

## LEGISLATIVE COUNCIL.

*Wednesday, 6th March, 1929.*

*The Council met pursuant to adjournment, HIS EXCELLENCY THE GOVERNOR, BRIGADIER-GENERAL SIR GORDON GUGGISBERG, K.C.M.G., D.S.O., President, in the Chair.*

### PRESENT.

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

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

The Honourable A. P. G. Austin, (Nominated Unofficial Member).

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

The Honourable F. Dias, (Nominated Unofficial Member).

The Honourable T. Millard, Colonial Treasurer.

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

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

The Honourable R. E. Brassington, (Senior Member for North-West Essequibo).

The Honourable R. V. Evan Wong, B.Sc., (Senior Member for South-East Essequibo).

Colonel the Honourable W. E. H. Bradburn, Inspector-General of Police.

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

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

The Honourable S. H. Bayley, Managing-Director, Colonial Transport Department.

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

The Honourable N. Cannon, (Senior Member for Georgetown).

The Honourable H. C. Humphrys (Member for East Demerara)

The Honourable A. V. Crane, LL.B., (Lond.), (Member for West Demerara).

The Honourable Percy C. Wight, (Junior Member for Georgetown).

The Honourable J. Eleazar (Junior Member for New Amsterdam).

The Honourable A. R. F. Webber, F.R.G.S., (Junior Member for Berbice).

The Honourable S. H. Seymour A.M.I. Mech. E. (Nominated Unofficial Member).

### MINUTES.

The minutes of the meeting of the Council of the 5th March, as printed and circulated, were taken as read and confirmed.

### ANNOUNCEMENT.

#### THE QUEEN'S MESSAGE.

**The PRESIDENT:** Hon. members, I am very happy on two days running to be able to read a message to you from Her Majesty the Queen. It is contained in a despatch from the Secretary of State, dated the 14th February, 1929:—

Sir,—I have the honour to acknowledge the receipt of your despatch No. 21 of the 14th January, conveying the thanks of the Legislative Council and people of the Colony to His Majesty the King for his gracious wishes for the future prosperity of British Guiana, and expressing the hope of His Majesty's subjects in the Colony that His Majesty would soon be restored to complete health.

2. The messages have been laid before Her Majesty the Queen who desires that an expression of her grateful appreciation should be conveyed to the Members of the Legislative Council.

I have, etc.,  
(Sgd.) L. S. AMERY.

## ORDER OF THE DAY.

## GEORGETOWN SEWERAGE SCHEME.

The Council resolved itself into Committee and resumed consideration of "A Bill to provide for the completion of the construction of the Sewerage Works of Georgetown; to establish a body of Commissioners to control, maintain and manage the Sewerage System and the Waterworks of Georgetown, and to provide for the maintenance thereof."

**Mr. CRANE:** When the Council adjourned yesterday, sir, we were at clause 4 and I had then moved an amendment at the end of paragraph (a) by the addition of the words "after giving seven 'days' notice to the City Engineer of his intention so to do." I need only point out that as regards Part I, which provides for the original construction of the sewerage works, there will be no harm in the Resident Engineer acting without notice. No emergency will arise. In Part II., where the Commissioners are actually running the system, it might be very difficult to give any notice at all as the occasion might render the breaking up of the street necessary.

**The CHAIRMAN:** I should like to hear the views of the hon. Director of Public Works as to whether there might not be an occasion when it is impossible to give that seven days' notice, as, for example, the digging up of the streets to get at the main sewer.

**Major CRAIG (Director of Public Works):** In Part I. I do not think there will be. The hon. member suggested that it is only in respect of the construction of the main sewer under the Resident Engineer. The work is practically completed with the exception of some minor things.

**The CHAIRMAN:** It would not deal with a question of a burst or anything like that?

**Major CRAIG:** It would not occur to the work under the Commissioners.

**The CHAIRMAN:** There is no reason why Government should not accept the amendment.

Question put, and agreed to.

**Mr. CRANE:** With regard to clause 4 I am not making a definite amendment, but it seems that the duty should be imposed to restore the street as near as possible in the same condition. Our experience in the past has not been a pleasant one. I submit it is not fair to the Town Council to have another authority breaking up the street and then to attribute to the Council neglect of keeping the street in proper condition.

**The CHAIRMAN:** There again comes in the technical part of the business: whether the City Engineer would like the Resident Engineer to do it.

**The COLONIAL SECRETARY (Mr. Douglas-Jones):** It would come under the head of maintenance and it will necessitate the opening of the street. I think what would happen is this. The Engineer to the Commissioners would consult the City Engineer, even by telephone, and say "I have to open this street." When the work of putting right the sewer has been completed I think the City Engineer would very willingly take over the operation of putting the street back in the condition he wanted. As far as the Commissioners are concerned their object would be to get at the sewer to put it right, and having done that I think the Town Council would see that the street is handed over to them to put it in order.

**The CHAIRMAN:** That is legislated for, I think.

**Mr. CRANE:** I was speaking of Part I.—original work by the Resident Engineer, not maintenance work by the Commissioners.

**The CHAIRMAN:** The whole point comes to this: whether one-fifth of the cost of reconstructing the road

should be borne by Government or not. That is really what it comes to. It seems to me to be a fair charge.

**Mr. CRANE:** What we complain of—not, however, in a bad spirit—is that we may just construct a street and make it as decent as we can, then some new work is put down there. That is our repeated experience. They dig up the place and sufficient care is not taken to put it back as near as possible to what it was before.

**The CHAIRMAN:** Why shouldn't we introduce a similar clause to 27 (4)? That can easily be done. Put it in as "(c) The Resident Engineer shall restore the street to the satisfaction of the Council."

**Major CRAIG:** With regard to new works, fault has to be found and seven days would not be too much notice.

**The COLONIAL SECRETARY:** If it is introduced I think it should not preclude the Commissioners from making arrangements with the Town Council to put the street back again. If the City Engineer and the Resident Engineer come to an agreement and the City Engineer says he will put the street right it might be left at that.

**Mr. CRANE:** I see no harm in an arrangement between the two authorities to replace the road, and it would be very much better if the City Engineer does the work. Of course, it means funds and we cannot be expected to put it right.

**The COLONIAL SECRETARY:** The cost of replacing the street would be charged against the scheme. My point is that the City Engineer has the facilities and it would be much easier for him to put it into the condition he wants than it would be for the Resident Engineer.

**The ATTORNEY GENERAL (Mr. Hector Josephs):** One way to restore the road is to pay the City Engineer to do it.

**The CHAIRMAN:** Why not let us provide that it should be done to the satisfaction of the Town Council? The question is that clause 4 be amended by the addition of the following paragraph: "(c) He shall restore the street to the satisfaction of the Council."

Question put, and agreed to.

**Mr. CRANE:** With respect to paragraph (b) a certain time for entering premises should be inserted. I think the time in the Sewerage Regulations is 6.30, and I suggest that the same time be inserted in this paragraph. We want to make it as little irksome as possible on the people.

**The ATTORNEY-GENERAL:** This can be done by regulations to be made.

**The COLONIAL SECRETARY:** The power we want to take is power of entry and then by regulation we can fix the detail of the time when entry can be made.

**The CHAIRMAN:** It will be made a note of for regulations.

Clause 7.—Retrospective effect of Ordinance.

**Mr. CRANE:** I should like to hear some statement from the learned Attorney General as to the scope of this clause. It is very wide. These are the words I refer to: "and all acts done and things performed prior to the commencement of this Ordinance under the authority of the Governor and Resident Engineer in relation to and in the construction of the sewerage works and collecting sewers and house-sewers and in relation to the collection, conveyance and disposal of the sewage of Georgetown shall be deemed to have been done under the authority of this Ordinance."

I hope this is not in the nature of an indemnity to the Resident Engineer absolving him from his duty to replace structures which, prior to the passing of this Ordinance, people have complain-

ed have not been done. Vats have been thrown down, brick pillars removed from their sites, and people have been complaining that these structures have not been restored as they had been. If we are going to give an indemnity to cover up everything that has been done right or wrong it would not be fair to the people.

**The ATTORNEY-GENERAL:** The important point about it is that Ordinance 20 of 1923 instead of proceeding on general lines for the construction of the sewerage work relates entirely to the contractors only. Since the contract has been determined the work has been constructed by the Resident Engineer under the direction of the Government, and all this clause means is to treat the work as if it were constructed under the Ordinance, but it does not deprive people of their rights. It only gives the authority as if the work was done all the time under the Ordinance.

Clause 8 was amended by the substitution of "The Georgetown Sewerage and Water Commissioners" for "The Georgetown Improvement Commissioners."

Clause 9.—Constitution of Commissioners.

**Mr. WIGHT:** I submit respectfully for Your Excellency's consideration an amendment to insert after "Governor-in-Council," in paragraph (a) of sub-clause (1), the words "two of whom at least shall be elected members of the Council."

**The CHAIRMAN:** Before the hon. member moves his amendment I would like to make clear here that Government is very much in sympathy with the Town Council in the anxiety for securing co-operation in this new scheme—that co-operation that is necessary to efficiency and economy—and for that reason I am inviting the Mayor of Georgetown to meet me with a view to offering him the first Chairmanship of the new Board and to consult with him

as to what members of the Town Council should be appointed by the Governor-in-Council. I am sending that invitation to the Mayor of Georgetown without committing Government in the future to following the same action, but leaving Government free to select for Chairman any individual whose services in the opinion of the Governor would be most conducive to the success of the scheme. Naturally, all members appointed to the Board would have to be approved by the Governor-in-Council. That, I hope, will be the spirit that will always animate the Administration in appointing Commissioners to this Board. I am not quite happy as to any amendment proposed now which would lead to Government being forced to appoint two elected members of the Town Council, although it is my view that certainly one, and possibly two, elected members of the Town Council, should be members of the Board. I do not know whether the hon. member would like to propose an amendment after that.

**Mr. WIGHT:** Certainly not, sir. I thank you for your pronouncement and I am quite sure you will get all the co-operation desired from the Corporation.

**Mr. WEBBER:** I desire to congratulate Government on the spirit of the present Administration towards this whole question. I sense an earnest desire on the part of Government to co-operate with the Town Council and this Council in this matter in all the amendments that have been made. We are all indeed happy to know that the Mayor will be appointed Chairman and hope that future Governors will follow that course. I do not think it will be proper of this Council to compel the Governor always to select the Mayor as Chairman, but I think Your Excellency will agree with us that laws and regulations are not made for those who are always wise, just and conciliatory, therefore if Your Excellency accepts the principle that one at least of the elected members of the Town Council shall be appointed by the Governor it

is not too much to ask this Council and Your Excellency to hand down that as a concrete part of the policy of Government. It is not too much to bind your successor. I think Government would be wise in insisting that at least some constructive element should be selected from the Council so as to counterbalance a radical Mayor. If Your Excellency is prepared to accede to that suggestion I would move that at least one elected member of the Town Council shall be appointed a Commissioner. I think it is desirable to preserve harmony and goodwill and the members of the Council will appreciate the fact that they have another statutory seat. Without such representation in the absence of the Mayor, through illness or otherwise, there would not be another member of the Council present when some matter of importance may be dealt with.

**The CHAIRMAN:** Government is quite prepared to accept an amendment, if the Attorney General agrees with the phrasing of it, to add after the words "Governor-in-Council" the words "of whom one shall be an elected member of the Council."

**Mr. ELEAZAR:** To say "one" would confine it to one; it should be "at least one."

**The CHAIRMAN:** I am inclined to agree with the hon. member, but I am not accustomed to reading law and the Attorney General advises me that the words "at least" are not necessary.

**Mr. WEBBER:** "At least" is harmless.

**The ATTORNEY GENERAL:** If you put it "at least one" or "not less than one" you are not taking it any further. The point is that "at least one" or "not less than one" may imply part of one. The object of the clause is the obligation to appoint one, but there is still a discretion, and it does not limit the discretion but imposes the obligation of the one.

**Major GRAY (Director of Education):** it would be permissible to say "one at least."

**The COLONIAL SECRETARY:** I think the Council may very well leave it with the moral obligation to appoint one member of the Town Council, and the discretion would still be there to appoint more than one.

**Mr. HUMPHRYS:** I don't think there would be a discretion to appoint more than one if you put it "of whom one shall be an elected member."

**The CHAIRMAN:** I think we are wasting time over straws. Government is quite prepared to accept the amendment "of whom one at least shall be an elected member of the Council."

Question put, and agreed to.

Clause 9 (7) (c).

**Mr. ELEAZAR:** This sub-clause provides that a Commissioner who absents himself from three consecutive meetings must satisfy the Governor-in-Council that he has reasonable excuse. Why not satisfy the Council from whom he is absent? If the member is absent by reason of sickness or something beyond his control the Commissioners would say it is a reasonable excuse. If he is absent from three consecutive meetings without good cause they can recommend that his seat be declared vacant.

**The CHAIRMAN:** There is another point of view to that, and it is rather hard to make a Board of this sort practically responsible for throwing out one of their number. Is it not much more convenient to put the odium of this, as of so many other things, on the backs of Government?

**Mr. ELEAZAR:** I think after hearing Your Excellency I must agree with you.

Clause 9 (9).

The **CHAIRMAN**: From the proposal which Government made this morning that the Mayor of Georgetown should be invited to be the first Chairman it is not to be inferred that if the Mayor is absent his place should be taken by the Deputy Mayor. This sub-clause is meant to refer to clause 9 (1) (b), viz., the Mayor of Georgetown for the time being. The Attorney-General rules that according to the law it does not follow that if the Mayor of Georgetown happens to be appointed Chairman of the Board in his absence his place should be taken by the Deputy Mayor.

The **ATTORNEY GENERAL**: I move the insertion as sub-clause (12) of clause 9 of the following:

(12) The Commissioners shall keep proper minutes of their proceedings.

Question put, and agreed to.

Clause 10 (1).—Town Clerk to be Secretary to the Commissioners.

The **COLONIAL SECRETARY**: I move the insertion between the words "Georgetown" and "shall" in sub-clause (1) of the words "or such other person as the Governor-in-Council may appoint." In moving the second reading I explained why it is proposed to insert those words.

Mr. **CRANE**: I am not opposing the amendment, but I do not know what probability Government may be thinking of at the moment. I thought the idea was that the Town Clerk should be Secretary because, after all, the Commissioners will be part of the City Administration. There should always be a connection between the Council and the Commissioners, and I hope the services of the present Town Clerk will be retained for a long time. Neither the Council nor the Commissioners will have to pay remuneration to the Secretary and this will be part of the duties of the Town Clerk.

Mr. **WEBBER**: I do not think power should be given, without due cause, to go outside the Town Clerk. Economy has to be considered.

The **COLONIAL SECRETARY**: I am not going to press the insertion of those words, but they were suggested because it was represented to me that for some reason or other it might be desirable, for a period at all events, that the Town Clerk should not act as Secretary of the Commissioners. It is quite conceivable that some reason might arise when his services may not be available, and the insertion of these words would render possible the appointment of somebody temporarily in his place. It just gives that latitude which is desirable without having to make an amendment in the Ordinance at some future date. There is no intention that the Town Clerk should not always be Secretary, and the amendment is simply to make provision for temporary emergencies.

The **CHAIRMAN**: I thought for many reasons, which I prefer not to go into now, that we should have this amendment. The Colonial Secretary has quite clearly stated Government's intentions in the matter. We know that good intentions lead to a certain place, but I cannot see how Government would depart from the Town Clerk except for very serious reasons. It would certainly be more economical to employ him, and I should say it would probably be very much more conducive to efficiency, especially at present.

Question "That the sub-clause as amended stand part of the Bill" put, and agreed to.

Clause 14.—Town Council to enforce construction of water-closets.

Mr. **CRANE**: I move the amendment of which I have given notice: the insertion of a new clause 14:

14.—The Commissioners shall provide Georgetown with such a supply of water as may be proper and sufficient for sanitary and domestic purposes, for extinguishing fires, and for private use to the extent that may be required; and for these purposes or any of them, the Commissioners may construct, lay down, and maintain such Water Works and do and execute all such

works, matters and things as shall be necessary and proper; and the Commissioners shall provide and keep in any Water Works constructed or laid down by them under the power of this Ordinance a supply of pure and wholesome water, and the water so supplied shall be constantly laid on at such pressure as will convey the same to the top storey of the highest dwelling-house within the City.

I respectfully submit that this and the other amendments of which I have given notice are not only necessary but they are harmless. Under the Georgetown Town Council Ordinance, 1918, there are three sections, 189, 190 and 191, which impose the duty on the Corporation to give a proper and sufficient supply of water to the City. Under the present arrangement it is proposed that the duty to supply the City with water should be transferred from the Council to the Commissioners, therefore section 189 should with the necessary amendment form part of this Bill imposing that duty on the Commissioners. Sections 190 and 191 are in the same position and I suggest that they form clauses 15 and 16 of this Bill.

**The COLONIAL SECRETARY:** The effect of the clause suggested by the hon. member is carrying the duties of the Commissioners further than is intended. By clause 12 of this Bill

the Water Works of Georgetown shall vest in the Commissioners who shall have the care, inspection, maintenance, repair, working and management of the said Water Works

and the duty which is intended to be placed on the Commissioners is the actual care of the Waterworks and the machinery for putting the water into the mains. If we accept the suggestion embodied in the clause proposed by the hon. member we are placing on the Commissioners the actual duty and responsibility to supply water. I submit that should not be placed on the Commissioners. The duty of supplying the Commissioners with water, which they will force through the pipes, is at present the duty of the Town Council in conjunction with the Lamaha Conservancy Commissioners, and I think

it should remain there. I admit it should be the duty of the Commissioners to provide pressure which will supply water to the top storey of a building.

**Mr. CRANE:** I am at a loss to know who would be responsible. You can hardly leave the responsibility on the Town Council, who would have no control over the Waterworks. The only change is that the Commissioners are taking the place of the Town Council in this respect. It would be impossible for the Town Council to carry out that duty. These public bodies must be given some responsibility for this work and the persons who have the means of operating the Water-works should have the responsibility for supplying the water.

**The COLONIAL SECRETARY:** Let me carry the point a little further by a definite illustration. It is proposed that the Town Council should sink wells for the supply of water, and that matter is still under consideration. Now, you cannot make these Commissioners with the duties imposed upon them by this Bill have anything to do with the actual decision in regard to or the building of those wells. The position rests entirely in the hands of the Town Council. The Town Council decides to drill wells for water, and it is the duty of the Town Council to supply the Commissioners with the water which they deliver in the City. It is not a duty that should be placed on the Commissioners if the intention of this Bill is strictly carried out. The intention of the Bill is simply to place the actual machinery and the water supplied in the hands of the Commissioners. The duty of the Town Council is to supply the water to the Commissioners, and the duty of the Commissioners is to force the water at such a pressure as to carry it to the top storey of a house.

**Mr. CRANE:** The remnant power of the Town Council ought to be defined.

**The CHAIRMAN:** Let us just get this fact clear. The case has been very much obscured by this sentence to

which the Colonial Secretary has called my attention: "A supply of pure and wholesome water" for drinking purposes. As far as I can gather—I am open to correction—that is quite another matter to the supply of water for sewerage and other domestic purposes. We are not now dealing with the drinking water supply. That is entirely another matter, and Government, whatever its action in the future may be, is not going to commit itself at present by accepting any amendment that would lead Government to be responsible for the cost of a pure water supply, a thing which Georgetown needs very badly. Such a supply, if and when it is found practicable to meet the cost, will be quite another matter. Whether we shall be able then to utilise this water in sewerage form and take over the water supply is another matter. The present matter we are discussing is the Sewerage Bill and the water supply therefor. Is that clear?

**Mr. CRANE:** Yes, sir, absolutely clear. I must admit that those words to which you have referred will impose a greater duty on the Commissioners, which they ought not to carry, and I think we must accept the deletion of those words.

**The CHAIRMAN:** Let us clear the air of that point. Now, what is the situation at present? As I understand it—and again I am ready to be corrected—by an arrangement with the Lamaha Conservancy Board, the Georgetown Town Council secures its supply of water from the Lamaha Conservancy. What the hon. member wants to do by his amendment is to put the burden, or the task, of carrying out this arrangement on the shoulders of the new Board. That is to say, he wants the Board to enter into an arrangement with the Lamaha Conservancy and not the Town Council. Is that what the hon. member wants?

**Mr. CRANE:** That, I agree, would be the effect of this amendment.

**The CHAIRMAN:** Of course, the hon. member thoroughly realises that if we

do accept that amendment the Board's responsibility is limited by the arrangement that would be made by the Lamaha Conservancy in just the same way as the Town Council's responsibility at this moment is limited by the present arrangement. Is that clear?

**Mr. CRANE:** Quite clear.

**The CHAIRMAN:** Well, then, the point really for discussion is whether this Board or the Town Council is the proper person to make arrangements with the Lamaha Conservancy Board. That is the point. The Council would like to hear any arguments in favour of a change of the present system.

**Mr. CRANE:** We would be up against another statute unless an amendment is made there. There is a statute which makes it obligatory on the Town Council to appoint representatives on the Conservancy.

**The ATTORNEY-GENERAL:** I am not familiar with what the relation is at present between the Town Council and the Lamaha Conservancy.

**Mr. CRANE:** Under the Scheme—the East Demerara Water Supply controlled by the Lamaha Committee—certain proprietors of land on the East Coast and East Bank, Demerara, have shares to the extent of their acreage as stipulated in the Ordinance, and Georgetown is given certain representation along with those estates and the Lamaha Committee consists of representatives of those proprietors and of the Town Council. They levy an assessment each year which is paid by the Council. I do not think it exceeds \$3,000. I admit that this change will bring about complications, and probably an amendment will have to be accepted to my amendment.

**The COLONIAL SECRETARY:** If the hon. member is willing to withdraw the first part of his amendment placing the duty on the Commissioners I will move the following amendment:



14. The Commissioners shall keep water in the Waterworks at such pressure as will convey the water to the top storey of the highest dwelling-house in Georgetown.

Mr. CRANE: I accept that.

Mr. BRASSINGTON: That seems to be a very heavy undertaking on the Commissioners.

The ATTORNEY GENERAL: It is at present an obligation on the Town Council.

Mr. BRASSINGTON: That may be so, but we are doing something to make the obligation plainer.

Mr. WEBBER: I think the amendment suggested requires a little more consideration. There are several issues yet to be considered.

The COLONIAL SECRETARY: The matter has been very carefully investigated in regard to the supply of water, and the intention never was to remove the duty to supply water from the Town Council to the Commissioners. If through absence of rain the Town Council cannot supply water it is obvious that the Commissioners cannot pump it to the top storey of the highest building, but as long as the Town Council supplies them with the water it is obligatory on them to maintain their machinery in such a condition as to pump the water to the top storey.

Mr. ELEAZAR: I agree with the Colonial Secretary that his amendment would remove all the doubt that existed. All that is required of the Town Council is to procure the water as hitherto, and it would be the duty of the Commissioners, who have charge of the machinery, to do the necessary distribution. I think the amendment meets the case.

Question put, and agreed to.

The CHAIRMAN: I think the Council would be very well advised not to waste too much time on the question of the Lamaha Conservancy. There is no

doubt that the whole system is extraordinarily complicated. The question of different authorities being responsible for the supply and distribution of water will have to be considered during the course of next year or so. At present it seems to be working all-right fortunately. We are grateful to the Conservancy Board for the way they are keeping up the supply of water under the indifferent conditions.

Mr. CRANE: In consequence of the first part of the amendment not going through the powers in clauses 15 and 16 on the Order of the Day will remain with the Town Council. Those amendments I do not move. I move the suggested clause 17 as clause 15:

15. Notwithstanding anything in this Ordinance contained, the Council shall have possession of the workshop and running-shed situate at the Shelter Belt, as well as all machinery, tools, mechanical appliances therein, and other appurtenances thereto, and their servants and workmen shall at all times have the right of ingress thereto and egress therefrom for all and every purpose of the Council.

Yesterday I explained the position with regard to the running-shed and workshop and I think I made out a case for the Council having greater use of it than the Commissioners. I ask Government to accept the amendment.

The CHAIRMAN: May I ask the hon. member whether this request is based on information of the views of the two Engineers concerned? Have they been consulted in the matter?

Mr. CRANE: No, sir; I admit not. If you think that is a necessary and material matter it might be left over until the adjournment and I will consult them.

The CHAIRMAN: Yes, I think it is essential. They are the people to carry out the work. As I said yesterday, it is all very well to talk about the Town Council and Government but it is the Engineers who have to carry out the work. I think it is a very reasonable suggestion. All Government wants to hear are the views of the two Engineers.

**The COLONIAL SECRETARY:** I dealt with this matter yesterday in reply but the hon. member was not in his place when I did so. We have consulted the Engineers, especially one of them, in this connection. The position is that this workshop is in the area of the ground in which the whole plant for the operation of the Water-works is contained, and I submit it would be undesirable to take out a small portion—the workshop—and place it in the hands of the Town Council. By arrangement the workshop can be handed over to the Town Council to be controlled by them—that is, the internal machinery—and if that happens it is essential that the Engineers of the Commissioners should have the right to go into the workshop and use the tools. I do not think it is necessary to make the proposed provision for it.

**Mr. CRANE:** These are statutory bodies and I think their duties should be defined, otherwise it might possibly lead to complications. The Commissioners will have very little use for the workshop as compared with the Town Council.

**Mr. HUMPHRYS:** How does this question affect the supply of electricity?

**The COLONIAL SECRETARY:** The Town Council will be responsible to the Commissioners to supply electrical power to run their plant in the same way as they have to supply water.

**The CHAIRMAN:** I propose to defer consideration of this proposed new clause until after I have seen the Engineers. We will take the new clause 15 tomorrow morning.

Clause 15.—Control of house-sewers and closets.

**The COLONIAL SECRETARY:** I move that the word “and” in the first line be deleted, the words “and service pipes” inserted between the words “pipes” and “shall” in the second line, and the words “by the Council” inserted between the words “order” and “at” in the third line.

**Mr. ELEAZAR:** The occupier is mentioned in this clause. It is the business of the owner to keep the sewers in order and there should be no obligation on the occupier. Why should the occupier be compelled to advance money for the benefit of his landlord?

**The ATTORNEY-GENERAL:** It is the usual provision everywhere else and it has been found to work conveniently. The occupier may pay the expenses incurred and deduct them from the rent.

**The CHAIRMAN:** It is as much in favour of the occupier as it is against him. Supposing the hon. member is the occupier of a house and the owner is told to do certain things and he does not, why should not the occupier be given an opportunity to do the work and deduct the cost from the rent and go on living comfortably? I think the hon. member is a little apprehensive. In practice this clause has been found to work satisfactorily.

Question “That this clause as amended stand part of the Bill,” put, and agreed to.

Clause 18.—Execution of repairs.

**Mr. ELEAZAR:** Will the owner of property not have some voice in this matter? Shouldn't something be added recommending that such and such a thing should be done and if it is not done the Commissioners can do it?

**Mr. CRANE:** It is the policy of the Council, in pursuance of the Compulsory Water Supply Ordinance, 1918, to do all repairs itself and not to encourage any private person to interfere with the system at all.

**Mr. HUMPHRYS:** Should not the words “or occupier” be inserted after the word “owner” to bring it into line with clause 15?

**The CHAIRMAN:** There is no reason why they should not.

**Mr. CRANE:** What is the difference between clauses 15 and 18?

**The COLONIAL SECRETARY:** The difference is this: In clause 15 we are dealing with the internal house connections, which naturally affect directly the occupier. In clause 18 we are dealing mainly with the external house connections, which perhaps do not so much concern the occupier as the owner, and the City Engineer has the right to go into any property and put right the external house connections, which have to be paid for by the owner of the property. I am not at all sure that the words "or occupier" are desirable, because it is the owner who is liable.

Question "That this clause as printed stand part of the Bill" put, and agreed to.

Clause 20.—Payment of costs of house-sewers and collecting sewers.

**Mr. CRANE:** Sir, yesterday when you summed up the debate on the second reading of the Bill I listened with very great interest to your decision on this matter of the distribution of the cost. I regret that at the time it was impossible to lay before you the facts so that they could be—

**The CHAIRMAN:** I think we ought to take the sub-clauses one by one because there is going to be an amendment in (2). It may meet some hon. members' points.

**Mr. CRANE:** I am speaking on sub-clause (1). I was saying that it was a pity that none of us could have assisted you at that time. I say so because, sir, you drew a distinction between Government itself having given an undertaking and the Legislature having passed certain resolutions. I have a letter here from Government, dated 17th July, 1923, in reply to one of the same date from the Council. That was just about the time the contract was signed. The letter of Government is in the following terms:

Sir,—In reply to your letter of to-day's date, I am directed by the Governor to say that, subject to the approval of the Combined Court and of the Secretary of State for the Colonies, the Governor will con-

tribute 20 per cent. of the cost of the connections and fittings from house to mains forming part of the Sewerage Scheme.

I have, etc.,  
(Sgd.) G. BALL GREENE  
Asst. Colonial Secretary.

I ask you to believe me, sir, I have not referred to this matter in order to challenge anything you said yesterday, but merely to make my point for a reconsideration of the matter in the light of what has now been discovered to be the case. The ratepayers, after Government's pronouncement yesterday, are pretty "down in the mouth" on Government decision. They feel exceedingly disappointed and they expect it from their representatives here to again use the opportunity which is afforded us to-day to make a further appeal to Government in the light of the letter which we are now able to refer to. The resolutions were only confirming the act of the Government. They were Government motions, moved and seconded by Government members, and the letter makes perfectly clear that the contribution was approved of by Government, subject to the approval of the Combined Court and of the Secretary of State for the Colonies. Reasonable people are bound to agree with your remarks, sir, that it is unreasonable for people in the country to pay for erection of water-closets in Georgetown. I was convinced that the arrangement was not the best, but the arrangement having been made and the public having been made to accept it, it ought to be adhered to, however unwise, however indiscreet, however unpolitic for Government at the time to have made it. In the light of this letter, which shows that it was the decision of Government and was approved of by the Secretary of State, I ask you to give some further consideration to the matter despite what was your feeling yesterday.

**Mr. ELEAZAR:** I would not have worried to say anything except for the strong remarks Your Excellency was forced to make when you viewed the atrocity of the arrangement Government made to pay for the improvement

of private property. Government made the arrangement and Your Excellency was driven for once into very strong—I was going to say extravagant—language in dealing with the Combined Court when you said it was an irresponsible body. It turns out to be Government who was so utterly irresponsible as to hang a millstone around the necks of the community to pay for the improvement of private property in Georgetown. The community at large prided itself on the Combined Court and it deprecates, and feels very strongly, that in your view that august body was so irresponsible as to warrant the stricture which you passed on it yesterday. I am satisfied Your Excellency will certainly say that you were driven to use the language you did—strong language in the circumstances—and now that you know the circumstances are different you will say that that body was only anxious to allow Government to govern. I hope after consideration you will say that you erred in that you had not sufficient evidence when you arrived at the decision yesterday afternoon.

The CHAIRMAN: I am afraid I find it rather difficult to change my decision after those speeches. If I understand it rightly, the hon. member for West Demerara said that the Sewerage Scheme emanated from the Governor and that emanation, with the proposal that Government should bear 20% of the cost, constituted the sole reason for the Town Council accepting the same. That was in May, 1923, and I am yet to learn that in the succeeding five years there were not constant disputes and conferences. The proceedings of the Combined Court themselves would show that there was no clear idea existing in 1923 as to what were house connections, what was the Main System, and what was the cost of each. One has only got to look through the history of this thing to see the absolute confusion that existed. The bodies concerned, whether they were Government or the Town Council, plunged into a very large and expensive scheme—an inevitably expensive scheme—of sewer-

age, the expense being all the greater in consequence of the nicety of construction required owing to the physical conditions of Georgetown. They plunged into it apparently in ignorance of what the final cost was going to be. Then there came some disorganisation, due to a contract which is at present, I understand, the subject of an inquiry in England, and so any remarks I make on the subject must be strictly limited. The whole history of the case shows utter confusion. I am sure that the hon. member's statement is perfectly correct that the letter was sent by the Colonial Secretary with the Governor's authority. It is a serious thing to go back on the decision of Government.

Mr. CANNON: I remarked yesterday, sir, that I was heartily sick of the sewerage, but perhaps, in view of what Your Excellency has said, it behoves me to make a short statement. As I pointed out yesterday, I happened to be in the Chair at the time the contract was signed. I am in a position to tell you, sir, that when Mr. Howard Humphreys came here he came with the belief and full understanding that the Mayor was the stumbling block to the contract being signed some time before. I told that gentleman he was absolutely correct. I was the stumbling block, as I am in most cases I am suspicious of. After going into the matter very carefully with him I gathered that that was the opinion the Colonial Office had formed on the situation and he was told that his task was a very difficult one unless he could convince me. I spent hours with him and it was not until he assured me that the scheme could be worked satisfactorily that I consented to take any active part in connection with the matter. In consequence of that, and owing to my position, I had several interviews with the then Governor. It was I who directed the Town Clerk that letter and have it put on record so that there should be no difference of opinion thereafter as to what was intended before I actually agreed to the signing of the contract. The Official Reporter took notes of the

conferences and from them will be seen that Government agreed to pay the 20 per cent. as set out in the letter.

**Mr. WEBBER:** The point that occurred to me was that the question at issue is divided into two parts; firstly, whether Government admits that a solemn undertaking was given by the Executive Government that 20 per cent. of the cost of the house connections would be paid by the general taxpayer, and, secondly, if the undertaking was given, is it a wise policy at this stage to repudiate that undertaking for reasons that may commend themselves to Government. If Government is inclined to admit that the contract was entered into by the Executive Government on behalf of the taxpayers with the Town Council it would shorten one's remarks considerably, and one would confine himself to the question of whether that contract should be respected or it is desirable or permissible in the light of later events to revoke that contract. I, personally, believe that there is not a shadow of doubt that the contract was entered into. From Your Excellency's remarks yesterday there was apparently some misunderstanding as to what was done by the Executive Body and the Legislative Body. I gathered from your remarks that the resolution was carried in the Combined Court where the irresponsible element predominated. That motion was carried at the instance of Government. It was moved and seconded by Government, and the irresponsible element simply acquiesced in Government's proposals. Between the issue of this letter and the passing of the resolution there was a joint conference of Government and the Town Council. The report of that conference was sent to the Town Council, the difference between the main sewerage and house connections was again emphasised, and Government then admitted the determination to pay 20 per cent. So we have four evidences of Government's contract. Firstly, there is the letter agreeing to pay 20 per cent., secondly, the letter confirming the decision of the Joint Committee in Octo-

ber, 1923; thirdly, the Government contract, signed by the Governor on behalf of the taxpayers of the Colony, agreeing to pay 20 per cent.; and, fourthly, the determining factor, the approval of the taxpayers themselves as expressed by their representatives in the Combined Court. The fifth stage—I am not in a position to state when it came on—is the approval of the Secretary of State for the Colonies. There is hardly room at this stage to say that there was no solemn obligation on the part of Government to bear the 20 per cent. in connection with the house connections. There was some doubt about the distinction between internal and external house connections, but there was never any doubt that Government would pay 20 per cent. in respect of something.

The Committee adjourned for luncheon.

**Mr. WEBBER** (resuming): When the Committee adjourned, sir, I was at the point of the house connections. For the first two years there was no question of any distinction between the internal and the external house connections. It is fair to submit that Government had accepted the house connections, whatever interpretation may be placed on that. Perhaps I should state why Government adopted that position. There was no anxiety on the part of the Town Council or of the citizens of Georgetown for the adoption of the scheme; quite the reverse. There was considerable opposition to the acceptance of the scheme at all, and the Government was driven to a combined assault on the citizens, mixed between blandishments and threats. The blandishments, of course, were the many promises made. They were told that the scheme was necessary for the capital City of the Magnificent Province and Government would do this and that, and if the citizens would not carry out the scheme and the Town Council its obligations Government would seek power to carry it out themselves. Then we heard that the City was a City floating on sewage. Government threatened

and, of course, the Town Council and citizens feared what would take place if Government executed the scheme without any control by the Town Council. That was a vain hope because all their fears have been realised under Government's administration. However, one of the promises made was that Government would assist the citizens of Georgetown, and the question was why should we scrap all our internal arrangements. Every house of any pretensions had a system of sewage disposal. Citizens asked "Why should we scrap our system and abandon all this material?" Government replied "You will get better stuff; you must help. We realise the justice of your claims. You have already undertaken the expense and we will help you; we will pay 20 per cent. of that." So, sir, if you examine the whole history of the negotiations, beginning with the signing of the contract, you will find not only an expressed obligation but an expressed intention to bear this obligation to the general ratepayers. I think I have established a definite and expressed obligation of Government in this matter. The only question that apparently remains open is that there was no distinct definition of house connections. You will see that it was intended to cover interior connections at first. Afterwards there was a break away. But there can be no doubt as to the obligation for the external connections.

I will now address myself to the question of whether it is desirable of Government not to observe the obligation entered into. Your Excellency undoubtedly put up a strong case yesterday for the taxpayers in general. But there is no question now of accepting the obligations; it is a question of repudiating them. Those obligations can be divided into moral, legal and expediency. The moral obligation I need not trouble Your Excellency with. The legal can take care of itself. We are then left with the question as to the expediency of this repudiation. I appeal to Government. After all there is a good deal of justice in Government ac-

cepting the obligation. I ventured to point out yesterday that the ratepayers of Georgetown are called upon to pay 40 per cent. of the drainage of the Colony. I do not refer to sea defences; that is another matter altogether. That drainage goes beyond the mere erection of pumping stations and keeping the water on the foreshore. Internal drainage is taken care of to the extent of 200 yards. That internal drainage, I suggest, is equivalent to the external house connections. If the citizens of Georgetown are being called upon to pay 40 per cent. of the interior drainage and the entire drainage of privately owned lands, I can hardly see where is the immorality or the inequity of calling upon those owners to give a *quid pro quo* to bear part of the Sewerage System. The Sewerage System is no more than a Drainage System. I feel strongly that the obligation should never have been limited to 20 per cent. There is no reason why property in Georgetown should be treated differently to property on the East Coast. I am prepared to go to my constituents and tell them "If you are prepared to give up the assistance granted by Government I shall fight for the non-imposition of the tax for Georgetown. It is something more than a *quid pro quo*. Georgetown is the metropolis and port of the Colony from which all other parts derive benefits. It provides services that cannot be maintained in villages and small districts. All the machinery of Government in Georgetown is maintained for the assistance and service of the people outside of the City, so that the taxpayers throughout the Colony have a proprietary interest in Georgetown and many of them are large property-owners in Georgetown. I should not be surprised if  $\frac{1}{3}$  of the property in Georgetown is owned by proprietors who do not live in Georgetown but have their investments here. However, you look at it Georgetown has a strong moral claim on the taxpayers outside of the town; therefore I think Georgetown can make out a claim for the advance from 20 to 40 per cent. I sincerely trust Government will not repudiate its obligation. It would be a terrible object

lesson of what would be practised under a Government that claims power to govern. I hope it claims that power to govern wisely and righteously. If it does not, why have we given power? I feel sure that I can depend on Your Excellency for impartiality and to do justice to the Colony.

**Mr. HUMPHRYS:** Your Excellency, I am forced to say something more on this subject. This is a sad and serious matter: sad because the ratepayers have to pay, and serious because it involves the sanctity or otherwise of a Government bond. I do not want to repeat myself if I can possibly avoid it, but I should like an expression of opinion from Your Excellency as to whether you are satisfied that Government undertook to pay 20 per cent. of the house connections or not has been proved to your satisfaction. Your Excellency has nodded assent, so I will not give further proof that the undertaking was given. I do not think I stand alone when I say we all sympathise with the position in which you find yourself. It would seem that you do not appreciate the reasons for your predecessors having agreed to pay 20 per cent. of the house connections. You have given us your reasons, and the reasons are sound. But perhaps it might be of interest to you to know how the question of the Sewerage Scheme first came about, and you will perceive that Government had a very great interest in it. Dr. Wise, an ex-Surgeon General, made the statement that this was a City floating on sewage, and from then on there was a tremendous lot of talk about it until in 1921 Government procured the services of Mr. Howard Humphreys to come here and consider the advisability of a Sewerage System for Georgetown. That was paid for by Government.

In 1922 or 1923 the matter was again taken up by the Town Council and it was decided that the system should be installed. You will see, sir, that as early as 1921 Government took a keen interest in the question. That started the ball rolling. The Main Sewerage System first came up and Government

agreed to pay 20 per cent. of the cost. About two weeks later Mr. Howard Humphreys stated that no provision had been made for the house connections and the Town Council asked Government if they would agree to pay 20 per cent. of the cost of the house connections from the main sewers to the properties. Government agreed with that. It is quite correct that when the house connections contract was executed at the Colonial Secretary's Office the Town Clerk refused to execute it because, he said, the Mayor had told him that under no circumstances must it be done until Government put in writing that they would pay 20 per cent. You will find a letter on the subject of the same date as the execution of the contract. The contract was signed by the Town Clerk on receipt of that letter, and the contract then went to Government House and was signed by Sir Graeme Thomson on behalf of Government. Following on that came the resolutions in the Combined Court, one in the time of Sir Graeme Thomson and the other when Sir Cecil Rodwell was Governor.

Step by step Government found the cost of the schemes increasing and in 1924 a resolution was passed proportionately increasing the contribution. You will find from Hansard that all official and elected members were present, and around this table now are many of the elected members and some of the officials. There is no doubt that these resolutions were not passed as a result of any force, pressure or feeling brought to bear by the elected members, but a voluntary act on the part of Government carrying out a contract with the Town Council. What I appeal to Your Excellency to consider is this: This is an agreement by Government and if an agreement by Government is not going to be honoured, can Government reasonably expect villagers to pay 60 per cent. of the drainage rates without demur? I say with every respect that while I quite sympathise with your viewpoint, sir, this is a matter which Government must be sincere about and stick to the bargain they have made. I say we sympathise with

you because we feel that you are doing the best for the Colony and its finance to bring us out of the rut we have been in for many years. I do not think there is a single elected member who would oppose your views, but it is not so much a question of the 20 per cent. as it is a question of principle, and I do not see any possible way of Government justifying themselves in getting out of the bargain under which the Town Council have been working all this time and the ratepayers have been looking forward to paying only four-fifths of the cost and not the entire sum. To a great many persons it would make a tremendous difference, though to a few it may not. If Your Excellency is disposed to say that your predecessors were unwise perhaps there are many of us who would be prepared to agree with you, but I do not expect Your Excellency to make any statement as regards that. I say in conclusion that Your Excellency would be very ill advised to decide that a matter previously determined on Government resolutions should now be turned down because there has been a change in the Constitution, and I take my seat with the greatest confidence that Your Excellency will appreciate that we speak in the very best interest of the Colony and not from any selfish motive.

**Mr. BRASSINGTON:** What I feel in relation to this matter I said yesterday and I do not intend to say very much more. I bore a minor part in this Sewerage Scheme as I was Mayor for 1925 and 1926. My own personal opinion was that the scheme was necessary. It was necessary for the reasons which have been set out by the previous speakers, and I would have been reactionary if I had not in my humble way as a Councillor and later on as Mayor done everything that was possible to bring it to a successful termination. At the same time I must be quite frank and say that the Town Council never had a fair show in the progress of this scheme. It was continually urged, while I was a Councillor and while I was in the Chair, that while the Council paid 80 per cent. of the cost of the scheme

we did not have 10 per cent. of supervision or power in the matter. Government appointed the Supervising Engineer and did everything.

**The CHAIRMAN:** May I draw the hon. member's attention to the fact that we are now discussing whether or not a previous Government made a definite promise, and whether this Government would be justified, if they consider that promise was made, in repudiating it? I do not think the history of various parts in the work, whether the Town Council supervised the thing or not, has much to do with the point.

**Mr. BRASSINGTON:** Very well, sir. I thought that perhaps I might be accorded some latitude as some of the previous speakers, but as Your Excellency has ruled to the contrary I bow to your ruling. There can be no doubt that we have to pay for this scheme, and for the reasons advanced by other speakers—I am now leaving out the promise—I think Government ought to come forward and pay 20 per cent. Your Excellency asked me yesterday if I would go to my constituents and tell them that I had mulct them in taxes to pay for personal property in the City. Well, Your Excellency, you are a man of strong opinions; so am I. I certainly would go to them to-morrow and I would advance the same arguments that were advanced by the hon. Member for Berbice, that the citizens of Georgetown—about one-fifth of the population of the Colony—are putting their hands very deeply into their pockets and helping the coastlands—whether Demerara, Berbice or Essequibo—in improving their property. I say it is quite a fair thing. It is the bounden duty of the City to bring its sanitary arrangements and everything else to what would make it up to date. I am not going to say anything about the resolutions of the Combined Court, except that under the old Constitution the elective members could not introduce expenditure. Those resolutions were passed with the sanction of two Governors, who would be known as not the least successful Governors that



have been in this Colony, and I gave my vote for them and would do so again. The part the Electives took in the matter, I think, was not the part of an irresponsible body. Personally, I consider that in the past the Electives had a great deal to do with legislation that was very successful. If in this case the motions brought in by Government were wrong, I do not think that the Electives should be blamed. I do not wish to offer any excuse whatever, nor do I mind if it is considered that my intelligence, or patriotism or anything else is at fault. I considered then, and I consider now, that the Government's contribution was fair and just. All I need add is that the ratepayers would never have subscribed to such an enormous expenditure if they had known that they were not going to be free of 20 per cent. of the cost of the internal and external house connections. That was part and parcel of the scheme. I would not go as far as to say, as another member has done, that Government got this scheme through by blandishments and subterfuges, but seeing that Government put forward the scheme I think the ratepayers have just cause to feel aggrieved.

**Mr. SEYMOUR:** Mention has been made of drainage of the coastlands. It is not quite accurate. In Essequebo no money has been spent for internal drainage. It is true that drainage has been carried out on the main arteries. We have there to foot the bill. What I contend is that everything installed within a property it is surely the bounden duty of the owner to pay for. Mention has also been made about the 40 per cent. That 40 per cent. is computed by Government as a factor that governs the whole Colony. Without that 40 per cent. contribution the people of Georgetown would have been in a very poor way to-day. Georgetown should not think it is indispensable. It is a valuable asset we agree, but where we produce more and more I do not think that the ratio contributed is excessive.

**Mr. WONG:** I have nothing new to contribute to this debate and rise merely

to add my plea for sympathetic consideration of the case already adequately made out by my brother Electives.

**Mr. WIGHT:** I am not going to open old sores. I am going to ask from another point of view, sir, that you give careful consideration to the scrapping of septic tanks. When Mr. Clementi came here we were all induced to instal very expensive septic tanks and internal arrangements, and if the internal arrangements are of a type which is not approved they will now have to be disposed of for little or nothing. I occupy the unique position of sitting in the old Combined Court for the first and last time on the same day. I have no doubt that with a Governor of your calibre this contract would not have been entered into, and I confess that I was simply flabbergasted when I heard it was entered into.

**The CHAIRMAN:** I have heard plenty of arguments against Government's attitude. I should like to know if yesterday was the first time on which the promise of Government—which I have got the papers now to show me was made,—that I have to examine into and see if there is any possible qualifying clause to be found—I should like to know if yesterday was the first occasion on which that promise has been repudiated, or if on any previous occasion on any matter Government expressed their intention to repudiate the arrangement made. If any hon. member can tell me I would be much obliged.

**Mr. CANNON:** I may say, sir, this is the first time I have heard of it. I was a member of the delegation to the Colonial Office and that matter formed a very important subject of discussion. The Under Secretary of State for the Colonies was very sympathetic to the plea that Government should not only pay 20 per cent. but that the whole matter should be re-opened and gone into with the object of seeing whether it was not possible to increase the contribution. Never have I heard at any time, either at the Colonial Office or in this Chamber, or in the other Chamber

across the road, that Government intended to take up such an attitude.

**Mr. CRANE:** May I support that statement? Yesterday was indeed the very first time I heard any doubt thrown on the fact.

**The CHAIRMAN:** We are discussing quite clearly the fact that the promise was repudiated, not discussing any expressions of opinion of Government as to the justice or wisdom of it.

**Mr. CRANE:** I am speaking really on the promise and Government's endeavour to get away from it. So far as the internal house connections went there was a further arrangement even more iniquitous than this—and if I remember aright I saw a letter signed by Mr. J. Hampden King on behalf of Government—that Government would advance the money for the internal house connections and would bear a share of the interest charges on the advance until the people were able to pay the sum for the internal house connections. That I know has been abandoned by Government and acquiesced in even on the part of the Council because the Council saw that the additional loan required for the internal house connections would have involved excessive loan charges. But so far as the external house connections were concerned there never was any intention at any time to abandon the undertaking.

**The CHAIRMAN:** Hon. members' remarks have been very illuminating as showing the mentality of the Government of the day. I should now like to hear any member who considers that the elective members have not got a good cause. I should like to hear a little opposition. So far only one small voice has been raised, that of Mr. Seymour, whose remarks I hope other hon. members here fully appreciate for they must all be aware that Georgetown absolutely depends for its existence upon the country. Has any hon. member any opposition or criticism to make on the remarks made by the

elected members? I would like to have some ammunition with which to fight—(laughter)—I mean to say on this point of a definite promise.

**Mr. CANNON:** The ammunition is all damp, sir.

**The CHAIRMAN:** Now to the circumstances. I see no other course open to me but to go into these papers that I have had unearthed. Apparently there has been no doubt at all in anybody's mind that the Government was going to bear 20 per cent. I would just like to refer to the remarks of the hon. Senior Member for Georgetown. The latest despatch we have from the Secretary of State on the subject of Government bearing 20 per cent. of the house connections scarcely confirms the attitude taken up at the present moment at the Colonial Office. However, the promise of a Governor is a very sacred thing. It is made on behalf of the British Government, and that is a responsibility that cannot be lightly avoided. I intend not to refer again to the wisdom or unwisdom of the decision made at the time, as perhaps in some cases eloquence or rather silence is the most eloquent form of criticism. I am going to ask the Council to adjourn now and meet again on Friday morning when I propose, if it is ready, to give Government's decision on the subject and go on with the business in hand. If it is not ready on Friday morning it will be ready on Saturday morning. It is one of those steps which one cannot take without very grave consideration. I have not the slightest objection to going back on anything I said before, provided it is proved to me that I was wrong. (Hear, hear). But I fancy hon. members will remember the words I used yesterday on the quality or not of the promise made by Government than on the fact that it was made because it was not until to-day I had actual proof before me that the promise had been made.

The Council resumed.

## INCOME TAX BILL.

**Mr. MILLARD (Colonial Treasurer):** I ask permission to move that the Income Tax Bill be recommitted for minor corrections.

Permission granted.

The Council resolved itself into Committee.

Clause 16.—Deduction for children.

**Mr. MILLARD:** Sir, with reference to clause 16 (2) I move that the words "who is resident in the Colony" be inserted between the words "individual" and "proves" in the first line. That brings it into conformity with clause 16 (1).

Question "That this clause as amended stand part of the Bill" put, and agreed to.

Clause 17.—Deduction for dependents.

**Mr. MILLARD:** In clause 17 (1) I move the same amendment, also that the word "for" be substituted for the word "in" in the first line. That will agree with sub-clause (2) of clause 16.

Question put, and agreed to.

The Council resumed.

**Mr. WONG:** Before the third reading is taken may I be permitted to correct a statement I made when the Bill was previously in Committee? It will be remembered that in the course of the debate on the scale it was proposed then to impose I made the statement that the local rate proposed was very much higher in the higher grades than in Trinidad. That statement is not quite correct, and I think it is fair to the Council that I should correct it now. I find that the British Guiana scale is higher than the Trinidad scale up to the point where the income is \$19,200 in the case of an unmarried man and \$9,600 in the case of a married man. In the grades above those, sir, the British Guiana scale is lower than the Trinidad scale. While it is right that I should correct that statement, I think it is but just to myself that I should add that the correction which I have made to-day does not really vitiate the argument which I

used at that time for a reduction of the proposed scale. It will be remembered that the burden of my argument was that this Colony was already paying a very high tax indirectly, and that therefore great care should be exercised in not overdoing the Income Tax now. While it is true that you are not impressed with the argument, I still respectfully maintain that the contention was perfectly sound.

**Mr. MILLARD:** I move that the Bill be read a third time.

**Professor DASH:** I beg to second it.

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

Bill read the third time and passed.

## CUSTOMS DUTIES BILL.

**The COLONIAL SECRETARY:** I move the second reading of "A Bill to amend the Customs Duties Ordinance, 1929, with respect to the rates of duty on certain oils." Hon. members will recollect that when we were debating the Customs Duties Ordinance it was stated that certain articles would be very greatly affected by the alterations made in the method of collecting Customs duties. Certain articles were referred to, such as sea-grass and certain glassware. On investigation it was found that there was very little in it. I do not think I need waste the time of the Council now in giving the actual figures, but in regard to sea-grass, which is sold, say, sometimes at 6 cents and sometimes at 7 cents per lb., prices vary according to the merchants who sell it. The duty makes only  $\frac{1}{2}$  a cent per lb. difference. As regards glass-ware a rather bigger difference is made, somewhere about \$5 per gross or case. Even then the increased cost is so small that it is almost negligible. The increased cost of the articles referred to as affected by the change having been proved on investigation to be practically negligible and no alteration is proposed in that connection.

But since introducing the Customs Ordinance it has been discovered—it was brought to the notice of Government during my absence at the West Indian Conference, which explains why nothing was done until I came back—that certain fuel known as gas oil is being imported into the Colony as fuel oil and under the tariff pays duty of 50 cents per 100 gallons. This fuel oil or gas oil is of a low specific gravity which enables it to be used for lighting purposes instead of petroleum, and the result is that it has largely been used as a substitute for petroleum and the imports of petroleum have decreased. It is estimated that Government last year lost between \$20,000 and \$30,000 in revenue. It was noticed that the importation of petroleum had been going down and it was only discovered by close investigation that this oil was being imported and sold as petroleum or kerosene oil. It is necessary to protect our revenue in this respect, and this Bill varies the definition of petroleum, so that gas oil will have to pay the same duty as petroleum, because it will come within the specific gravities mentioned in item 33 (1) (a) of the amending Bill. If it is desired to use that oil as fuel oil—and I have no doubt that a great deal of it will be used as fuel oil, because it is cheaper than kerosene oil—then a drawback of 11 cents will be allowed as on kerosene oil for fuel purposes. That, sir, is the effect of this Bill. There are one or two minor amendments. By inadvertence the words “Fire Engines” and “Fire Extinguishers” were omitted, and clauses 3 and 4 replace on the free list “Fire Engines” and “Fire Extinguishers, parts thereof and charges therefor.” I move that the Bill be now read the second time.

**Mr. SMELLIE** seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—Amendment to Schedule I to Ordinance 9 of 1929.

**Mr. WEBBER:** I am afraid Government is not sufficiently safe-guarding itself in this matter. I do not know that Government is going far enough in limiting it to the flashing point. However, I am somewhat disarmed in speaking further on it; but one cannot congratulate Government on amending the Customs Ordinance within three months.

**Mr. SEYMOUR:** This oil concerns the rice industry to a large extent. May I ask what was the duty previous to this 75 cents and \$1.50 under (c) ?

**The COLONIAL SECRETARY:** It was 50 cents and \$1. Under (c) people have been importing this cheap oil and selling it as petroleum and Government has been losing a great deal of revenue while they have been making a profit. With regard to the point of the hon. Member for Berbice, I understand that the flashing point does not come in on the specific gravity. We are adopting the same formula that the Trinidad Government adopt for their excise purposes, and I understand that by adopting it we shall be protecting ourselves as regards imports.

Question “That this clause stand part of the Bill” put, and agreed to.

**The COLONIAL SECRETARY:** I move the insertion of new clause 3:

5. Item 11 in the Second Schedule to the Principal Ordinance is hereby amended by the insertion of the words “Fire Engines” under the word “Printing” in the twelfth line of the said item.

**Mr. SMELLIE** seconded.

Question “That this clause stand part of the Bill” put, and agreed to.

**The COLONIAL SECRETARY:** I move the insertion of new clause 4:

4. The following is hereby added as sub-item (7) of item 6 in the Fourth Schedule to the Principal Ordinance:—(7) “Fire Extinguishers, parts thereof and charges therefor.”

**Mr. SMELLIE** seconded.

Question “That this clause stand part of the Bill” put, and agreed to.

The Council resumed.

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

#### INCOME TAX BILL.

The **PRESIDENT:** I omitted to make a remark I intended on the Income Tax Bill. I have received from the Colonial Treasurer a memorandum which he is very anxious for me to read to the Legislative Council:

With regard to the Income Tax Bill now receiving its final polish, I have the honour to recommend for His Excellency's consideration that, with the passage of the Bill into law, all persons directly or indirectly concerned with its administration might be invited to watch its operation and keep notes of any alteration thought to be desirable.

In a year's time, or perhaps a little later, the Ordinance might be subjected to overhaul in the light of experience gained and of any suggestions forthcoming.

This invitation might very well be made in the Legislative Council after, or during the passage of the Bill, and the Chamber of Commerce could be included in the invitation.

I make this suggestion as I feel that such an invitation would be welcomed in responsible quarters, and would tend to emphasise and advertise the intention to administer this inquisitive law with consideration and impartiality.

I beg to endorse the Treasurer's remarks and hope that both this Council and the general public will do all they can to advise us of any alterations that may be necessary. I may add that I do not envy the Colonial Treasurer's task in going through the sheaf of letters he will probably receive during the course of the year.

#### MESSAGE.

Major **GRAY** (Director of Education): I am the bearer of the following Message from His Excellency the Governor:—

#### MESSAGE No. 27 of 1928.

Honourable Members of  
the Legislative Council:

I have the honour to invite the Council to approve of this Colony participating in a scheme proposed by the Secretary of State for the Colonies for the creation of an Advisory Committee on Education in the Colonies, and undertaking to contribute for the three years 1929-1931 to the cost of the Committee to the extent of 1/600th part of the expenditure provided for educational services in the Estimates of the Colony.

2. The Standing Committee, known as the Advisory Committee on Native Education in the British Tropical African Dependencies, created in 1923, was dissolved on the 31st of December, 1928, and a new Committee was constituted on 1st January, 1929, the members of which have been drawn from a rather wider circle in order to ensure that the best possible advice may be obtained from it on any educational problems arising in the Overseas Dependencies, whether in Africa or elsewhere. The Committee's functions will be solely advisory, and in view of the valuable work achieved by the Advisory Committee on Native Education in Tropical Africa, there is no doubt that the new Committee with its wider province can be of the greatest service to the cause of education and its development throughout the Dependencies.

3. It is estimated that the annual cost of the Committee will amount to approximately £4,000, and it has been suggested that this sum should be defrayed by contributions from the funds of the Dependencies, each contributing 1/600th part of the expenditure provided for educational services on its estimates for 1928. On this basis the amount payable by this Colony during 1929 is £154.

4. I am of opinion that it would be in the interest of Education in the Colony to be associated with the Committee, in particular the Colony would greatly benefit by the establishment of a regular means of communication with educational authorities and institutions in other parts of the Empire, and by the publication of the proposed Bulletin dealing with educational matters in the Colonies.

5. I therefore invite this Council to approve of the Colony participating in the scheme and undertaking to contribute to the cost of the Committee to the extent suggested during the three years 1929-1931. At the end of this period the whole arrangements will be subjected to review in the light of the experience gained.

F. C. GUGGISBERG,  
Governor.

Government House,  
Georgetown,  
6th March, 1929.

**Major GRAY:** I give notice that at the next meeting of the Council I shall move the following motion:

That, with reference to the Governor's Message No. 27 of 1928, this Council approves of the Colony participating in a scheme proposed by the Secretary of State for the Colonies for the creation of an Advisory Committee on Education in the Colonies, and undertaking to contribute for the three years 1929-1931 to the cost of the Committee to the extent of 1/600th part of the expenditure provided for educational services in the Estimates of the Colony for the year 1928.

#### REFUND OF DUTY.

**Mr. WEBBER:** There is in my name the following motion, which I beg to move:

Whereas Neville Schuler, recognised Ophthalmic Optician of this City, presented a petition to the late Combined Court on 20th September, 1927, praying for a refund of duty on certain scientific optical instruments for the practice of his profession;

And whereas under similar circumstances, Medical Practitioners, Dentists and Veterinary Surgeons were allowed professional instruments free of duty under section 11 (o) Third Schedule of the Customs Duties Ordinance;

And whereas on the consideration of the said petition, the Committee on Petitions were divided in their findings, and suggested that the matter might be brought by independent motion before the Legislature:

*Be it Resolved,*—That His Excellency the Governor be respectfully invited to authorise a refund of the Customs duties involved, and this Council pledges itself to approve of such refund in the event of His Excellency the Governor so directing.

The facts are that Mr. Schuler early in 1927 imported certain optical instruments for the practice of his profession and sought to get them enter into the Colony free of duty. The Comptroller of Customs, as the law then stood, refused to admit them, and a petition to the Governor was rejected on the ground that the articles were not of British manufacture. Mr. Schuler then presented a petition to the Combined Court praying for relief and the Petitions Committee, being divided, suggested that the matter should be brought before the Court by way of motion. The position is that in 1927

when the articles were imported there was no such prohibition or preferential treatment of instruments of British manufacture. The law in 1927 exempted from duty certain "instruments and appliances when imported by medical practitioners, dentists or veterinary surgeons for their personal use." What governs this case is the law in force at the time of importation of the instruments. Apparently there has been some confusion with respect to item 18 of the schedule, which says "optical, chemical, and other scientific instruments and apparatus of British manufacture, which . . . are imported exclusively for the purpose of scientific, medical or technical research . . . and are not for sale or exchange." The governing clause is "instruments and appliances when imported by medical practitioners, dentists or veterinary surgeons for their personal use." I submit that the petitioner is equally entitled to consideration as medical practitioners, dentists or veterinary surgeons.

**The COLONIAL SECRETARY:** The hon. member has put up a clever plea for this remission of duty, but the position actually is this: Mr. Schuler forwarded a petition to the Governor-in-Council on the 30th July, 1927, asking for a refund of duty. The grounds for the application were that instruments imported by medical practitioners were on the free list. Optical instruments were not then on the free list, and the petition could not be allowed on the ground that they were not on the free list. However, the matter was referred to the Surgeon General, and he advised that optical instruments used by practising opticians should be admitted free of duty and recommended that such instruments should be admitted free provided they are of British origin. That was considered by the Executive Council and it was agreed that instruments imported by opticians should be free provided they are of British origin, but that the duty of 33 1/3 per cent. on articles of foreign origin should be retained. That is the law to-day. If these articles had been of British manufacture they would have been imported

free of duty. Mr. Schuler again forwarded a petition to the Combined Court, but the Petitions Committee did not think it should be granted, and the Surgeon General thinks that instruments required by opticians can be obtained from England. I have sympathy for Mr. Schuler because I believe he is a good practitioner, but to depart from the letter of our Customs law and the system of preference we would be creating a precedent which is very undesirable.

**Mr. WEBBER:** If the law the Colonial Secretary has referred to was in existence when the articles were imported I would not have brought forward this motion. The question does not affect the principle of preferential treatment, which I am not attacking, but in 1927 there was no law and when the exemption was made he was not included.

**The PRESIDENT:** I think it is most desirable to stick to the law as it was, and I do not see why we should put him in it now.

**The COLONIAL SECRETARY:** I would not suggest that the Council should take a hard view of this matter, although I am very anxious to safeguard the interests of the Customs Tariff and the Preferential Agreement. I think we might accept the representations which have been made and allow these instruments in free, but it must in no way be regarded as a precedent. Having regard to the circumstances and to the profession for which they are used we might accept the motion of the hon. member.

**Mr. BRASSINGTON:** What is the sum involved?

**The PRESIDENT:** A very small sum. I am afraid, however much the Colonial Secretary does not desire it, it is a precedent.

**The COLONIAL SECRETARY:** Then I am afraid I must withdraw my remarks. The whole object is not to create a precedent.

**The PRESIDENT:** It is not a question of the amount but a question of

precedent. Government cannot be in favour of the motion.

Motion put, and lost.

#### PRIVILEGES, ETC., OF THE COUNCIL.

**The COLONIAL SECRETARY:** The hon. Member for Berbice has a motion on the Order Paper which I understand he wishes to withdraw. Will he formally withdraw it?

Following is the text of the motion:—

That His Excellency the Governor be respectfully invited to appoint a Committee on Privileges of this Council to advise upon the proper mode of address to the President, a simple manner of reference to elected members, the general question of seniority, and such other matters on which doubt regarding procedure may have arisen since the opening of the Council; or such other matters as may be properly referred to such Committee.

**Mr. WEBBER:** With your permission, sir, I withdraw the motion until a later period. I desire to try out a little longer as other things may be found to be dealt with.

#### POSTAGE ON PARCELS.

**The COLONIAL SECRETARY:** I move that the Council consider Regulations relating to rates of postage on parcels to Canada. A flat rate of \$1.50 is proposed for parcels weighing 10 lbs. and not exceeding 15 lbs. The Postmaster General says there may be a loss of \$7 a year by agreeing to this proposal, but, on the other hand, it will foster trade between Canada and British Guiana.

**Mr. WEBBER:** I wish to ask Government to consider the question of postage to the West Indies—what they call Conference Colonies. In these regulations you can post a parcel of 1 lb. cheaper to Canada than you can to the West Indies. The rate to Trinidad on a parcel of 1 lb. is 24 cents and the rate to Canada is 12 cents. It is true, however, that when parcels increase in size the rate is slightly in favour of the West Indies. I also desire to ask for

consideration of the question of postage on newspapers, and later I hope on letters. The question was raised at the recent conference at Barbados. It was thought that a good deal would be secured by increasing the mail matter between British Guiana and the other Colonies and that an endeavour should be made to get domestic rates on newspapers extended to Conference Colonies. It might be that at the present moment the Colony cannot afford to extend

domestic rates on letters to the West Indies but certainly postage rates on newspapers should be considered.

**The PRESIDENT:** Government will make a note of the hon. member's suggestions.

Regulations agreed to.

The Council adjourned until Friday, 8th instant, at 11 a.m.