpose and this additional \$70 is required. It was dealt with previously by way of an advance account. The value of the safes exceeded the \$690 by this amount, but it will be met by revenue in due course.

Question put, and agreed to.

#### PUBLIC DEBT.

Mr. McDAVID: These annual charges (\$30,230 and \$16,051) are in respect of the new loan raised on the 1st January, 1936, and will complete the operation of which the Council was informed. The redemption will be completed early in 1937, but in order to take advantage of the market the loan was raised in January, 1936, and these charges have to be provided for. There will be a considerable saving as the result of this operation. When the bonds have been repaid interest on them will cease, and it is estimated that something like \$30,000 will be saved per annum from this operation. The redemption will not be effected wholly from the loan and the sinking fund will be used as much as possible.

Mr. DE AGUIAR: Am I to understand that the \$30,000 represents the difference we have to pay on this particular loan in respect of 1936? We have got the money and it will cost us that amount for this year. There must be some credit.

Mr. McDAVID: The money is kept on deposit, apparently with the Crown Agents; and I refreshed the hon. Member's memory yesterday that it will go to swell the revenue of this year. The increase

over what is already in the Estimate in respect of interest is \$15,000.

Mr. DE AGUIAR: What is the interest we expect to earn on this particular transaction?

Mr. Mc DAVID: The money is kept on deposit, principally in a joint Colonial Fund controlled by the Crown Agents, and we derive from that fund a sum slightly in excess of 2 per cent. which is higher than we can earn in the Colony. We expect \$15,000 as the yield from that particular investment. It is quite true that is a lower sum than the \$30,000 which is being paid to the bond holders, but that cannot be helped.

Mr. DE AGUIAR: I understand the Colonial Treasurer to say that the interest earned on this deposit will be slightly in excess of 2 per cent. This loan at 3 per cent. will cost us \$30,000, and on the deposit at 2 per cent. we are only going to get back \$15,000. I notice that we are paying the Crown Agents for this particular transaction. All I ask is how much we are going to earn on this transaction for the current year.

THE CHAIRMAN: I think the best way is to treat the hon. Member's question as one to which he requires a written reply in the first instance, and I have no doubt that when he sees the calculation set out on paper he will be satisfied.

Mr. Mc DAVID: This expenditure is provided for by law and therefore cannot be questioned, but the hon. Member can be given a written reply.

THE CHAIRMAN: The matter will be treated as a question that has been asked and the hon. Member will receive a written reply.

Mr. JACOB: I tabled certain questions late last year with regard to the redemption of loans. The replies were not at all convincing and as a matter of fact they were somewhat evasive. I intend to pursue the matter further. I have a fear that we are paying interest on money that is lying idle not only here but with the Crown Agents, and probably we are paying hundreds of thousands of dollars per annum without getting an adequate return

on that money. We are paying probably more than 5 per cent. on certain loans and can borrow money today at 3 per cent. I urge that some precautionary measure should be taken of the calculation of interest.

Mr. WALCOTT: I have too high an opinion of the Colonial Treasurer to believe that he would throw away a single penny. It is obvious that if you are paying 5 per cent. and receiving 2 per cent. the sum you have to provide is \$30,000, but the saving will be more than recovered in having anticipated cheap money.

THE CHAIRMAN: I suggest to hon. Members to leave the question over until we have received a written reply. As the Colonial Treasurer stated, this money is provided for by law and is inevitable, but an explanation is no doubt desirable.

#### PUBLIC WORKS DEPARTMENT.

Mr. HUMPHRYS: I desire to remind Government that when the annual estimates were before the Council I called attention to the fact that there are five assistants who receive the small salary of \$25 per month, and the Colonial Secretary promised to go into the matter and see what could be done for these men who do an extraordinary amount of work. I understood that the matter would be gone into and the salaries increased retrospectively, but I am subject to correction on that point. It was however agreed that these men are very inadequately paid and something would be done for them.

Major BAIN GRAY: The group of officers referred to are among those unclassified officers regarding whom I am preparing a special report. I think Members are agreed that the classification is not a very easy one, but I hope to produce a report which will regularise the matter. That report will be in the possession of Government within the next few weeks.

Mr. DE AGUIAR: I thought this matter would have been decided six months ago.

Mr. JACOB: I admit that this is a rather big job to get through, but I hope that something will be done to get the matter settled before the next session. I had hoped that it would be retrospective, but apparently there is do chance of that now.



THE COLONIAL SECRETARY: I should just like to add that the report containing recommendations will be before Government in ample time to have the whole matter considered and placed before Members with the next annual Estimates. Some hon. Members have referred to delay in this matter. I do not know if they have had any experience in dealing with anomalies in salaries of civil servants. If they have I think they will realise that a month or two is a very short period in dealing with such matters.

#### PURE WATER SUPPLY SCHEME.

Major CRAIG: I beg to move an additional item, *viz.*, "5. Passage of Resident Engineer, \$195.36." This is to meet the cost of the passage of the Resident Engineer, who has been re-appointed and was on leave.

Question put, and agreed to.

#### SUBVENTIONS ETC. OTHER THAN MUNICIPAL.

Mr. DE AGUIAR: May I enquire if the contribution (\$96) towards the maintenance of the work of the Farnham House Parasite Laboratory and the Biological Field (Stored Products Research) Station, Slough, and the low temperature research work of the Department of Scientific and Industrial Research at Cambridge, has already been paid out? I would also like to know what benefit we receive from this contribution.

THE COLONIAL SECRETARY: This contribution has been made for two or three years. Provision was not made this year because it had been anticipated that the Imperial Scientific Conference would have been held during the year and recommendations put forward to carry out research work without contributions from the Colonies as had been done previously. That Conference had to be postponed and it is necessary to ask for contributions from the various Colonies for one more year. It is a rather smaller amount than has been paid in previous years.

Mr. DE AGUIAR: From those remarks I gather that the amount has already been paid.

Mr. Mc DAVID: I feel sure that it has not been paid, but I would like to verify it.

Mr. DE AGUIAR: Are we bound to pass this item. I would like to know what benefit this Colony derives by making this contribution. Nearly every year we have to contribute to some College or the other and I do not know what we get in return for these contributions. If these contributions are made on instructions from the Secretary of State we might sit here and pass them *en bloc*.

THE CHAIRMAN: At the annual session I stated in reply to the hon. Member that in such cases we get suggestions, not "instructions," from the Secretary of State. I thought the hon. Member was then satisfied with my reply.

Mr. JACOB: When the Constitution was changed we were told that it was necessary so as to give the Secretary of State for the Colonies the right to control expenditure and govern the Colony in a way to make revenue balance expenditure. Since then we have had increasing deficits, except last year, and we go on year after year running the Colony at a loss and getting loans-in-aid from the Imperial Government. I can see no hope for the Colony when it is run in that way. We might as well give up our membership here and leave it to the Secretary of State and one or two officers to carry on. That is how I am beginning to feel. There should be some co-operation between Government and the Elected Members with the object of reducing expenditure and making the budget balance every year. Some steps should be taken to reduce expenditure rather than increase it, so that we might see daylight somewhere. I do not see daylight and I do not expect to see it very shortly.

Professor DASH: I think most hon. Members appreciate that there are in England a number of central organisations of a scientific nature which correlate and co-ordinate the scientific work, both agriculturally and otherwise, which is done in all parts of the Empire and which are supported to a very large extent by the Home Government. That is an important point that I think is often lost sight of when we come to the Council for small sums of the nature involved here. The sum we are asked to pay is really a very small proportion indeed in relation to the whole sum which is borne in a very large measure by the Home Government for the good of the Colonies and Dependencies.

There are Agricultural Bureaus, Institutes of Agriculture and Entomology, and so on, and the Farnham House Laboratory particularly has been of considerable service to us in connection with the introduction of parasites for the sugar-cane borer. That work has been supervised and centred largely at Farnham House, and we know that Dr. Myers went into the interior and by dint of careful study and hard work procured for us the parasite which is established on the coastal belt and is giving us very valuable service in the control of the moth-borer.

That is only one aspect of it. There are several parasites which we only have to write about to obtain information of. Without these central organisations it would be very difficult to keep in touch with the work that is going on in other countries, and if you can visualise some expert to whom we could refer for advice we would have to pay a considerable sum as a fee for that advice. Here are organisations working for the Empire as a whole, to which we are asked to contribute a very small sum towards the projects on which they are engaged, and I think we get good value from the fact that we can always turn to their scientists for assistance and advice in dealing with agricultural problems that crop up. These organisations have been of material assistance in bringing these facts together to the advantage of scientific workers in the Colonies and Dependencies.

Mr. SEYMOUR: I do not think hon. Members should quibble over contributions to organisations which exist in the United Kingdom. There is no doubt that they serve a very useful purpose. The Mother Country has been very good to us in many ways. We have been given a free grant of £20,000 for the pure water supply scheme, and bearing that in mind I don't think we should quibble about this small amount.

#### ROADS AND BRIDGES—EXTRAORDINARY.

Mr. SEYMOUR: I hope that the lorry for which a vote of \$1,000 is asked is not intended for Essequibo. I would rather see the lorries there done away with. It would be far better in the country districts to abandon the lorries and revert to donkey carts. That would provide labour. Lorries and spare parts are imported,

while we produce our own jackasses and saddlers. The cost of running lorries is much more expensive than using asses, which have been a great friend to the Colony.

Major CRAIG: This lorry is not for Essequibo, so the hon. Member could still use his jackasses. I am quite aware that the employment of donkey carts would give considerable employment to those who own carts in Essequibo. It would be very difficult for the hon. Member to convince me that donkey carts are more economical to work than lorries, but I would be quite willing to go into the figures with him at any time. There is no doubt that for a short haul of one or two miles a donkey cart is cheaper than a lorry, but we cannot burn earth at distances a mile apart even in Essequibo, because we would be charged by the proprietors with taking away land and something more that we did not.

Mr. SEYMOUR: Burnt earth is not so far apart and it can be removed by a donkey cart within a 10 mile area. We must find work for our people even if we lose. From Supenaam to Aurora all carriage is done by donkey carts, and I press that lorries be taken off the road and donkey carts supercede them.

Mr. HUMPHRYS: On this question I suggest to the hon. Member to see that those who use donkeys treat them better. I would like to see donkeys done away with because the way they are treated is disgraceful.

Mr. WALCOTT: If this lorry is not for Essequibo it might be left over. If it is for the Corentyne Coast, where there is no river, it is a different matter.

Major CRAIG: The lorry is for the Corentyne, where there is no river.

The Council resumed.

Motion put, and agreed to.

The Council adjourned for the luncheon recess.

#### FOREST RESOURCES DEVELOPMENT.

THE COLONIAL SECRETARY: I beg to move:—

THAT, with reference to Message No. 12 of the 12th of March, 1936, this Council approves a contribution of \$288 (£60) being made by this Colony towards the cost of the Colonial Forest Resources Development Department, in respect of the year 1936—1937.

The Message to which this motion refers conveys to the Council information as to the organisation that has been set up at the Colonial Office to assist in the marketing of colonial timber. The personnel consists of Major Oliphant, whose duties will be largely those of touring in the various Colonies and investigating their timber resources, and Major Cosgrove, whose duties will be mainly in the United Kingdom keeping in touch with the timber trade and assisting the marketing of the timbers from the Colony. As members are aware, the Conservator of Forests is at present in England, and he will be in close consultation with Major Oliphant and Major Cosgrove, the result of whose investigations will be placed at his disposal in furthering the object of his mission. A department such as this, which is keeping in close touch with the trade and the requirements in the United Kingdom and giving advice to colonial forests interests, must be of very great value to those interests. I would just like to refer to one paragraph in the Message in view of certain remarks in Council this morning. I refer to paragraph 8 of the Secretary of State's despatch where we find these words:—

“ I shall be glad to know whether you would be prepared to agree that the territory under your administration should contribute to the cost of the new organization on a fair basis of allocation to be decided by me, having regard to the relative importance of forestry in the various parts of the Colonial Empire, and the amount of work performed for each territory by the new Department.”

Words of this import are invariably used by the Secretary of State in proposing to us expenditure of a nature such as this where contributions from the various Colonies are desired, and I would like hon. Members who have referred to similar votes to bear that in mind not only in this case but in all cases of this nature that come before the Council. The amount of the contribution, £60, is so small, and the value of such a Department to a Colony such as this with large forest resources seems to me so obvious, that I feel sure that all hon. Members of this Council who have any faith in the future of our timber in-

dustry will give this motion their approval. I beg to move it.

Mr. DIAS seconded.

Mr. De AGUIAR: I would very much like to be in sympathy with this motion because, like the mover, I have very great faith in the forest of this Colony. Unfortunately, I cannot express entire agreement in expending further money, having regard to the fact that we have spent considerable sums within the past six or seven years in the organisation of a top-heavy Department. Further than that I am quite concerned over the fact that it has now been thought desirable to divide up the organisation in the Home Country. What I am fearing—and I have read the Message very carefully indeed—is that later on we shall be called upon to contribute a much larger sum than we are asked to do to-day. Had it been merely the passing of a vote of £60 I would not have been so niggardly to rise and make a speech on the subject, but I do think that we shall be called upon in the near future to shoulder the entire expense of this establishment. That is where my fear lies. How much will we be called upon to pay? That is a question upon which I cannot reasonably expect an answer to-day, and I do not intend to press it, but I want to say now that whenever these organisations are being created in the Mother Country with the expectation that these unfortunate Colonies will be called upon to carry them I shall always enter a strong protest.

I made reference to the fact that this organisation is being divided up from another—the Department of Scientific and Industrial Research—to which this Colony is already contributing. In the despatch we are told that one of the gentlemen will be largely occupied in making tours of the various colonial territories. We must take notice of that warning because later we are sure to be told by Government “when the matter came before the Council we told you about it and you said nothing.” When this gentleman comes to the Colony—and I hope he will never come—I shall never vote one penny towards his expenses. In paragraph 7 of the despatch we are told:—

“ I desire to make it clear, however, that I regard it as a definite principle that the whole of the cost of the organization should ultimately be met by contributions from the Colonies, etc.

with forestry interests. I appreciate that it is not possible for some of these territories to make any contribution at present; on the other hand, it is desirable that those territories which are financially in a position to make some contribution should do so from the outset."

I am glad to think that the Secretary of State feels that this Colony is in the happy position to make a contribution towards this new organisation that has been created. I would like also to share his optimism that we will be able to continue this contribution. We are starting with only two members of the organisation, but the expenditure will grow until we find ourselves unable to carry it. I do not want my remarks to be misunderstood. I began by saying that I have very great faith in the forest of the Colony. But has the time not arrived when we should carefully consider the expenditure in trying not only to find out the value of the forest but what we can get out of it?

Mr. JACOB: I desire to endorse all that has been said by the hon. Member for Central Demerara. I, too, have very great hope and faith in the resources of the Colony, particularly our timber resources, and I am wondering like the hon. Member where all this expenditure is leading to. Paragraph 4 of the despatch states:—

"It is contemplated that Major Oliphant will be largely occupied in making tours of different Colonial territories with a view to investigating their timber resources and the organization of their Forestry Departments for the commercial exploitation of such resources."

I was under the impression that we know exactly what our timber resources are. I think our difficulty here is marketing, and I cannot see any useful purpose to be served by an officer coming from the United Kingdom to investigate our resources. We have a highly paid Forestry Officer and an expensive Department. This country has protested year after year against the expenditure on that Department, yet the suggestion is made that another officer from the United Kingdom should come here to learn and tell us something about our forest. It may take him several years to tell us what we know already. I support the idea that this amount should be voted now, but it should be pointed out to the Secretary of State that the Colony will not be able to pay the additional expense unless we are able to

market our timbers. At the last annual session we were told that we are hopeful of securing markets. We have not been told to-day that we have secured those markets but we are asked to vote money the result of which is problematical.

Mr. CRUM EWING: Long before I became a Member of this Council Members have been quibbling about the Forest Department. Paragraph 5 of the despatch says:—

"Major Cosgrove will be largely responsible for the task of keeping in touch with the timber trade in this country and discovering the possibilities for the marketing of Colonial timbers here."

That is really what we wanted, and undoubtedly it is a start in the right direction. We are going to get the services of men who are practically connected with the timber industry to keep in touch with the trade and discover the possibilities for marketing, not just to sit down and look at the industry from the angle of obtaining statistical data which the Forest Department has been doing for the past five years.

Mr. SEYMOUR: I am not going to occupy the time of the House in discussing the problematical aspects of this question. We do not want anybody to come here and tell us anything about the forest. We have a very capable officer in the Conservator of Forests, and to get somebody else to come and tell us about the forest is quite absurd. But I quite agree that if we can get somebody to find us a market it is desirable to do so. Expenditure up to now has certainly not been justified. I am not opposing the proposal and hope it will prove beneficial to the timber industry.

THE COLONIAL SECRETARY: I understand the hon. Member for Central Demerara to have two main objections, first of all because he felt that the organization in the United Kingdom had been divided into two without reference to us, and that a new department dealing mainly with the marketing side has been created and we have been asked to make some contribution to it. Secondly, he took exception to paragraph 4 of the despatch wherein are the words "Major Oliphant will be largely occupied in making tours of different colonial territories," and said he thought

that we would be expected to welcome him here. I am sure that many of us would like to see Major Oliphant come here, but I do not wish the hon. Member to think that expenditure on a visit such as that is obligatory. Expenditure on his visit would be in exactly the same category as we are now called upon to put on the Estimate; that is, a proposal would come before the Council for the Council to say whether they will pay that money or not. I am sure that many other Colonies would be glad to welcome him, and the time may come when a visit by Major Oliphant might be of great benefit to us.

The hon. Member for North Western District saw no point in having a Department such as this when we are mainly dealing with marketing. That point has been answered by the hon. Member for Essequibo River and I need not press it any further. It is quite true that marketing is one of our main difficulties, and that is why I feel that an organisation that will essentially help us in our marketing problem is one that we should support.

THE PRESIDENT: I would just like to add to the point made by the hon. Member for Essequibo River by inviting the attention of hon. Members to one or two passages in the Secretary of State's despatch. At the beginning of paragraph 2 there is mention of the work to be done in connection with seeking markets, showing what was in the mind of the Secretary of State when he created this sub-department. The despatch goes on to speak of "the control of the investigation and development of sources of supply and of the exploration and encouragement of demand for colonial timber." That is obviously to the point of marketing. Then in regard to the tours of different colonial territories it is stated that they are "with a view to investigating their timber resources and the organization of their Forestry Departments for the commercial exploitation of such resources." It is perfectly clear that what the Secretary of State has in mind is to take away the duty of marketing from the Department of Scientific and Industrial Research and put it into the hands of business men who are competent to deal with that side of the timber industry.

Motion put, and agreed to.

#### PURE WATER DISTRIBUTION.

THE COLONIAL SECRETARY: Sir, in the absence of Major Craig, I beg to move:--

THAT with reference to Message No 10 of the 2nd March, 1936, this Council expresses the gratitude of the Colony for the free grant of £20,000 which has been made from the Colonial Development Fund to enable the pure water distribution scheme to be continued until 1939, and respectfully requests that the Colony's thanks be conveyed to the Secretary of State and the Colonial Development Advisory Committee.

It gives me great pleasure to move this motion and I am sure that Members of the Council will be very glad to have this opportunity of expressing their gratitude for the grant of £20,000. The pure water distribution scheme has been of very great benefit to the Colony, and this additional amount which we have now been given will enable these benefits to be distributed over a wide area of the inhabitants, who will have much cause to be grateful for the gift from the Colonial Development Fund.

Mr. DIAS seconded.

Mr. JACOB: I think I ought to express the gratitude of the Unofficial Members for this very handsome grant, sir, and I trust that from your recent visit to the North West District a portion of this sum will be utilised for the benefit of the unfortunate people there. Conditions there during times of dry weather could not be worse. I know that something has been done to improve living conditions, but a great deal more has to be done to make them somewhat better. I have always made it a point that the people should not require grants from the Colonial Development Fund, because we are able to look after our own interest, but at the moment we are very grateful for any grant of this kind and further grants as well.

Motion put, and agreed to.

#### INSTITUTE OF MINES AND FORESTS (REPEAL) BILL.

THE COLONIAL SECRETARY: I beg to move that "A Bill to repeal the Institute of Mines and Forests Ordinance, Chapter 215" be read the second time. This Bill has been brought forward in order

that the Institute of Mines and Forests Ordinance might be repealed. The Institute, so far as I have been able to ascertain, has not carried out any duties since 1921 and is completely defunct, and it is thought right that the Ordinance should be taken off the statute book.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

The Council went 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 and passed. (*The Colonial Secretary*).

#### AUDIT DEPARTMENT (AMENDMENT) BILL.

THE COLONIAL SECRETARY: I beg to move that "A Bill to amend the Audit Department Ordinance, Chapter 200, to make provision for the appointment of an Assistant Auditor on the abolition of the post of Chief Clerk, and for purposes connected therewith" be read the second time. This Bill, sir, merely carries into effect the decision which has been made by this Council in connection with the 1936 Estimate, when the post of Chief Clerk was deleted therefrom. Apart from the alteration in connection with the new post there is nothing amended in the Ordinance.

Mr. DIAS 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 and passed. (*The Colonial Secretary*).

#### DEEDS REGISTRY (SALES IN EXECUTION) BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to amend the Deeds Registry Ordinance, Chapter 174, by making better provision with regard to the effect of sales of immovables in execution" be read the second time. This, sir, is an important measure which, it is considered, will have a great or very valuable effect in connection with dealings in immovable property in this Colony. The amendment which is now being made has been long overdue. We had originally in 1880 an Ordinance called the Registrar's Ordinance, which dealt with the office of Registrar of British Guiana and referred somewhat to records being kept in that office, but apparently there were no statutory provisions dealing with instruments and execution and effect in connection with immovable property. In 1919 there was promulgated an Ordinance called the Deeds Registry Ordinance, and that purported to put the law in connection with these matters in a simple form and to make clear how documents were to be executed and dealt with and their effect in connection with the various matters. Apparently it was not quite so simple as the draftsman thought and as the Court of Policy enacted it. By 1925 great difficulties in connection with it developed and very strenuous efforts were made to set those difficulties right. The history of it I am not aware of, but I have heard a good deal of the results, and apparently the results have been that whatever evils there were before were intensified by the change in 1925.

Since then it has been considered that the necessary change ought to be made, so as to facilitate dealings with property and to make clear the rights of holders of property encumbrances or mortgages and various other interests. But the matter hung fire. Recently a congregation of hard-headed lawyers got together and produced the Bill which is now before the Council for enactment. It has meant a good deal of hard work to them, but I venture to express the hope that we have solved the difficulty. As time goes on experience might show that there is something that requires modification or alteration: that can then very easily be done. The important point is that an effective

change would have been made. There has been prefixed to the Bill an unusually lengthy memorandum, the object of which is to make the position very clear. Experienced practitioners in this Council would be able to explain the great difficulties that have taken place in connection with property; in fact, where the question was the realisation or the enforcement of a statutory claim or a registered encumbrance, the matter had not been thought out at all and enactments were rather mixed up with the result that purely conclusions were arrived at.

What we have tried to do is to bring the law into modern shape as it exists elsewhere in the Empire under English law and the Australian Torrens system. If a man has a registered incumbrance on immovable property and it becomes necessary for him to enforce payment of the security of the money lent, he has to go to the Court and get judgment and then execution issues and sale takes place. When the property is sold the money which is received goes to pay the man his claim and costs, and any balance remaining is then divided among other incumbrancers in accordance with their priority. When it comes to the question of the unsecured creditor endeavouring to sell immovable property which was the subject of incumbrances the position is set right now. All that the creditor could have is the right to be put into the shoes of the owner of the property. After the various incumbrances have been executed the unsecured creditor can sell what rights he has and get the benefit, but, of course, he cannot damnify the security of those who have registered incumbrances. I am told that if there is a sale of property by an unsecured creditor and there are registered incumbrances the money is paid into the Registry. There then arises the difficult question: whose is such money? The Registrar does not say whose it is but gives notice to the people without committing himself. If an unsecured creditor receives the money I understand he is likely to be subject to a law-suit by one of the registered incumbrancers, and the registered incumbrancer is also subject to a law-suit. We are now getting away from all that.

There is another point of very great importance. In all advanced communities

real property, or as we call it here immovable property, is of very great value and is regarded as a good form of investment. In fact, it is by statute in many places a trustee investment. The difficulties which have been encountered render immovable property in this country a very difficult investment for a trustee or anybody else, because a man who takes a mortgage is never quite sure whether he is going to be landed by somebody else pursuing some remedy against a debtor. With the changed law which is proposed in this Bill, the investor's rights are going to be preserved. The effect of this measure when enacted will be to give to immovable property the same sense of security as exists elsewhere, and we consider that would be one of the very great advantages which will flow from the adoption of this measure.

Major BAIN GRAY seconded.

Mr. SEYMOUR: The practice in Essequibo is that persons advance money on mortgaged property for the purpose of cultivation. The money is advanced for growing crops and is secured by assignment. What claim would we have in the event of a mortgage being foreclosed?

THE ATTORNEY-GENERAL: I am afraid that the hon. Member would be in no better position than he is now because, as I understand him, simply an assignment is made without reference to any statute. I may be able to help the hon. Member and others connected with agriculture if I remind them of the fact, which I have already referred to in this House, that in 1896 an Agricultural Relief Ordinance, Chapter 152, was enacted with the object of enabling people to advance money on crops of certain kinds on certain estates and to give them security. Statutes in similar form exist in Trinidad and other West Indian islands, and I remember a Member of this House actually asked Government to enact such an Ordinance. A curious thing apparently is that from the day of its enactment it has been a dead letter; nobody has remembered or acted on it. It is a very valuable and very useful Ordinance, and I suggest to the hon. Member that he would be amply protected if he makes his advances under that Ordinance in the form provided in it. Where money has been advanced

under Ordinance a preferent lien is established on the crop in respect of which the advance has been made, and if the land is sold before the crop is reaped then the person by whom the advance was made has in lieu of that lien a preferent lien on the proceeds of sale of the land, after the expenses of sale and debts due to the Crown, to the Colony and to the Immigration Fund have been paid in full.

Mr. DE AGUIAR: I wish, first of all, to agree with the statement of the Attorney-General that a great deal of uncertainty exists with regard to the operation of the Deeds Registry Ordinance in connection with the sale of immovable property at execution. I wish I could feel as he does that the Bill will do away with the defects in that Ordinance. This Bill is causing some concern among many persons whose main business is to lend money on mortgages, because they are not quite sure, even though the best advice has been obtained, that the Bill will bring about the desired result. For example, the Georgetown Town Council may levy on a property for current rates and taxes, and the right is given to them to bring the property to sale at execution within three months. In addition to current rates and taxes there is what is known as the accumulated debt, which is spread over a period of 25 years and a portion of it payable in annual instalments. If the property were taken in execution for current rates and taxes, so far as I can see, the next step is that the Town Clerk would notify the Registrar of the amount due in respect of the particular year and he would not be allowed to claim any greater sum. But in addition to the current rates and taxes there would also be existing the liability with respect to the accumulated debt. I therefore fail to see how it is possible for that property to be put up to execution free of any incumbrance. There would still be the statutory debt on the property, which under the existing law is not due immediately. It is a statutory claim, however, in respect of the property.

Another point that requires explanation is what would be the position in respect of any other statutory claim on the particular property. In the event of failure by the parties to give notice, would the statutory claim be allowed to remain on

the property? To illustrate my point let us take a property on the East Coast which is liable for drainage and irrigation and sea defence rates. If that property is levied on for drainage and irrigation rates and there is failure on the part of the sea defence authorities to give notice, what would be the position of the new purchaser in respect of that particular statutory claim?

Clause 2 (d) (i) says that the Registrar shall cause to be given notice in writing to every holder of a registered incumbrance, interest or lease, at the address stated in the registered instrument or at the property, that a sale is at the instance of the holder of a statutory claim or a registered incumbrance. I object to the inclusion of the words "or at the property" on the ground that a mortgagee may be deprived of the fruits of his mortgage by service of the notice at the property instead of at his registered address. What position would the Registrar be in when there is a sale of the property without the knowledge of the mortgagee? The notice to the mortgagee is in order that he may attend the sale and protect his interest, and his absence may be due to failure to receive the notice by service at the property. If the sale is at the instance of the Town Council the property may be sold for merely the amount of the rates and taxes, because the moment the amount of the claim is reached any person may acquire the property. A more serious objection is to the proviso:—

**Provided that failure to comply with any of the requirements of this paragraph shall not affect the operation of the other provisions of this Ordinance.**

It seems to me that nobody is sure of the Bill and this proviso is put in as a sort of protective measure. I have read the Bill through and through and also discussed it with lawyers and others, and I have one name for it. That name is "A Lawyers' Bill" and when you are in doubt apply to the Supreme Court for an interpretation of it. There is no doubt that the position at the present time is full of uncertainty, and I would be glad to know that this Bill cures the defects, but I am satisfied that my objections are sound.

Mr. DIAS: I fear that the hon. Member



for Central Demerara has fallen into bad company from his statement that he has discussed the Bill with people who ought to know and the attack he has made on it. He has described it as "A Lawyers' Bill." If anything can be christened by that name it is the existing law, because there is nothing more confusing. It has beaten even the lawyers. Only quite recently I informed a company that I was not in a position to advise them one way or the other and they must take their own risk as to whether they would draw a certain sum of money or levy. The position that has obtained for some time past has rendered the operation of business in mortgages and the realisation of property perfectly hopeless. Properties are not being sold or cannot be sold because people do not understand what they are purchasing or the conditions under which they are purchasing, and no lawyer would have the courage to advise as to what is the law under present conditions. I congratulate Government on having moved in the matter, and I wish to thank the Attorney-General for the care he has bestowed on this Bill and the consideration he has given to it in discussions with hard-headed lawyers from time to time. There was a Committee of legal men who met the Attorney-General and the Assistant Attorney-General and discussed the matter until we came to the decisions incorporated in the Bill.

I may draw attention to one simple aspect of the hon. Member's speech in which he has confused himself. I refer to the sale of property in respect of which people might be the holders of registered incumbrances. If the hon. Member had read para. (c) of clause 2 he would have seen that where the sale of the property is for the purpose of enforcing payment of a judgment debt it shall be sold subject to all registered incumbrances. The rights of the holders of registered incumbrances would therefore be protected. That is one of the difficulties this Bill will overcome if it is enacted. This is not an easy Bill for the layman to understand, and perhaps that accounts for the long address delivered by the hon. Member. I am not going to suggest that the Bill is perfect, but it is sensible and far superior to what obtains now. In fact, it is a Bill that the practitioner can understand, whereas what exists to-day is not entitled to be

called law at all. It is confusing to people who lend money and has a tendency to their losing their investment or making its recovery very expensive indeed. I suggest to the hon. Member to let the Bill be put through and be satisfied that it has been given consideration by those legal practitioners who represent the largest mortgagees in the Colony. All who represent the insurance companies devoted considerable time and consideration to it, and the Bill is the result of mature deliberation of what is considered to be to the interest of all the parties concerned. I would like to add that those services were given free, gratis and for nothing, with the idea of relieving the terrible lot of work, inconvenience and bother with the existing law. If any defect in the Bill is discovered I am sure that Government will be only too willing to come to our assistance and remedy it.

Mr. WIGHT: I am sorry that I was not here to hear all that has been said. I know the old saying that "fools rush in where angels fear to tread," but the matter is a very important one where I am concerned, as I sit on the Directorate of several insurance companies which hold mortgages. I would like to ask the Attorney-General if he is responsible for the Bill as it stands, because I have just heard it said that the Bill is not perfect and I as a layman say it is not perfect. I would like to know what is a registered incumbrance. I have been told by the Registrar that mortgaged property was being sold subject to no mortgage whatever. Once I went to protect a poor woman who owned a property which was being sold at execution. I bought the property for \$800 or \$1,200, and I was surprised to get a receipt from the Hand-in-Hand Insurance Company for nothing. I am told that lawyers themselves are in doubt and I would therefore like to hear from the Attorney-General what is a registered incumbrance. I have heard from the hon. Nominated Member that the Bill is the matured thought of lawyers, but I am absolutely afraid of it because I see all the lawyers' bills of costs before mortgages or anything else. I ask that instead of passing the Bill this afternoon we be given an opportunity to hear the arguments of some of the people who are in a position to criticise it, and also who are the persons concerned in the prepara-

tion of the Bill. I always understood that anything in the way of legislation came from the Attorney-General, and when I hear that outside lawyers have been mixed up with this Bill I am terribly afraid of it.

Mr. HUMPHRYS: If the hon. Member looks at the Deeds Registry Ordinance he will see the term "registered incumbrance" defined there.

Mr. WIGHT: My reply to that is that there is no definition of it in the Bill and I would like to hear the learned Attorney-General on the point.

THE PRESIDENT: The Attorney-General will now reply, after which further consideration of the Bill will be postponed until to-morrow.

THE ATTORNEY-GENERAL: I have, in the first place, to agree with the remarks of the hon. Nominated Member with reference to the company that the hon.—I very nearly said learned—Member for Central Demerara must have fallen into. I am very sorry for him, sir; the trouble is that he is not sorry for himself and is unrepentant. It is perfectly clear that the hon. Member, having certain fixed ideas in his mind, avoided listening to the explanation I made. It was the misfortune of the hon. Member for Georgetown Central that he was not here, and I am certainly sorry for him. Many of the points that the hon. Member for Central Demerara professed knowledge of were points I carefully explained in moving the second reading of the Bill, and it is perfectly clear that he paid no attention to them. After all we are here for serious debate and for the purpose of accomplishing some useful object, and it is just as well—

Mr. DE AGUIAR: I am sorry to interrupt the hon. Member. I do not think it is fair to suggest that I sat here without listening because I did not preface my remarks by saying that I had listened with all care to what had been said. From the interest I have in the Bill I must have listened very carefully, and it was following what had been said that I made the remarks I did make.

THE ATTORNEY-GENERAL: May I express my pleasure that apparently in my opening remarks I did not succeed in confusing any Member of this House except

the hon. Member for Central Demerara if he listened to them as he said he did. I was very careful in certain matters and I was surprised when the hon. Member referred to those matters as if nothing had been said of them. I am not going to repeat all I said by any means. The important point is that there is in existence an Ordinance which is practically useless and is doing a great deal of harm to people who have dealings with property. It is admitted by all the members of the legal profession and it is right, in the interest of the community, to get rid of the difficulties which have been created by that statute. It does not matter how long people have been accustomed to a certain inconvenient state of affairs. That is no argument, or no reason, why for the benefit of the community it should not be changed into something reasonable and useful. There is always some difficulty and objection to change. We are all at heart conservative, however much we pretend not to be.

I happen to be a Member of this House much longer than anybody else except one Member, and before endeavouring to make such an important change in an important principle of the law of property in this Colony, it would have been my duty to consult lawyers who had had practice and experience and were in a position to advise. And in doing so I have done what is done everywhere else. I will also call attention to something that occurred in England within the last two years. On questions arising in the High Court of Justice with regard to various changes in the law, the position was met by the appointment of various Committees, to each of which was assigned some special branch of Law to be dealt with and report and advise on, and those Committees produced Bills which have been passed. That is how it has been done there. Nobody professes to be so superhuman to carry all the law in his head, or to see all the conditions that require change, and we have done only what is the general practice. I agree that it is entirely "A Lawyers' Bill." For that reason it is difficult for a layman who has not made a careful study of the Deeds Registry Ordinance—and even then no layman is capable—adequately to criticise and to deal with the matter, because it is something that is very technical and has to be dealt with by people who have training and understanding

in connection with it. We have no purpose to serve or no axes to grind, but we do realise from the operation of the existing law some of the hardships to which reference has been made by the hon. Member for Georgetown Central, and the time has come to change them and to bring the law into consonance with what it is in other civilised communities.

We talk about progress and bringing capital here. But who are going to bring capital here when we have such antiquated laws dealing with immovable property that they cannot understand or make anything of them? The hon. Member for Central Demerara has pronounced on certain points in connection with the Bill. He talks about the accumulated debts in Georgetown. Every rate is a charge on the property itself, and all the arrears of debts are charges on the properties in Georgetown. When the Ordinance was passed giving 25 years for repayment of those debts the full amount of the arrears still remained a charge on the property, but the debts were payable annually by instalments and consequently it is when the instalment falls due at a particular date that proceedings can be taken to enforce the payment of it. If a man does not pay his current rates and proceedings are taken and he also owes an instalment of the accumulated debt, the property is put up for sale and both of them will be paid out of the proceeds of the sale, but the purchaser of the property will be subject to the existing liability and he continues to pay the arrears in the manner provided for.

What troubles the hon. Member also is para. (c) of clause 2 and the proviso. The hon. Member is but a youthful legislator, and if he were not he would know that a proviso like this is inserted in many statutes in similar circumstances. It is frequently done where rights themselves are not being conferred. He is quite wrong about the idea of this clause. It is simply to give people notice of what is taking place, so that they may take any action they may choose. The point is that the property is going to be put up for sale, and anybody who chooses will go and buy the property outright and the

debt will be paid. If the holder of a registered incumbrance chooses to buy the property that is his affair, but he is not invited to go there for that purpose. It is just that provision should be made to give him notice, so that he may attend and take what action he likes, but the fact that the notice does not reach him shall not affect the operation of the law and the rights of parties who buy. If there is no registered address notice must be given at the property; and with regard to process of parate execution the notice is served on the property alone. If a man happens to have a registered address the notice would be served there, but if he does not there is no obligation to search for him; nor is there any strict necessity for the proviso, but it was thought that provision might be given to it in the Bill.

Mr. WIGHT: I am thankful to you, sir, for not proceeding further with the Bill this afternoon. I am also grateful to the Attorney-General for what he has said; but I have a serious grievance against the Bill not protecting a creditor. For instance, if I hold a mortgage for \$25,000 on a property and it is put up for sale at execution, in order to protect my mortgage I shall have to bid it up to \$25,000. Where am I to find the money to pay the Registrar, who keeps it for 14 days? Most solicitors represent wealthy insurance companies. But what is to happen to the ordinary individual who is without the means of obtaining the money?

THE ATTORNEY-GENERAL: I am afraid that the hon. Member is labouring under a misapprehension. The position is that the creditor has the right to sell the property when the money is due, and all he has to do is to put the property up for sale. If the creditor cannot buy the property it is his misfortune. You can never have provision of that kind in the law anywhere.

THE PRESIDENT: I suggest to the hon. Member that he should consult his solicitor between now and tomorrow morning at 11 o'clock, at which time the Council will then meet.

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