

LEGISLATIVE COUNCIL.

Wednesday, 6th March, 1940.

The Council met at 10.30 a.m. pursuant to adjournment, His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General Mr. E. O. Pretheroe, M.C.

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

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

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

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

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

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

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

The Hon. N. M. Maclellan, Director of Medical Services.

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

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

The Hon. L. G. Creare, Director of Education.

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

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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 5th of March, 1940, as printed and circulated, were confirmed.

GRATITUDE TO BRITISH GOVERNMENT AND ROYAL COMMISSION.

Mr. ELEAZAR: Sir, before the business of the Council is proceeded with I am claiming your indulgence and permission to move the following motion:—

THAT, this Council on its own behalf and on behalf of the inhabitants of this Colony extends to the Royal Commissioners our cordial and grateful thanks for their thorough investigation of, and their liberal Report and recommendations on the various problems relating to the progress and development of the Colony, and respectfully expresses its gratitude for the avowal of the British Government of its deep concern in our well-being, and that a copy of this resolution be forwarded to the Right Honourable the Secretary of State for the Colonies and to those concerned.

THAT this expression of appreciation of the very valuable services of the Commissioners be placed on record.

THE PRESIDENT: Would you like the Standing Rules and Orders to be suspended to enable you to move your motion?

Mr. ELEAZAR: Yes sir.

Question put, and agreed to.

Standing Rules and Orders suspended.

Mr. ELEAZAR: I desire to be very brief in moving this motion because, in my

opinion, it speaks for itself. In drafting the motion I endeavoured to put within a small compass what I considered to be the feeling of every individual in this Colony. For myself I need hardly say it is a source of great gratification to me because I have always had implicit faith in the possibilities and potentialities of this Colony. In that faith I have never wavered, and to-day I need hardly say that what I hoped for and longed for has almost emerged into daylight. I feel that we cannot thank the Royal Commissioners sufficiently. They came to this country and we all know how much they laboured in investigating the various problems we have here, and although we have had so far only a precis of the Commissioners' report we have had sufficient to be satisfied that they have conveyed exactly what our position is, and they have recommended assistance for the amelioration of our troubles in the report they have submitted. For that we think we cannot thank them sufficiently. As Members of this Council we endeavour to assist Government in its very arduous task in making ends meet in so many different ways with a very limited purse, and therefore the hope that we will receive assistance in that direction is one which I think will bring forth the approval and thanks of every member of this community.

When I read the report which appeared in the Press and heard Your Excellency's broadcast over the radio I was almost inclined to sing the *Nunc Dimittis*, but I hope I shall not depart immediately, because I wish to be here to see at least the beginning of the dawn of a new era for this Colony of British Guiana. I have no doubt that the Commissioners' report and their recommendations will reflect themselves on all of the Colonies, but in British Guiana, the land of my birth, I feel that we are now going to have a reconstructed Colony, and I sincerely wish that Your Excellency will be here to see that the foundations you are now laying will be such upon which we can build a superstructure on which the Colony can blossom like a rose.

Mr. DEAGUIAR: It affords me very great pleasure indeed to second the motion which has been so ably moved by the hon. Member. There is very little I can add to the wording of the motion itself, and to the remarks of the hon. mover, except to say that the complete report of the Commis-

sioners is now being awaited with a great deal of interest, not only by the people of this Colony but of the various Colonies which have been dealt with in that report. There can be no doubt about it that the action of the Imperial Government on the various recommendations in that report at a time like this is one which will not only go down in the history of this Colony but in the history of the British Empire. The recommendations that have been made in so far as Colonies are concerned have been very well received, and so far as I am concerned my only interest in the matter at the moment is to see how far those recommendations will be made applicable to British Guiana. I have no doubt that when the time arrives Government will take this Council into its confidence and obtain whatever assistance it can in order to further the requirements of the Colony.

Mr. JACOB: I desire to associate myself with the remarks of the two previous speakers, and to say that there can be no doubt that the whole Colony is very grateful to the Royal Commissioners for the very splendid recommendations which have so far been submitted. I have taken a very active interest in presenting a case on behalf of a large section of the community here, and I pride myself on the fact that the representations I have made have been considered, and some of them have been recommended for investigation if not for complete adoption. This Colony has been in the hands of the Imperial Government for over a century, and while we have been grumbling in the past that proper attention had not been paid to the requests of the inhabitants, I feel confident that from now on we will have very little to grumble about if this Government would consult the majority of the people and follow the recommendations and advice of those who are governed. It is well that we should appreciate the fact that those responsible for the government of any country should be kept closely in touch with the people who are governed, and I was very glad to see that that was one of the points made in the recommendations which have come forward. I shall not say any more, but I repeat that I think the whole Colony is very grateful for the recommendations received so far.

THE PRESIDENT: I need not assure

you that this motion is very welcome to Government, and I particularly welcome the assurance of co-operation and support in carrying out the recommendations of the Commission, to use the Secretary of State's phrase, as fast and as far as we can.

Motion put and carried unanimously.

THE PRESIDENT: I will forward the terms of the motion by telegraph to the Secretary of State.

UNOFFICIAL NOTICES.

CASES UNDER MOTOR VEHICLES ORDINANCE.

Mr. JACOB, on behalf of Mr. LEE, gave notice of the following questions:—

1. Will Government state how many arrest cases under the Motor Vehicle Ordinance No. 43 of 1932, were instituted on the 26th January 1940 in the Magistrate's Court of Georgetown, naming the defendants and charges, each separately, and the date of the offence?

2. Is Government aware that a police constable summoned the same defendants for breaches of the said Ordinance, and on the day of hearing of the summons case, *i.e.*, 26th January, 1940, the defendants were then informed by the Magistrate that they were charged for other offences under the said Ordinance and for which charges they were never summoned nor notified until the day of hearing?

Will Government make investigation in these cases and apply the principle that only charges or summonses of which the defendant has had notice shall be taken and heard against the defendant, but not to bring the defendant on a summon charge and then lay charges against him in open Court?

PETITIONS FROM LEGUAN AND WAKENAAM.

1. Will Government state how many petitions have been received by Government within the year 1939 and up to January, 1940, by the Local Government Board and/or Commissioner of Labour from the Local Authorities known as Country Districts of Leguan and Wakenaam, and the prayers of the said petitions, naming each district separately, and when received, and the reason for the non-compliance with the request of the petitions, each separately?

SUNDAY LABOUR.

1. Will Government state how many reports were made to the Police Stations in Georgetown of breaches of the Sunday Labour, section 190, Chapter 13, in Georgetown during the months of December, 1939, and January, 1940?

2. Will Government state why the Police have not taken any steps to prosecute anyone for breach of the Sunday Labour Ordinance, section 190, Chapter 13, especially the bakery proprietors of Georgetown and New Amsterdam?

3. Will Government accept the principle that this section of the Ordinance, Chapter 13, be strictly adhered to, and that persons committing a breach thereof be prosecuted?

POLICE ASSISTANCE TO HIRE-PURCHASE CONTRACTOR.

1. Will Government state at whose request a police constable was detailed during the months of September and/or October and/or November, 1939, to accompany the agent of a hire-purchase contractor to the Waratilla Creek, Camounie Creek, Demerara River, in order to effect seizure of a motor lorry?

2. Will Government state whether it is one of the duties of the Police force to accompany agents or principals of the hire-purchase agreements to effect seizures?

3. Will Government state whether payment is made for the services of the police constable in such cases, and if not, why?

4. Will Government state whether payment was made to the Police Department in the case of P.C. Gill No. 3302 who accompanied an agent of Messrs. Geddes Grant, Ltd., to effect a seizure in the Waratilla Creek, Camounie Creek, Demerara River, and how many miles was P.C. Gill taken from his station, and which station, naming it, and was he on duty during this period of time, and what payment was made, if any, for his services?

5. Will Government accept the principle that no police constable shall in future accompany any person for the seizure of any hire-purchase goods or articles?

REPAIRS TO DISTRICT COMMISSIONER'S RESIDENCE AT HAGUE.

1. Did Government invite tenders for the repairs to the District Administration Officer's residence at Hague, West Coast, Demerara? If the answer is in the affirmative, will Government state how many tenders were received and from whom, stating names and amounts tendered?

2. Will Government state what is the largest number of carpenters employed at any one time during the period of the repairs and what is the greatest amount expended in any one fortnight in labour, carpenters, watchmen, and other labourers, each separately?

3. Will Government state the following in detail:—

(a) The amount expended in materials for repairs.

(b) The amount expended for labour of carpenters, porters, watchmen, foremen and each separately?

4. Will Government adopt the principle of not employing any person as foreman or supervisor for the same work for which he had tendered? If the answer is in the negative, will Government give reasons?

5. Is Government aware that the foreman and/or supervisor of the said repairs was a tenderer, and that the excess expenditure was deliberate and wilful?

6. Is Government aware that if the repairs are calculated by the tariffs in the Public Works Department and given out as job work,

that the amount would not have been exceeded?

7. Will Government state if the repairs are completed, and if not, what further amount will be required to complete the said work?

8. Will Government state whether an offer was made for the purchase of the said house and land and what amount was offered? And whether another house and land situate on lot 20, Hague, West Coast, Demerara, was offered for sale to Government with the fittings and erections thereon? Would it have been a saving to Government if these offers for sale and purchase were accepted?

GEORGETOWN OMNIBUS SERVICE.

1. Is Government aware that dissatisfaction exists over the omnibus service in the city of Georgetown, if so, what steps are being taken to remedy same?

2. Will Government give the Georgetown Town Council notice that unless a definite omnibus service is run for the convenience of the public within one year from the date of the notice that Government will take steps to grant a monopoly for a proper omnibus service to be run in the City of Georgetown?

3. Will Government state how many applications have been received for the monopoly of the omnibus service in Georgetown?

GRANT FOR KITTY INFANT SCHOOL.

Mr. JACOB gave notice of the following question:—

1. Is it a fact that of the grant of \$240 for 1940 to the new Infant School at Kitty village nothing has been paid for the months of January and February, 1940? If so, will Government state the reasons for withholding payment from this very deserving school?

ORDER OF THE DAY.

AGRICULTURAL BIAS SCHEME.

Mr. JACOB, on behalf of Mr. Lee, asked the Colonial Secretary the following questions:—

1. Will Government state in how many schools the agricultural bias curriculum operates, giving names of schools, teachers in charge and status, and date on which scheme was started?

2. (1) Will Government also give with respect to each school:—

(a) Name of school.

(b) Number of agricultural bias curriculum pupils at end of school year ended 31st August, 1939.

(c) Number of pupils who had completed the 2 years course on or before school year ended 31st August, 1939.

(d) Number of pupils who have left school, having completed the 2 years course on or before the 31st August, 1939.

(e) How the said pupils are employed?

2. State number of home gardens established by pupils in (d) above with respect to each school?

3. Will Government state the names of school and number of visits paid to each by the Supervising District Agricultural Officer, naming each school and dates of visits separately for the school years ended 31st August, 1937, 1938 and 1939?

4. What is the total amount of Government Grant provided annually for the scheme for

(1) Maintenance of Gardens.

(2) Relief teachers employed under the scheme.

Under (1) give the following figures.

(a) Names of schools each separately.

(b) Amount allocated to each garden for the years 1937, 1938 and up to 31st August, 1939?

(c) Amount expended for the years 1937, 1938 and up to 31st August, 1939.

Under (2) give the following figures:—

(a) Amount provided for the years 1937, 1938 and up to 31st August, 1939.

5. How many teachers in charge of Agricultural Bias Curriculum Classes receive extra allowances for necessary special clothing, boots etc.?

6. Is Government satisfied that the scheme is producing any desirable results. If the answer is in the affirmative will Government state in what direction?

7. (a) In how many schools has the scheme been abandoned since its inception?

(b) In how many schools was the scheme never started, although plans for starting the scheme in such schools were already begun?

8. What encouragement or help has been given boys who have completed a two years' course?

9. Will Government examine and give consideration to the following suggestions for securing some measure of success for the scheme?

(a) Proper selection, maintenance, fencing and drainage of all sites selected for gardens under the scheme, and the supply of seeds, etc., at the right seasons?

(b) Appointment of supervisors two or three part time officers selected from amongst the teachers who show experience, ability and enthusiasm for such work, to leave their substantive duties to pay regular visits at least once a quarter to visit other gardens and

(1) advise on the work being done

(2) advancement and extension of the Home Gardens and Young Farmers Clubs' idea.

(c) Selections of the best boys from time to time who have shown aptitude for further and advanced training by the Department of Agriculture in the absence of a farm school.

(d) Extra remuneration for all Agricultural Bias curriculum teachers for the necessary extra work involved under the scheme and for necessary clothing and boots, and a personal allowance for head teachers who work the scheme in addition to their ordinary duties and responsibilities for the organization of instruction in the whole school.

THE REPLIES.

The following replies by the Colonial Secretary were taken as read :—

1. The Agricultural Bias curriculum operates in twenty six (26) schools.

Name of School.	Teacher in Charge	Status.	Date on which scheme was started.
Broad Street, Government	... J. A. Borse	... Asst. Teacher	December 1936.
Blankenburg Con.	... P. L. Hall	do.	December, 1936.
Stewartville Con.	... R. A. Thomas	do.	January, 1937.
St. Swithin's C/E.	... H. M. E. Cholmondeley	do.	September, 1938.
Bethel Con.	... L. B. Russell	... Head Teacher	September, 1937.
Noitgedacht C.M.	... F. Somwaru	... Asst. Teacher	September, 1937.
Huist Dieren C/S.	... W. G. Craigen	do.	February, 1937.
Anna Regina Govt.	... W. A. King *	... Head Teacher	January, 1937.
St. Bartholomew's E.	... W. N. David	do.	September, 1937.
Friendship Meth.	... S. E. King *	do.	December, 1936.
Golden Grove Meth.	... E. I. Simon	... Asst. Teacher	September, 1937.
St. Paul's C/E. (Plaisance)	... S. H. Wills	do.	December, 1936.
Cane Grove C/E.	... B. S. G. Boston	do.	February, 1937.
St. Alban's C/E. (Belladrum)	... R. E. A. Semple	do.	December, 1937.
St. Jude's C/E. (Lichfield)	... A. R. Wade	do.	September, 1937.
Rosignol Govt.	... L. B. Trotz	do.	November, 1937.
Edinburgh C/S.	... D. L. Boodhoo *	... Head Teacher	December, 1936.
Friends C/S.	... W. A. Fraser	do.	September, 1938.
Albion C.M.	... A. Rahaman	... Asst. Teacher	January, 1937.
Port Mourant R.C.	... J. H. Willis	do.	January, 1937.
St. Columba's C/S.	... B. Farley	... Head Teacher	September, 1937.
Manchester C/S.	... O. S. A. Smith	... Asst. Teacher	February, 1938.
Auchlyne C/S.	... B. Ragnauth	do.	December, 1936.
New Market C/E.	... G. U. Jhagroo	do.	December, 1936.
Zeelandia C/E.	... E. J. Farley	... Head Teacher	December, 1936.
Sans Souci Meth.	... J. L. Kidney	... Asst. Teacher	September, 1937.

* The Agricultural teachers from these schools have been transferred on promotion, but the present Head Teachers have promised to carry on the garden work.

2.

(1) (a) Name of School.	(1) (b)	(1) (c)	(1) (d)	(2)
Broad Street Govt.	... 27	12	6	Nil
Blankenburg Ccn.	... 13	11	4	4
Stewartville Con.	... 33	11	4	3
St. Swithin's C/E	... 16	Nil
Bethel Con.	... 12	5	5	2
Noitgedacht C.M.	... 23	4	1	Nil
Huist Dieren C/S.	... 7	2	1	Nil
Anna Regina Govt.	... 12	9	3	Nil
St. Bartholomew's C, E.	... 11	5	4	Nil
Friendship Meth.	... 12	24	19	3
Golden Grove Meth.	... 11	9	1	Nil
St. Paul's C/E (Plaisance)	... 37	46	29	12
Cane Grove C/E.	... 21	9	5	4
St. Alban's C/E. (Belladrum)	... 24	10	9	8
St. Jude's C.E. (Lichfield)	... 7	8	1	Nil
Rosignol Govt.	... 13	7	2	1
Edinburgh C/S.	... 19	23	14	4
Friends C/S	... 16	...	4	4
Albion C.M.	... 35	18	9	6
Port Mourant R.C.	... 7	9	6	4
St. Columba's C/S.	... 18	6	2	2
Manchester C/S.	... 28	5	3	3
Auchlyne C/S.	... 24	15	7	3
New Market C/E	... 30	29	24	14
Zeelandia C/E.	... 10	5	4	Nil
Sans Souci Meth.	... 13	5	3	2
Totals	... 489	287	161	79

(1) (e) Where the parents are farmers the ex-pupils are usually employed at home, whilst others whose parents are estate labourers assist them in cultivating the land provided by the estate. Many have become agricultural labourers and many others have entered the usual non-agricultural vocations open to elementary school pupils.

One is an agricultural apprentice at the Botanical Gardens. The actual figures, however, are not available.

3. No record is kept of the number of visits paid by the Agricultural Officers to such schools, the names of which have already been given, but frequent visits are paid depending on their other activities in the district. The officers also submit monthly reports on the Gardens to the Director of Agriculture and the nature of these is communicated to the Director of Education.

4. (1) The total amount of Government Grant provided for the scheme for maintenance of Gardens was \$1,380 in 1937; \$1,000 in 1938 and \$1,000 in 1939.

(a) The names of schools for which Government Grant was provided is given in the reply to Question 1.

(b) The amount allocated to each garden was \$25.00 in 1937 for previously established gardens and \$55.00 each for new gardens, and \$25 each in 1938 and 1939, exclusive of tools, fencing, etc.

(c) The amount expended in 1937, was \$1,294.19, in 1938, \$671.24 (the original number of gardens planned did not come into operation and four gardens were discontinued. Total number of gardens functioning 24), and in 1939 up to 31st August, \$242.42 (26 gardens functioning. The last quarter of the year is usually the most active and expenditure will be more in line with previous figure). A reserve is kept in hand for replacement of tools and extra issues of seed if required.

(2) and (2) (a). The total amount of Government Grant provided annually under the scheme for relief teachers employed was:—

1937	Nil
1938	\$4,368
1939	\$3,708

No grant has been provided for 1940.

5. One receives travelling allowance.

6. In some districts the scheme is working well and as a result home gardens have sprung up and general enthusiasm is seen. The scheme, however, cannot be regarded as the ideal one for getting the children thoroughly interested in agricultural pursuits, but it is the best thing which can be provided with the funds available.

7. (a) Two.

(b) Three.

8. Some of the teachers make a practice of visiting ex-pupils' home gardens while most give seeds or seedlings and advice.

9. (a) Such consideration was given before the scheme was put into operation and vegetable seeds are supplied regularly to the gardens free of cost. These are routine matters.

(b) (1) and (2). Financial considerations have hitherto precluded any elaborate extension of the scheme such as is suggested. If it were proposed to appoint special supervisors it is doubtful whether the method suggested would

be the most effective. What further development may be feasible if funds were provided under the new policy recommended by the Royal Commission is a question which must await further consideration when the formulation of policy in accordance with these recommendations has made further progress.

(c) Facilities are already provided for the training of selected pupils under the Agricultural Apprentices Scheme of the Department of Agriculture.

(d) Consideration has been given to the matter and Government is unable to approve of extra remuneration being paid at the present time.

PROVISIONALLY CERTIFICATED TEACHERS.

Mr. JACOB, on behalf of Mr. C. V. WIGHT, asked the Colonial Secretary the following questions:—

Q. 1.—How many provisionally certificated teachers were in charge of Branch schools on 1st January, 1939, at \$18 per month?

A. 1.—Three.

Q. 2.—Will Government include these teachers in the increases of salary that have recently been made to uncertificated teachers by paying these provisionally certified teachers a responsibility allowance of \$5 per month from 1st January, 1940?

A. 2.—Government cannot accept this proposal but it may be stated that the question of the salaries of holders of Provisional Certificates is receiving the attention of Government in connection with the New Code of Regulations.

Q. 3.—What grade of schools are entitled to first assistants?

A. 3.—The Regulation in question reads "The Director may authorise the appointment of a First Assistant Teacher in any school which has an average attendance of 201 and over." In practice First Assistants are appointed under the Regulations to the extent that funds allow.

Q. 4.—(a) How many such first assistants have been appointed since 1st January, 1939?

A. 4 (a).—Three.

Q. 4 (b).—Please state names of appointees, schools and extra emoluments paid in view of such appointments.

A. 4 (b).—The names of appointees, schools and extra emoluments paid are as follows:—

NAMES OF APPOINTEE.	SCHOOLS.	EXTRA EMOLUMENT PAID.
S. J. Sam	...Manchester, C.S.	\$5 a month
Hilda Gibbons	...Carmel R.C.	Nil.*
J. A. Brown	...Kingston Meth.	Nil.*

Q. 4 (c).—What are the duties of first assistants?

A. 4 (c).—The duties are as follows:—

(a) To assist in the daily inspection of school buildings and grounds;

*Regulation 7 of Education Regulations, 1935, provides that teachers whose salary together with the allowance payable to first assistant exceeds \$36 shall not be paid the allowance. In both cases given above the teachers salaries exceed \$36. Steps have been taken to remove the restriction.

- (b) To assist in the supervision of pupils in the playground ;
 (c) To assist the Head Teacher in the supervision of the staff ;
 (d) To assist in the supervision of school games and sports ;
 (e) To prepare and keep up to date the inventory of all equipment and materials ;
 (f) To perform such other duties as the Head Teacher may require ;
 (g) To take full charge of the school in the absence of the Head Teacher.

Q. 5.—Is Government satisfied with the results of the Agricultural Bias Scheme ?

Is Government convinced that the withdrawal of the interim teachers connected with the Scheme would not react unfavourably on the working of the scheme ?

A. 5.—(a) In some districts the scheme is working well and as a result home gardens have sprung up and a general enthusiasm is seen. The scheme, however, cannot be regarded as the ideal one for getting children thoroughly interested in agricultural pursuits, but it is the best which can be provided with the funds available.

(b) The withdrawal of the interim teachers need not react unfavourably on the working of the scheme if the suggestions put forward by the Department to meet this wartime measure are carefully carried out by the Head Teachers of the schools in which the scheme is operating.

Q. 6.—Is Government satisfied that the salaries paid to teachers are adequate ?

A. 6.—Government is satisfied that teachers' salaries have been raised to a figure in keeping with the economic position of the Colony.

Q. 7.—Are there not anomalies in the 1939 scale of salaries paid or to be paid teachers ?

A. 7.—The Department is not aware of any anomalies in the 1939 revised scale of salaries.

Q. 8.—How many years does it take before a teacher in each grade of school draws his or her maximum pay ?

A. 8.—The following table shows the time it takes a certificated teacher in schools of each grade of attendance to rise from the minimum or the maximum salary of the grade :—

	First Class Years.	Second Class Years.	Third Class Years.
Schools of 100 and under	...4	4	4
101—200	...4	4	4
201—300	...6	6	6 (2)
301—400	...4	6 (1)	
401—500	...4		
over 500	...4		

(1) The salary of a Class II Head Teacher does not rise above this grade of attendance.

(2) The salary of a Class III Head Teacher does not rise above this grade of attendance.

Q. 9.—Does the period referred to in question No. 8 differ according to Class or Grade ?

A. 9.—Please see the table in the answer to question 8.

THOMSON PENSION BILL, 1940.

THE COLONIAL SECRETARY: I move that "A Bill intituled an Ordinance to make special provision in regard to the

pensionable service of Robert Leslie Thomson" be read a second time. Mr. Thomson has had a break in his service of roughly 5½ years. After serving 13 years he resigned his appointment, and joining the Service again he served for a further period of 15 years, making a total service of 28 years. The circumstances in which the break occurred are probably known to hon. Members, and it is felt by Government that he should not be penalized for the break which occurred between 1920 and 1925. I move that the Bill be read a second time.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read a 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 or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Colonial Secretary*).

EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN (AMENDMENT) BILL, 1940.

THE ATTORNEY-GENERAL (Mr. E. O. Pretheroe, M.C.): I move that "A Bill intituled an Ordinance to amend the Employment of Women, Young Persons and Children Ordinance, 1933 (No. 14 of 1933) in certain particulars" be read a second time. At the 18th session of the International Labour Convention at Geneva His Majesty's representative agreed to a Convention to prohibit the employment in industrial undertakings or in ships of children under 14 years, and also a much modified prohibition of the employment of women at night. That was duly ratified by His Majesty's Government, and the Council is invited to give legal effect to that ratification by passing the Bill now before the House. The first amendment deals with children. It is now made illegal to employ in an industrial undertaking or on a ship a child less than 14 years of age. Previously the age-limit was 12 years. This Colony adopted the Convention subject to one ex-

ception, that where in any industrial undertaking or in a ship the sole people engaged therein were members of the same family it shall not apply. In the second case there is a substitution of a schedule which, of course, is taken from the Convention itself. I move that the Bill be read a second time.

Professor DASH 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 or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Attorney-General*).

EDUCATION (AMENDMENT) BILL, 1940.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Education Ordinance, Chapter 136, with respect to the minimum age for the employment of children" be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

ACCIDENTAL DEATHS AND WORKMEN'S INJURIES (COMPENSATION) (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Accidental Deaths and Workmen's Injuries (Compensation) Ordinance, Chapter 265, in certain particulars" be read a second time. The amendments to

this Ordinance all refer to Part I. which deals with the death of workmen caused by the wrongful act, neglect or default of the employer. The amendments before the Council were made in Imperial legislation some years ago, as stated in the Objects and Reasons. The first amendment deals with the definition of "child." A recent case before the Chief Justice brought to light the fact that in this Ordinance the word "child" must be construed as meaning legitimate child, and in that case the mother of an illegitimate child who was killed was unable to obtain any compensation. An amendment was made in England some years ago, and the object of clause 2 of this Bill is to make it possible in this Colony for the parent of an illegitimate child to recover compensation in respect of the death of his or her child, or for an illegitimate child to recover compensation in respect of the death of either of its parents.

Clause 3 provides that in assessing compensation the Court shall take no notice of any sum which has been paid by way of insurance in respect of the death. I think that is a natural and normal course to take because, if the workman had been injured he would himself have been able to obtain compensation while in hospital. It seems only reasonable that in case he was killed outright his funeral expenses should be paid by the person liable. I move that the Bill be read a second time.

Professor DASH seconded.

MR. JACOB: I wonder if it is not possible to make this Bill retrospective so as to include the case referred to by the hon. Attorney-General. I take it from the remarks of the Attorney-General that it is a mistake, and I throw out the suggestion for his favourable consideration.

THE ATTORNEY-GENERAL: The point raised by the hon. Member was considered, but hon. Members will realize the difficulty that in many cases of death where liability has been incurred, compensation has already been paid. To make this Bill retrospective would make it possible for a double claim to be raised in certain cases, that is to say in cases where claims have been paid voluntarily. In these circumstances it is impossible to make the Bill retrospective.

Mr. ELEAZAR: I am pleased that this Bill has been introduced because I was really astounded at the decision of the Supreme Court which is, of course, the proper authority to interpret the law. I had always known it to be the law of the country—and it is still the law of the country, and I think it is also the law of England—that a woman makes no bastards and if an illegitimate child is not a woman's child I can hardly conceive the meaning of that expression. But the Supreme Court having ruled that an illegitimate child is not a child, I am pleased that this Bill has been brought forward so soon after the decision of the Court so as to make it clear that the mother of an illegitimate child is entitled to claim compensation in respect of its death or injury.

Question put, and agreed to.

Bill read a second time.

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

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Attorney-General*).

PRISONS (AMENDMENT) BILL, 1940.

THE ATTORNEY-GENERAL: I move that "A Bill to amend the Prisons Ordinance, Chapter 32, with respect to the carrying and use of fire-arms by prison officers" be read a second time. This Bill is designed to introduce into this Colony legislation such as exists, as far as I am aware, in the vast majority of Colonies of the British Empire, and certainly with respect to convict prisons in every foreign country. There is no particular object aimed at beyond that of the safety of the warders themselves, and the preservation of order in the prisons in certain cases. Hon. Members will realize that in a convict prison there are characters whose mentality gives them a leaning towards violence. The psychology of men serving long sentences for crime is such that at times they are liable to break into acts of violence, but as the law stands at the moment the warders are practically defenceless. In the case of one man becoming violent very little harm

might be done, but in the case of concerted action by a number of convicts the warders would be in great personal danger, and that is the danger which this Bill is endeavouring to remove.

The Bill itself is permissive. It says that the Governor "may direct that prison officers when on duty shall carry loaded fire-arms which shall be supplied to them by the Superintendent." There is no intention whatever of wholesale arming of warders, but merely to provide for any trouble that might arise. It is not intended to arm the warders with the same rifles as used by the Police and the Militia. The intention is to arm them with what is known as Greener guns which fire shots and are not lethal weapons. The Bill is based on section 13 of the Trinidad Prisons Ordinance. I move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read a 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 or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Attorney-General*).

APPROPRIATION BILL, 1940.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill intituled an Ordinance to appropriate the supplies granted in the current session of the Legislative Council" be read a second time. This Bill is a formal act of the Legislature in authorising the appropriation of funds for the expenditure of the Government of the Colony for the year 1940 in accordance with the estimates which have already been passed by the Council in respect of those items which are not already covered by some special appropriation law. The items which are to be provided under the Bill are set out in the schedule. I should like to add that as hon. Members have been told by

the Colonial Secretary when the resolution on the estimates was being taken, the Draft Estimates contained some items subject to the sanction of the Secretary of State, and no expenditure will be incurred on those items until that sanction has been obtained. I move that the Bill be read a second time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read a 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 or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*Mr. McDavid*).

BILL OF ENTRY TAX (AMENDMENT) BILL,
1940.

Mr. D'ANDRADE (Comptroller of Customs): I move that "A Bill intituled an Ordinance further to amend the Bill of Entry Tax Ordinance, (No. 2), 1932, by exempting importers of printed books and newspapers from the payment of the Bill of Entry Tax" be read a second time. The Bill of Entry Tax is imposed on bills of entry for all goods imported into the Colony, and also in respect of goods imported by parcels post, with the exception of the articles enumerated in the Third Schedule of the Customs Duties Ordinance, 1935, and those articles specially exempted by section 2 (1) of the Bill of Entry Tax Ordinance, 1932. The object of the Bill is to add to the list of such exemptions printed books and newspapers. It is very desirable that printed books and newspapers should not be subject to any form of taxation, either directly or indirectly, but in addition to that a few importers of books and newspapers are very greatly inconvenienced, especially in cases where books are imported by post. The value of articles imported by book post is seldom declared on the package, and this necessitates the addressee going to the Post Office in every case in order to have the value of the books or newspapers assessed,

the duty in many cases not being more than a few cents. The amount of revenue involved by exempting printed books and newspapers is \$1,400. I move that the Bill be read a second time.

Mr. LAING (Commissioner of Labour and Local Government) seconded.

Question put, and agreed to.

Bill read a 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 or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*Mr. D'Andrade*).

NEW BUILDING SOCIETY BILL, 1939.

THE ATTORNEY GENERAL: I move that "A Bill intituled an Ordinance to incorporate The New Building Society, Limited, and to transfer to that Society the assets of the British Guiana Building Society, Limited" be read a second time. This Bill is a private Bill, not a Government Bill. It is a Bill in which the promoters have satisfied all the requirements of a private Bill, and on their behalf I am now bringing it before the Council. Hon. Members know more of the old Building Society than I do. Members know that it went into liquidation, and that a new Society is being formed to take over the assets and liabilities of what I call the old Society.

The shareholders of the old Society at a meeting agreed by a majority to the provisions which have been incorporated in this Bill. The majority of those shareholders appointed a Committee consisting of Mr. Luckhoo and two accountants, who went through the Bill very carefully on their behalf and suggested a number of amendments, some legal and some financial. I am informed that every suggestion made by that Committee has been incorporated in this draft Bill. Following that it went before the Supreme Court where the Chief Justice made

a number of orders. All the requirements of those orders have been complied with, and as a result everything is now clear for the formation of the new Society. The formation of that Society is, of course, dependent upon the passing of this Bill. Government has no direct interest in it, but I may say that building societies are formed to, and do serve a very useful purpose in a community, and if the new Society is a success some of the shareholders who lost money in the old Society will recoup some of their loss. From that point of view Government can be said to regard this Bill with a benevolent eye.

Regarding the Bill itself it was, of course, drafted and printed entirely by the promoters, and in the Committee stage I shall move certain amendments, not in the substance of the Bill but merely in the construction, in order that it should conform to other Ordinances on the Statute Book, because after it is passed it becomes a local statute and will be construed in the same manner as other Ordinances. The Bill is in three parts. Apart from mere verbal alterations in the wording there is nothing original in Part I, every clause of which is copied from, or substantially based upon one of five enactments, viz., the British Guiana Building Society Ordinance, the Companies Ordinance, the Friendly Societies Ordinance, and the Building Societies Acts of 1874 and 1894, respectively. Therefore there is no need for me to comment clause by clause on Part I, which is based on existing legislation. Part II. deals with the handing over of the assets and acceptance of the liabilities of the old Society by the new Society. It is, of course, substantially new. The schedule contains the Rules of the Society which have been adopted from the Rules published by the Incorporated Building Societies of Great Britain, and conform very closely to those Rules. I move that the Bill be read a second time.

Professor DASH seconded.

Mr. PERCY C. WIGHT: I am asking you, sir, to see your way to defer consideration of this Bill for a few days. I am not opposed to it on my own account, but I have been requested by certain members to place before the Council the fact that no statement has been rendered since the old

Society went into liquidation. It appears to me that after three years' working the only party that has benefited by the liquidation happens to be the Government of British Guiana. The Official Receiver earns commission at a certain rate up to a certain figure, and thereafter on a smaller scale. I have been told that Government, through the Official Receiver, has received a sum between \$7,000 and \$8,000. I have not had an opportunity to verify the figure, because I was only approached yesterday afternoon. The suggestion was made to me that I should put out a feeler as to whether Government would not be disposed to return to the shareholders of the old Society the amount so earned through the Official Receiver. I have my own opinion about it, but I have allowed that to sink in order that the majority of poor people should get something out of their subscriptions. I must say that I cannot see how that is going to take place according to my way of reckoning, but there is no doubt about it that the administration of the affairs of the old Society by the Official Receiver has only been to receive money and not to dispose of any of the assets.

I have studied the original proposition put up by the Committee, and I would like to point out to the hon. Attorney-General certain errors and omissions in that statement, although it has come from such a reputable number of men. I submit that it would be very informative to the Council if those figures were supplied, or if some statement from the Official Receiver was placed before the Council. There is no great need to rush this matter, which affects the very life blood of the working classes, because they are the persons who really stand to lose. The investment bonds are perfectly secure. The winding up of the Society came about through circumstances which I had better refrain from stating here, because they are more personal than anything else, but I must emphasise the fact that there were 53 properties on hand at the time, which were left on the Society's books at a rather inflated valuation, but to-day things have taken an entirely different turn. Those properties are worth every penny to day in my opinion. There has been a tendency recently to acquire properties to a tremendous extent by the inhabitants of the Colony. If the Official Receiver in

his wisdom did not think it proper to dispose of any of the assets, but to hand them over to the new Society, I consider that rather against the interests of the small shareholders, because the profit on those properties would naturally go to make the bonds and those shares which mature before a certain date become preferent. That requires some going into, and if as a layman I was permitted to discuss the matter with the hon. Attorney-General I think it would serve a very useful purpose. I refrained from interviewing him until I had placed the matter before the Council to day. I can see no danger in allowing the Bill to stand down, if Your Excellency will so permit, in order that the points I have mentioned might be cleared up. I am not doing this on my own account; I have been asked by certain persons to do so in view of the increase in the property market, and I am asking you, sir, for that indulgence.

Mr. LEE: I do not see any reason for delaying this Bill for another two days. As far as I know the public is awaiting anxiously the passing of the Bill in order that certain things might be done immediately in respect of the financial position of the Society. The Official Receiver is a Government officer and has been conducting the affairs of the old Society according to recognised regulations and principles of law, and the sooner this Bill is passed the better. The members would be able to elect the directors of the Society and have a say in its working. At the present moment they have no say whatever, and I think no time should be lost in passing the Bill.

Mr. SEAFORD: Although as a rule I am always agreeable to holding up a Bill if reasonable grounds are shown, I cannot see that in the present case the necessity for that arises. The hon. Member has had this Bill in his hands for some time. If he desires to bring certain points to the notice of the Attorney-General he has had time to do so before to-day, and I cannot see any advantage in holding up the Bill for no reason at all. The hon. Member referred to the sum of \$7,000 or \$8,000 which he suggested Government might consider returning to the Society, but I cannot see how the passing of this Bill to-day will affect that one way or another. Whether the Bill is passed or not I think

Government will agree to that, because there is no doubt that a good many people have been very badly hit by the old Society going into liquidation, and the more Government can help those poor people the better it would be. We know that the policy of Government to day is to do its best for the amelioration of the conditions of the poor people of this Colony, and those are the people who have been hit by the unfortunate position of the old Society. I feel that the sooner the new Society can be put on its legs the sooner will benefit accrue to the poor people in this community, and the better it will be for the Colony as a whole. I cannot see any reason for holding up the Bill.

Mr. ELEAZAR: I cannot pretend to know very much. I know very little about the working of the Building Society, but if what the hon. Member for Georgetown Central (Mr. Percy C. Wight) has said would achieve the end he has in view then I do not think a couple of days longer would do any harm. If certain explanations were made to the Attorney General certain clauses of the Bill might be altered in some slight degree, and it is likely that those people who have funds in the old Society might receive a little more than they would otherwise receive. That is what I understood him to say. I know of many people who have been hard hit, and every penny means a lot to them. One hon. Member spoke about the public. I do not know that the public is concerned about other people's money. It only concerns those people who have their money in the Society. I can quite understand that many of them will receive very much less than they had originally. I hope Government will see its way to postpone consideration of the Bill. As a matter of fact it is such a long Bill that people who are not directly concerned are likely to allow it to go through without giving it very serious consideration. It happens that the particular hon. Member knows so much about a building society that I do not think he would make an application for an adjournment without good reason.

Mr. DE AGUIAR: I am supporting the request made by the hon. Member for Georgetown Central (Mr. Percy C. Wight) for a delay of a few days to consider this Bill. Whilst it is true that the Bill was published on January 21 it does not seem

to me to be an unreasonable request, having regard to the fact that the old Society has been in liquidation for very nearly three years, and a matter of a few days more would hardly make much difference. It is true, of course, that the sooner matters of this kind are cleared away the better for all concerned, but it must be borne in mind that the passing of this Bill will have a far-reaching effect on the affairs of the old Society, and speaking for myself I am not quite satisfied that the interests of the members of the old Society are going to be protected in the way which is most desired. I have listened very carefully to what the Attorney-General has said in that regard, and I was quite pleased to learn that the provisions of this Bill are along the lines of the order made by the Chief Justice. That may be so, but nevertheless public opinion and the opinion of the Council might not be in entire agreement, because from my own knowledge I am quite satisfied that in one case at all events certain interests of the old Society were not safeguarded in the manner which I think they should have been. However, that is another matter and cannot be dealt with to-day, but I am concerned very much indeed about the interests of the members of the old Society, because if they are not going to be protected in this Bill it seems to me that we may be here for a very long time trying to pass this Bill.

I would have preferred not to have made those remarks to-day, but on a later occasion when we are in Committee, but there seems to be too great a desire to rush the passage of the Bill to-day—not by Government, of course. I do think that a little more time should be given Members to consider the various points dealt with in the Bill. After all the old Society has been three years in liquidation. What kept it all that time I do not know. As the hon Member for Georgetown Central (Mr. Percy C. Wight) has said, no information has been given to the Council in regard to the position of the old Society. It is only sought by a small provision in this Bill (clause 33) to show that the assets of the old Society will now become assets of the new Society, and that is how the assets are being disposed of. That may be all very well, but whether that will be sufficient satisfaction for the members of the old Society is another matter, and

personally I should have liked to see some statement from the Official Receiver in that regard. Then I would probably have been able to sink some of the points I have mentioned which, in my opinion, would protect the members of the Society. I think that in those circumstances, as this is not a Government Bill, Government would be well advised to accept the suggestion put forward and postpone the second reading of the Bill for three days.

Mr. PERCY C. WIGHT: I have had the Bill in my hand for a considerable time but it is desirable that the public and the Council should know that I have severed my connection with the Building Society, and I am not making this plea on my own behalf. Nobody is in a better position to make the statement or confirm what I have said about the property market being considerably improved than the speaker himself.

THE PRESIDENT: The hon. Member has proposed that the second reading of the Bill should be deferred. He has also raised the point about the return to the new Society of the Official Receiver's fees. It is perfectly clear to the Council that that has nothing whatever to do with the passing of the Bill. We can gain nothing on that subject by a postponement of the Bill, because it is not dealt with in the Bill and cannot be.

Mr. WIGHT: I quite recognize that, sir.

THE PRESIDENT: It is a private Bill and it is a matter entirely in the hands of the Council whether it is proceeded with to-day or later. I think the most satisfactory way of testing that would be for some Member to move that the debate be adjourned.

Mr. WIGHT: I formally move that the debate on the second reading of the Bill be adjourned for three days.

Mr. ELEAZAR seconded.

The Council divided and there voted:—

For—Messrs Jackson, DeAguiar, Gonçalves, Eleazar, Percy C. Wight and Dias.—6.

Against—Messrs. Lee, Mackey, Jacob, Humphrys, Peer Bacchus, Austin, Seaford McDavid and the Attorney-General—9.

Did not vote—Messrs. Walcott, Wood, Crease, Case, Laing, D'Andrade, Dr. MacLennan, Professor Dash and the Colonial Secretary—9.

Motion lost.

Bill read a second time.

Mr. ELEAZAR: I move that consideration of the Bill in Committee be deferred.

Mr. DE AGUIAR seconded.

Mr. JACOB: I did not want to take part in this debate, but I am afraid I cannot support this motion. I have planned to be out of town next week, and this is going to delay the work of the Council and disarrange my plans.

Mr. SEAFORD: It is only bringing up the question we have already decided whether the Bill should be proceeded with to-day or not, and the Council has already decided to proceed with it. It is only wasting the time of the Council. If some Members have no work to do others have. I object to this waste of time.

Mr. ELEAZAR: I protest against the hon. Member suggesting that I have no work to do. I protest against Members seeking election and coming here and calling the Council's time their own. I go to the community and ask them to return me, and I serve them at great personal sacrifice. If some Members have no time to serve the people they should remain at home. Some of them are paid for coming here.

THE PRESIDENT put the question "That the Council do resolve itself into Committee to consider the Bill clause by clause."

The Council divided and there voted:—

For—Messrs. Lee, Mackey, Jacob, Humphrys, Wood, Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary—16.

Against—Messrs. De Aguiar, Gonsalves, Eleazar, and Percy C. Wight—4.

Did not vote—Messrs. Jackson, Walcott, Peer Bacchus and Dias—4.

Motion carried.

Council in Committee.

Clause 1—Short title.

THE ATTORNEY-GENERAL: I move that the figures "1939" be deleted and the figures "1940" substituted therefor.

Mr. DE AGUIAR: There is nothing in a name, it is true, but I move that the word "New" be deleted and the words "British Guiana" be substituted before the words "Building Society," and that after the word "Society" the figures "1940" in brackets be added. In other words I am suggesting that the title of the Ordinance should be "The British Guiana Building Society Ordinance (1940)." I think it will be agreed that it is wholly desirable that the name "British Guiana Building Society" should be retained. That name is a household word and is on the lips of every person in all parts of the country. I do not think it should be allowed to go under in the manner which it is proposed to adopt in this Bill. If my suggestion is adopted there will be a number of consequential amendments throughout the Bill. I hope that hon. Members will accept my suggestion, because the retention of the name of the old Society, which has done very good work in the past, might be an asset to the new Society when it starts to function properly.

Mr. WALCOTT: I would suggest to the hon. Member that the name of the new Society should be "The New British Guiana Building Society, Limited, 1940." I think the word "New" should be brought in.

Mr. JACOB: I am inclined to support the suggestion made by the hon. Mr. Walcott. I think the word "New" should remain and the figures "1940" added. That would meet the hon. Member for Central Demerara (Mr. De Aguiar) halfway.

Mr. ELEAZAR: At this rate we will reach clause 58 next week. I am sure of that. I propose to move another amendment that the words "and Loan" be inserted between the words "Building" and "Society," because people borrow money from the Building Society all the time, and it would indicate the various meanderings of the Society. The old Society purchased

properties for people and loaned money on mortgages as far as I know. The passing of this Bill is not as easy as some Members think. It is something of great moment. There is a cry all over the country for this Society, and if this Bill is to be made a part of the laws of the country we should not consider it in a slipshod manner.

THE CHAIRMAN: Has the hon. Member moved an amendment?

Mr. ELEAZAR: Yes, sir. I am giving my reasons for it.

THE CHAIRMAN: What was the amendment?

Mr. ELEAZAR: That the title should be "The British Guiana Building and Loan Society."

THE ATTORNEY-GENERAL: I have no personal interest in this Bill, but it occurs to me that any body of people are entitled to incorporate themselves and call themselves what they care, provided that the name does not infringe any other people's rights. In this particular case a number of people got together and decided to form a society and call it The New Building Society, Limited. It is not the business of this Council, except those hon. Members who happen to be members of the Society, what they care to call themselves. The fact that this Bill has to be passed by the Council does not give the Council the right to change the name of the Society. The members of the Society have met and by a majority have decided to call the Society by this name, and it would be wrong for this Council to change that name. The reason given for changing the name is that some Members are of the opinion that a different name would be better. That is a matter for the shareholders of the Society, who are entitled to have the name they chose. Under company law the majority decision rules, and in this case the majority has decided.

Mr. DE AGUIAR: I agree in the main with what the Attorney-General has said so far as a private Bill is concerned, but I would like to ask whether the members of the old Society have been approached with regard to the name of the new Society? I am a member of the old Society and I

have no recollection of having been approached as to what the name of the new Society should be. It seems to me that the name was selected at random. I merely mention that in order to show that perhaps it might be that I have some regard for the old Society. At the same time I think I am in a position to suggest a name in this particular case, being an interested member of the old Society. If I had an opportunity to express my views at the time when it should have been done there would have been no necessity for me to do so here. I have no recollection of a meeting having been called at which the members of the old Society were asked to suggest a name for the new Society.

Mr. ELEAZAR: I cannot say that I agree with all the Attorney-General has said—that because it is a private Bill this Council should just approve of everything that is in it. I have not known that to be so during all the years I have been here. I know it is a private Bill in the sense that it was not a Government Bill, but in the strict sense it is not private at all. I know of Bills which have been submitted by corporations and have been altered in very material particulars. The last private Bill was the Hand-in-Hand Bill, and I remember the mover sticking out for a proposition which the Council refused to allow. I know that the Council is not bound hand and foot to pass a private Bill just as it is presented.

THE CHAIRMAN: I do not think that is the suggestion at all; it is only a question of the name.

Mr. ELEAZAR: I am positive that a large majority of the people who are members of the Society know nothing at all about the name. Nobody consulted them. It was left to the draughtsmen, whoever they were. It is for this Council, in the interest of the whole community, to decide what the name should be.

Mr. PERCY C. WIGHT: A form of prospectus was issued and put before certain members. The Attorney-General said just now that the promoters of the Society are entitled to give it whatever name they choose. I am not in agreement with that. It is for us here to decide what name we should allow this Bill to go through in. I desire to make it perfectly clear that

there are over 1,000 members of the Society, but at that meeting there were not 100 persons present. If I had the opportunity I would very much like to hand a copy of that prospectus to each Member of this Council who would see that there is no merit whatever in it. I regret having to say so, because I have come out of the Society for the reason that there is more personal pique in it than anything else. I am in favour of changing the name of the Society which is taking over the assets of the old Society which are not stated in detail. Therefore I cannot see how it can be called The New Building Society.

THE CHAIRMAN: I am not clear about the name suggested by the hon. Member for Berbice River.

Mr. ELEAZAR: The British Guiana Building and Loan Society.

THE CHAIRMAN: In accordance with the rules of procedure, where there are several amendments of this nature the question to be put is that the words in the Bill stand as they are. If that motion is lost we will then proceed to the various amendments suggested. The question before the Council is that clause 1 with the amendment proposed by the Attorney-General stand part of the Bill. If that motion is carried there will be no amendment of the name.

The Committee divided and there voted:—

For—Messrs. Mackey, Jackson, Jacob, Humphrys, Peer Bacchus, Wood, Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid, Dias, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary—18.

Against—Messrs. Walcott, De Aguiar, Gonsalves, Eleazar and Percy C. Wight—5.

Motion carried.

Clause 1 passed as amended.

Clause 2—Interpretation.

THE ATTORNEY-GENERAL: I move that clause 2 be amended (a) by inserting the following definition:—

“financial year” means the twelve months ending on the thirty-first day of December, inclusive, in any year after the definition of the words “the Board”

(b) by inserting the following definition:—

“purchase-tenancy contract” means a contract entered into between the Society and a member whereby the Society agrees to sell such member immovable property subject to the condition that he shall be deemed to be a tenant of the Society until he has paid the purchase price and complied with such other terms as the Board may have imposed, after the definition of the words “investing share.”

and (c) by inserting a comma after the word “as” in the third line of the definition of “special resolution.”

Mr. PERCY C. WIGHT: I would like those amendments to be printed and circulated. I have nothing before me.

THE CHAIRMAN: You cannot have it printed; you can have a typed copy.

Mr. WIGHT: I could not follow it; I have not a legal mind.

The Clerk of the Council handed Mr. Wight the typed copy of the amendment.

Mr. WIGHT (after reading the amendment): This has not been put before the members of the Society; it is something entirely new. The hon. Attorney-General said just now that it is a private Bill. Certainly those responsible for it have the right to know what changes are being made. I do not quite follow the amendment.

Mr. DE AGUIR: I think that definition will have a very far-reaching effect. It refers to some form of contract between the members of the Society, and personally I would like to see what will be its effect. Whilst it is true that it is an endeavour to make the meaning clear, it might probably lead to a lot of trouble later on.

THE CHAIRMAN: It is a definition of a phrase in the Bill. The question before the Council is that clause 2 as amended stand part of the Bill.

Mr. ELEAZAR: Now I am inclined to agree with the hon. Member who spoke about wasting time. We are wasting time by putting a tremendous number of words

together and calling them a definition. I am asked to pass clause 2 with the addition of a number of words which I have not seen or even heard. I do not know what the definition is. Time should be allowed to circulate the amendment at least. It is clear that we cannot legislate in this way.

THE CHAIRMAN: It is entirely in the hands of Members of the Council.

Mr. DE AGUIAR: I would like to have a copy of it if I may.

Clause 2 as amended agreed to.

Mr. C. V. WIGHT entered the Chamber and took his seat.

Clause 3—Incorporation of the Society.

THE ATTORNEY-GENERAL: I move that sub-clause (1) of clause 3 be amended by inserting the words "the provisions of this Ordinance and" after the word "with" in the fourth line. It is merely an omission of words which should obviously be there.

Mr. DE AGUIAR: I think I may express the hope that I may now receive the support of some of the Members of the Council at least, because in this clause we are now going to christen the baby. (Laughter).

THE CHAIRMAN: I think it is more like confirmation. (Laughter).

Mr. DE AGUIAR: I move that the name of the Society be altered to "The New British Guiana Building Society (1940), Limited."

THE CHAIRMAN: I assume that there is no objection to the Attorney-General's amendment, which is a formal amendment, and in accordance with the rules of procedure I will put the question "That Clause 3 as amended by the Attorney-General stand part of the Bill."

Clause 3 as amended agreed to.

Mr. DE AGUIAR: I thought you would have put the clause subject to my amendment.

THE CHAIRMAN: I could not do that. Under the standing rules I must put the question first—that the clause as

printed stand part of the Bill. If that is carried then your amendment automatically falls.

Mr. ELEAZAR: I appreciate Your Excellency's ruling, but having passed the first clause and called the Society "The New Building Society (1940), Limited" I think it would do no harm if the figures 1940 were included in this clause.

Mr. C. V. WIGHT: I do not know whether the amendment suggested by the hon. Member for Central Demerara (Mr. De Aguiar) takes into account clause 4 which gives the Society power to change its name by special resolution. Perhaps he wants to limit the Society to some annual incorporation.

Mr. PERCY C. WIGHT: I am asking for a little indulgence. Clause 3 (1) says:—

"The persons who have signed the petition to the Governor praying for the incorporation of the Society and all persons who shall hereafter become members of the Society in accordance with the Rules shall be and are hereby incorporated as a building society by the name "The New Building Society, Limited..."

Does that mean that only those persons who have signed the petition and those who may join after are members of the Society?

THE ATTORNEY-GENERAL: It is merely a legal requirement.

Mr. ELEAZAR: I move that clause 3 be re-committed.

THE CHAIRMAN: For what purpose?

Mr. ELEAZAR: For the purpose of drawing attention to the wording of sub-clause (2) which states:—

(2) The Society may sue or may be sued and may acquire, hold, lease, and dispose of land and other property in any part of the world.

I do not think the Society wishes to take power to own property in England and other parts of the world.

THE CHAIRMAN: I have no objection to re-committing the clause. Do you move any amendment?

Mr. ELEAZAR: I move the deletion of the words "in any part of the world". I notice, however, that there is provision for buying bonds in England. I do not know

what they have at the back of their heads, therefore I withdraw my amendment.

Clause 4—Change of name.

THE ATTORNEY-GENERAL: I move that the words "company or ." be substituted for the word "building" in the last line of sub clause (1) so as to make it agree with the Companies Ordinance.

MR. DE AGUIAR: I make a further suggestion that consideration of the clause be deferred in order to give me time to consider the effect of sub clause (2) which reads:

Any change of name shall not affect any right or obligation of the Society or of any member thereof or other person concerned.

I am not quite satisfied whether that sub clause is sufficiently wide to cover the various points I have in mind. Clause 1 gives the right to the Society to change its name by special resolution, but I am a little bit concerned as to what would be the position of the various persons referred to here after the name of the Society has been changed, and I am not sure whether this provision is sufficient. I ask that consideration of the clause be deferred until I have had time to obtain some legal advice on it.

MR. SEAFORD: It seems to me a great pity that these things should occur. The hon. Member has had six weeks to inform himself whether this clause is sufficiently wide or not. Why wait until we come here to discuss the Bill and ask that it be deferred?

MR. DE AGUIAR: Is the hon. Member suggesting that I am not within my right in asking that consideration of this clause be deferred?

MR. SEAFORD: No.

THE ATTORNEY-GENERAL: Sub-clause (2) has been taken word for word from the Building Societies Act of 1884.

Clause 4 as amended agreed to.

Clause 5—Object of the Society.

MR. DE AGUIAR: It seems to me that the objects of such an important Society have been merged into a few words. If Members would look at the objects of the

old Society they would see that they take up nearly a page and a half of the Ordinance passed at that time. There is one important omission, and that is that the object of this Society is absolutely limited to the raising "by the subscriptions of its members or in any other manner a stock or fund for making advances to its members upon the security of immovable property by way of mortgage or purchase-tenancy contract." I do not know what the draughtsman of the Bill had in mind at the time, whether it is proposed to limit the operations of the new Society within the ambit of this Bill. If that is so I would suggest that the promoters of the Society do not look far enough. It seems to me that room is left here for further legal assistance later on, and perhaps another approach to this Council when it is considered advisable to widen the objects and powers of the Society. I do not think that is the best course to adopt in starting a new Society like this. One should look ahead a little more, and the objects of a society should be made as wide as possible.

One of the objects of the old Society was to carry on a fire and life insurance agency business. Is it proposed that the new Society should not do such business? Another object of the old Society was "to establish and support, or aid the establishment and support of, associations, institutions, funds, trusts, and conveniences calculated to benefit employees or ex-employees of the Company or their dependents or connections, and to grant pensions and allowances and make payments towards insurance."

It seems to me that the promoters of the new Society have limited its objects without any vision. I would like to make certain suggestions in this respect, but for me to do so I would have to ask that clause 5 be deferred. But that would not meet with the approval of other Members of the Council. I reluctantly suggest that consideration of the clause be deferred.

MR. C. V. WIGHT: I have not seen any definition of the term "purchase-tenancy contract."

THE ATTORNEY-GENERAL: One was inserted at the beginning on an amendment moved by me.

MR. WIGHT: I would suggest that the form of contract to be entered into by the parties should be scheduled. There have

been quite recent cases in which persons have put down considerable sums of money in purchasing property, and after some time they have lost that money through default of payment of their instalments. It seems to me that the form of contract should be scheduled so that a definite form would be followed.

Mr. PERCY C. WIGHT: I suggest that some amendment should be inserted in this clause to the effect that the new Society is taking over the entire assets of the old Society.

THE ATTORNEY-GENERAL: Part II of the Bill deals with the relationship between the old and new Society, while Part I deals with the powers, objects and constitution of the new Society after it has been formally incorporated. I suggest that it is best to leave the question of the assets of the old Society to Part II of the Bill. It is a very condensed form of the old Ordinance. In this particular clause the promoters of the Society are satisfied that all the powers they require are set out, and if they are satisfied I submit that there is no reason why this Council should not accept the clause as it stands.

Mr. C. V. WIGHT: It seems to me that this question of purchase-tenancy contract might be deferred for the purpose of awaiting consideration of the various matters which have been placed before Government by the Town Council and other bodies with regard to the general question of tenancy and buildings assessed for taxation and otherwise. There are quite a number of matters of that nature which have to be gone into. For instance there is the question of undivided interests in which quite a number of persons own properties. One does not know how far the proposed Landlord and Tenants Ordinance will affect this clause. It seems to me that this clause will need further consideration in relation to the general question of ancillary matters arising out of questions of tenancy arising in this Colony. That is a very controversial subject in this Colony, especially in Georgetown.

THE ATTORNEY-GENERAL: In the draft Landlord and Tenant Bill provision has been made to meet the situation that arises in this particular Bill.

THE CHAIRMAN: Has it been moved

that consideration of this clause be deferred?

Mr. SEAFORD: May I ask the reasons for deferring it?

Mr. DE AGUIAR: For further time to consider the clause.

THE CHAIRMAN: The question is that consideration of clause 5 in Committee be deferred.

The Committee divided and there voted:—

For—Messrs. C. V. Wight, Peer Bacchus De Aguiar, Gonsalves, Eleazar, and Percy C. Wight—6.

Against—Messrs. Mackey, Jackson, Jacob, Humphrys, Walcott, Wood, Case, Crease, Laing, D'Andrade, Austin, Seaford, McDavid, Dias, Dr. Maclellan, Professor Dash, the Attorney-General, and the Colonial Secretary—18.

Motion lost.

Clause 5 put, and agreed to.

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

2 p.m.—

Mr. Woolford also attended.

Mr. DIAS: It strikes me that an amendment is desirable to sub-clause 6 which authorizes the investing of the Society's funds upon mortgages of immovable property to an amount not exceeding two thirds of the value of such property. The difficulty I am confronted with is this: One does not know what the value would be, and in granting a loan on mortgage experience has taught us that a margin of one-third is insufficient to safeguard a society or company, as the case may be, and other means have been devised by the directors of various companies, some of which I have to do with, to advance a much smaller sum in order that a margin may be left to cover the investment in case of a forced sale. The difficulty one experiences is this: You have mortgagees who commit several breaches of the covenants of their mortgage. Some people would not pay the rates and taxes due on their property, some would not pay their insurance premiums, some would not pay

the interest on the capital, and some would not pay any of those items. It has been proved more than once that companies have lost money because the aggregate of those various defaults exceeded more than one-third of the value of the property. Moreover it seems to me that in fixing the amount to be lent the time has come, especially now that we are preparing a new Ordinance to bring this Society into being, when the value of the property should be defined. It seems to me it should be the estimated value of the property at a sale at execution. Unless the property is sold at execution money is not lost. That is where you get a test of what the property is worth—when you are forced to bring it to sale at execution. I make this suggestion as the result of practical experience of what has been occurring here since 1932 or 1923.

Companies have lost thousands and thousands of dollars because loans have been made on a presumption which afforded a small margin of protection, and in many cases I know the margin has been even more than one-third and the company has lost money. We should make every endeavour to safeguard the position in order that the poor people who have invested their money should not have any grievance in the future. I happen to know that in the old Society working along the lines of the other lending companies, money has been advanced without a sufficient margin of security, and in that way the Society lost a great deal. I suggest that for the consideration of those directly concerned with this Bill, so that they may, in the interest of the people who may become members of this Society hereafter, safeguard them and not let them face further loss. I do not think that an open cheque like this is sufficient. I suggest that the value should be fixed on the estimated value of the property at execution sale.

Mr. DE AGUIAR : The hon. Nominated Member (Mr. Dias) rather anticipated what I wished to say under this clause, but there is one further point which occurred to me, and that is the question as to who would fix the value referred to so loosely in this Bill—whether the value would be fixed by the borrower or by the Town Council if it is a City property, or by the directors. The meaning as to who would fix the value

is not quite clear. I would like to mention for the benefit of hon. Members who may desire to take part in the discussion of this Bill, that it is because I would like to see this new Ordinance remedy the errors from which the old Ordinance suffered I was prompted to speak so strongly this morning in support of this Bill being deferred for a few days. I am still not very happy about some of the clauses that have been passed. I refer particularly to clause 5 which was passed just prior to the adjournment. Clause 6 creates the same feeling of doubt that I have in my mind. I happen to know some of the disadvantages the old Society suffered under, and I had hoped that the new Society would have been able to bridge those difficulties which were so obvious to members in the old Society.

As regards sub-clause 4 I am still in a tangle trying to understand the meaning of it. It is true that my knowledge of legal phraseology is extremely limited, but I have tried to understand it and am still wondering what is being aimed at. Perhaps Government may be good enough to enlighten me. It reads :

(4) To receive deposits or loan at interest from its members or other persons or from any bank, joint stock company or other corporate body; provided that the total amount so received on deposit or loan and not repaid by the Society shall not at any time exceed two-thirds of the amount for the time being secured to the Society by mortgages from its members or under purchase-tenancy contracts and in calculating this amount the amount due under any mortgage or contract in respect of which payments were upwards of twelve months in arrears at the date of the Society's last preceding balance sheet, shall be disregarded.

If that is not confusion worse confounded, I do not know. If I had to find out how much money this Society could receive on deposit from its members and I endeavoured to understand it from this clause I must confess that in the end I would not know exactly how much the Society would be able to receive from the members. It seems that this sub-clause 4 may have been put in various parts so that the meaning would have been clearer than it is in this Bill here. I cannot offer any further assistance. The most I can do is to again request that consideration of this clause be deferred.

Mr. AUSTIN : I think it is generally conceded that we all want this new Society to succeed and attain the position the old

Society had in the past before the calamity befell it. It must be borne in mind that this new Society will have to meet competition, and, if the hon. Nominated Member's interpretation is correct, it would mean that the directors are bound by this provision. They may not give as much as they ought, knowing the person borrowing and the value of the property on which they are lending the money. I happen to be a director of two leading companies, and we take all those facts into consideration. We have lost money but that has been the result of our own fault, because we had not seen the conditions under which the money had been lent carried out. That loss is due purely and simply to the directors and not to law. I think we should let the clause go through as it is, and, if the Board of Directors carry out their responsibility as it is intended it should be carried out, the future of this new Society is fairly well assured, and not only those unfortunate people who have lost such a considerable sum but the older members who, I feel certain, will return under the new conditions. Those old members were forced to give up the Society because they did not consider that things were going as they should be. Let us give this particular Society a chance and, I think as I said before, if the directors perform their duties more stringently as is done in other companies there would be no necessity for any change in the law.

Mr. JACOB: I did not want to take any part in this debate. I think all of us are busy men, and it is time that we really proceed with the work we have before us. I have been pained by the trend of the debate here to-day. Except in one or two cases the majority of hon. Members who have spoken had some real interest in the previous Building Society. It is unfortunate that Society went into liquidation, and there has been no end of controversy during the last three years. Sufficient time has elapsed for something else to be embarked upon and that immediately. We can pick holes in every line in this Bill, but I think the matter should be viewed in the way that all matters should be viewed. The poor unfortunate people have had their money tied up in the old Society for a considerable period, and a delay for a few days would not do much harm. I am appealing to hon. Members to stop this opposition and let the

Bill go through. It may have to be amended later on, and if this new Society has a Board of conscientious directors, all imaginary difficulties would be brushed aside. I happen to know that it will have good directors who will look after the money invested from the people's point of view. I had been a member of the old Building Society for a considerable period—over 20 years—and came out of it because I was not satisfied.

It is time to let this Bill for the new Society go through and let us proceed with the work we are here to do. My hon. friend, the Member for Central Demerara, has probably made up his mind to speak on every clause. I believe he has quite a lot of work to do otherwise, and I can promise him that if the Bill comes up at another time and he suggests amendments they will probably go through. We have spent nearly two hours on this Bill and have not made much progress.

Mr. DE AGUIAR: I regret I cannot view my work in this Council in the same light as the hon. Member for North Western District apparently views his. When I am here I endeavour to do my duty as conscientiously and honestly as I can. I thought my hon. friend paid very great attention to the remarks made by other hon. Members of the Council. I particularly went out of my way to mention that my interest in the matter was to try and remedy the errors made by the old Building Society. It is because of the experience I gained in the working of that Society I have endeavoured to lend some assistance to this measure. It is not as he thinks. I am not opposing the Bill. I desire to make that clear. I am more in sympathy with the Bill than maybe the hon. Member himself. He may not be aware that long before the old Building Society went into liquidation I happened to have been one of the unfortunate persons who tried to remedy some of the defects which existed at the time. It is that knowledge I am trying to put forward for the benefit of the Council. If the hon. Member feels I should act in the way he suggests I should act as a busy man, I would be glad to do so, but I would not be acting as my conscience dictates.

I do repeat that clause 6 needs no further examination in the light of what the hon. Nominated Member stated, and

also what I have stated. I know that to give very wide powers to directors to lend money may perhaps result disastrously for any institution. The point, however, I made at the time was that this Bill does not state who is going to fix the value.

Mr. JACOB : Naturally the directors.

Mr. DE AGUIAR : The hon. Member has said : "Naturally the directors." I always understood when dealing with an Ordinance that if the wording is not clear it is a ground for a good deal of misinterpretation. I suggest that this is an instance of the possibility of misinterpretation. As has been pointed out, would the borrower fix the value, or would the value be based on the valuation fixed by a corporate body such as the Town Council, or would it be fixed by the directors? Three or four persons would want to fix the value of a property when a member makes application for a loan. I think that should be made quite clear. I am still waiting to hear also what the framers' views are in respect of sub-clause 4.

Mr. SEAFORD : I do not propose to step in where angels fear to tread. As regards sub-clause 5 I would like to endorse the remarks made by the hon. Nominated Member, Mr. Austin. I think I am correct in saying that none of the other lending companies in this Colony has any limitation put on the amount that they are allowed to advance on mortgages. If the directors see fit they may advance the full amount of what is considered the value of the property. I feel that to limit this Society, which is now trying to make a start, to anything less than two-thirds of what is considered a fair valuation, would be to strangle it at birth.

With regard to the defects mentioned by the hon. Nominated Member, Mr. Dias, there is a certain amount of difficulty on account of arrears of taxes, rates, etc., but the policy of the other lending companies to-day is that before any money is advanced at all on mortgages all these arrears have to be wiped out, and I have no doubt the same policy would be adopted by this new Society. In fact I do not think any company can carry on business unless it acts on that principle. The company has the power, if the usual taxes and rates are not paid in respect of mortgaged

properties, to foreclose at any time, and therefore the company can protect itself. There is no limitation on the other companies, and it will be a mistake to go beyond two-thirds. This provision has been put into the Bill to try and meet the point the hon. Member was just making, but I would not like to see the directors who are looking after this Society being kept within such a very narrow limit, as they are bound to consider the individual to whom the money is being lent and what else is behind the property involved.

Mr. DE AGUIAR : Before a reply is made to my remarks I may add another suggestion. I do not know that there is any reason for leaving it out or even what I am about to say is applicable to this clause. The old Building Society had the power to purchase property for any of its members. The person would have to be the holder of shares, and the Society retained title to the property until such time as that member has paid off his obligation to the Society. That is a very important power that should be given to a Society of this kind. This kind of Society encourages thrift, and that is one of the means of encouraging persons to own their own homes. I do not see such a provision in this clause at all. It merely says : "To invest any portion of the funds upon mortgages." It does not provide for the Society to purchase property on behalf of its members on such terms as may be agreed upon. One would expect a provision of that kind to have found its way into this clause. I submit we are also anxious to pass this Bill because we want to help the poor people who apparently cannot help themselves. The provision will be something which will be doing them a good turn.

THE ATTORNEY-GENERAL : That is what the Bill calls "purchase-tenancy."

Mr. DE AGUIAR : That is in Clause 5, which I said I would not go back to. Clauses 5 and 6 are the most important clauses of this Bill, and they need further examination.

THE CHAIRMAN : There is provision for purchase-tenancy in sub-clause 4.

Mr. DE AGUIAR : That sub-clause only gives power to receive deposits on loans

from members. What I am dealing with is that the old Society made purchases of property on behalf of members, and in that way assisted its members to own their own homes on such terms as were agreed upon. That was a specific power given in the old Society. If you look at the old Ordinance, Chapter 223, you would see that Section 78 (iii) reads:

It shall, however, be lawful for the Society to purchase any property at the request of a member and to hold the said property for and on behalf of the member, subject to the following instalment—purchase conditions, and on such other terms or conditions as may be directed from time to time by the board of directors.

That is one of the main objects of a society of this kind. It is in order to encourage people to own their own homes. That has been omitted from this Bill, and there must be some reason for it. Those persons who petitioned Government in connection with this matter— I was not one of them and knew nothing about it as my objection or otherwise was not sought—did not consider that, it seems.

Mr. HUMPHRYS: It seems that the hon. Member for Central Demerara (Mr. De Aguiar) is rather under a misapprehension as to what is a purchase-tenancy agreement. This is exactly the same provision in substance, as what appears in the old Ordinance. If a member wants to purchase a home he can go to the Society and say: "I like this property, would you purchase it for me?" The Society concludes that the property is worth \$1,500 and no more, and buys it in their name. The Society obtains title and the member signs a purchase-tenancy agreement, and takes possession. After he has paid the amount of the purchase price under the agreement the property is then transported to him. That is the object of the purchase-tenancy agreement. I do not see that anything has been omitted from this Bill which would further help in illustrating that. I cannot see the difficulty the hon. Member is labouring under.

THE CHAIRMAN: The Society has power under this clause to purchase.

Mr. HUMPHRYS: Yes, sir.

Mr. DE AGUIAR: Until this morning I was not so fortunate as the hon. Member to know the definition of the term

"Purchase-tenancy", and I am not so sure now as to what it does mean. The hon. Member on my right is a little more fortunate in knowing what purchase-tenancy means.

Mr. PERCY. C. WIGHT: I would like to express an opinion on it. I think that should be clearly set out in the Bill. The last speaker referred to home-purchase. I was a member of the Board of Directors of the Building Society at the time it became involved. That was due to the fact that when the Secretary returned from a visit abroad, after attending a conference of Building Societies, he brought back the idea that to ensure payments under the scheme we should reduce the percentage. It was 33½ and was reduced to 20 per cent. That was where the Society's troubles came about, causing properties to be left on the Society's hands. I desire to state that it was not the result of any defalcation in the old Society. It was really due to the difficulty in getting in the small payments on account of home purchase properties, and our leniency in not pressing for payments. Places were bought at inflated prices due to the last war, and the members did not honour their obligation in respect of those places. They did not pay any taxes and rates, nor did they make any repairs, and they left the debris of the properties on the hands of the Society after collecting the rents. The last speaker quite understands that.

Mr. WALCOTT: I have no intention of taking any part in the debate on this Bill. It seems to me that the hon. Members who have taken part have failed to point out the fact that we suffered from acute depression in this Colony in 1923 and until last year. Things are picking up now. In addition to that we had the Sewerage Scheme which cost the town a lot of money, and between Government and the Town Council they got this thing going for many years during that period. The people were told not to pay any rates and they did not, with the result that the companies holding the mortgages were penalised to the extent of 20 or 30 per cent. of their original advances.

I most deprecate the remark of the hon. Noninated Member, Mr. Austin, in thinking that the directors were weak. I do not think so. I think the conditions for the giving of the loans were weak. Those are conditions, I may

mention, which obtained not only here. Things like those have happened all over the British Empire and, I suppose, all over the world. We have had in the U.S.A. insurance companies' bonus of 4 per cent. reduced to $\frac{1}{2}$ per cent. I think hon. Members must remember all the circumstances which led up to this new Society, as their memory is as long as mine. I wish this new Building Society success. It is unfortunate the old Society should have got into the condition it did. A Building Society serves a useful purpose for the poor people of the Colony, and I sincerely hope the directors of the new Society will try and make it as great a success as it should be.

THE CHAIRMAN: No amendment has been proposed to the clause, and I therefore put the question "That the clause stand part of the Bill."

Question put, and agreed to.

Clause 6 passed.

Clause 10 Annual and other General Meetings.

Mr. DE AGUIAR: I think it would be agreed that in a society of this kind the members should receive information as regards the working of the Society a little bit oftener than once a year. I am going to suggest that this Society should hold two general meetings instead of one—one in the month of February and the other in the month of August. I think that now that we know the funds of this Society would probably be collected from the poor people of this country, it is desirable that they should have the information about their money a little oftener than once a year.

Mr. PERCY C. WIGHT: I am going to support that. I think it is absolutely necessary that everyone should see how the first half year has got on. It was in the old rules that there should be half-yearly meetings, and that was done up to the end of the old Society.

Mr. SEAFORD: I see no need for it. Members may call for meetings as often as they like. Those hon. Members who have spoken are also directors of companies, as I have the honour to be. One of those companies within the last year had

their Articles of Association changed, and in doing so they changed the time for holding regular general meetings from twice a year to once a year. I think both hon. Members were in favour of the change, and I do not quite know why this change of view now.

Mr. WALCOTT: May I suggest to the hon. Member who has just spoken, to leave it at yearly meetings until the new Building Society has built up a similar reserve fund as the insurance companies have done?

THE ATTORNEY-GENERAL: With regard to the proposed amendment to this clause, I may refer the hon. Member to Rule 36 in the Schedule. The desired amendment should be made under that Rule and not under this particular clause. A small amendment there would have the desired effect.

Mr. DE AGUIAR: I thought the object of the Bill was to tighten the powers of the directors. I have no desire to move the amendment.

Mr. PERCY C. WIGHT: I formally move as an amendment that the general meetings of the Society be held half-yearly in the months of February and August. For the benefit of the hon. and learned Attorney-General I would like to point out very distinctly and, I think, he can be advised also that one of the arguments used in the Supreme Court before the learned Chief Justice was that the bondholders had a right to give notice immediately after this Ordinance is passed in this Council that they desire to have their money at the expiration of twelve months. I think it is absolutely necessary that these people should be conversant with the fact that the Society is proceeding on good grounds six months before in order that they should not have to wait for the expiration of twelve months to give that notice.

THE ATTORNEY-GENERAL: The wording of the proposed amending clause clashes with the definition of "Financial Year" which was approved this morning. The financial year of the Society means the twelve months ending on the thirty-first day of December, inclusive, in any year.

Mr. PERCY C. WIGHT: If this Bill is passed immediately the Society starts to operate.

THE CHAIRMAN: Is it not hampering it to name any particular month?

Mr. PERCY C. WIGHT: The amendment is that the general meetings of the Society shall be held half-yearly.

THE CHAIRMAN: It is rather loosely worded.

Mr. SEAFORD: Speaking on the motion which has just been moved, I think the hon. and learned Attorney-General has pointed out that exactly the same effect will be gained by altering the Rules. Instead of stating in Rule 36, "The Board may hold a half-yearly general meeting," it should read "The Board shall..."

THE ATTORNEY-GENERAL: That is so.

Mr. PERCY C. WIGHT: I have no objection to that.

Clause 10 passed.

Clause 13—Rules.

Mr. DE AGUIAR: I think that sub-clause 2 can be improved upon by the addition of the words "at a general meeting" after the word "resolution" in the first line, otherwise it seems that here we may come into a lot of misinterpretation. The sub-clause reads: "The Society may...". Society is defined as "The Building Society hereby incorporated."

THE ATTORNEY-GENERAL: I am sure if the hon. Member reads the definition he would see it there mentioned.

Clause 13 passed.

Clause 16—Annual account and statement and audit.

THE ATTORNEY-GENERAL: I move that the word "twelve" be substituted for the word "twelv" in the twelfth line of paragraph (c) of sub-clause (1). It is a misprint.

Question put, and agreed to.

Clause 16 passed as amended.

Clause 25—Gifts etc., not to be accepted by officers.

THE ATTORNEY-GENERAL: I move the insertion of a comma after the word "bonus" in the first line of sub-clause (3).

Question put, and agreed to.

Clause 25 passed as amended.

Clause 33—Transfer to the Society of the assets of the old Society.

Mr. DE AGUIAR: It seems that some improvement can take place here. This clause refers to the assets of the Society. What I would like to see is some sort of schedule of what those assets are. Perhaps it may not be possible to do so and so it has not found its way here. Under sub-clause (2) I picture there would be a lot of litigation by applications to the Court. Even if the assets are transferred, a member of the old Society, or a member of the new Society, or anybody it seems to me can make application on that question. It seems that it can be remedied if a schedule is attached to this Bill. It is quite possible to get that information. The matter is in the hands of the Official Receiver, who is Liquidator of the old Society, and a complete list of the assets of the old Society can be got from him. In that case there will be no need to put in sub-clause (2), otherwise you are only opening the door for the members of the legal profession to make something more out of this Ordinance we are passing so innocently to-day.

THE ATTORNEY-GENERAL: As regards the hon. Member's suggestion, would the hon. Member be good enough to see clause 35 of the Bill providing for an agreement between the old and new Societies? The schedule of assets would be attached to that agreement.

Mr. DE AGUIAR: When we reach there I intend to ask, who is going to be the old Society and who the old Society? Perhaps I may get some information on that point. Who is going to arrive at this agreement?

Mr. PERCY C. WIGHT: I do not think the last speaker has emphasized the point well enough. As a matter of fact the prospectus that was issued would give a clear idea of the valuation. A Committee

went around and valued the properties at a very low figure. The premises occupied by the Society in High Street was put down—speaking from memory—at \$7,500, but that property can be sold at any time for something near \$20,000. Is that figure to remain at what it was fixed at that time?

THE ATTORNEY-GENERAL: I have no first-hand knowledge about it. I am simply instructed that the figures are only estimated but, as has been mentioned, the value of property is on the increase and, no doubt, some of the figures mentioned will be increased. It is only an estimate, not a valuation.

Mr. PERCY C. WIGHT: Who is to assess the correct valuation? We have spent about \$3,000 already in the Law Courts as we had an array of counsel. Who is to assess the valuation?

THE CHAIRMAN: You would not suggest this Council!

Mr. PERCY C. WIGHT: I quite agree with that. I suggest to the hon. Attorney-General that he should make this clause far clearer, as it says the assets should be taken over by the new Society.

THE CHAIRMAN: By putting a fixed valuation as assets the Council would be assessing the assets.

Mr. PERCY C. WIGHT: Your Excellency has lost sight of the point I am making. The old members of the old Society do not come into this until after a surplus has been realised. Any excess of the value of these properties would go to those deferred shareholders who have no interest until the value of those properties has been realised.

THE ATTORNEY-GENERAL: This is not a Government Bill and I was not responsible for the drafting of it. If I had drafted it, I should have made certain alterations. My present duty in regard to this Bill is to see that any motion moved and carried is duly and properly incorporated in the Bill.

Mr. McDAVID (Colonial Treasurer): When we come to Clause 39, sub clause (2) which deals with the case of the property being realised or the assets falling in at an excess of the valuation at which the prop-

erty is taken over, it would be seen from that clause that it is intended that the surplus value should be carried to a special fund for distribution to the holders of deferred shares. The value at which the properties are taken over is not a final valuation. The actual value realised would eventually get to the holders of deferred shares who are members of the old Society. I suggest that we leave that until we get to clause 39.

Mr. PERCY C. WIGHT: It is clear to my mind that if a property is put down at \$3,000 on that estimated valuation and that property has risen in value to \$6,000, it necessitates going to the Court, and we all know what that costs. The little litigation in which the Georgetown Municipality was engaged cost \$12,000 to get through the injunction proceedings. The sub-clause reads:

If any question arises as to the extent or as the result of the transfer effected by this section that question may be referred to the Court by the Society, the old Society or any member of the old Society.

That is putting the onus on the old Society or a member of the old Society to do so. I can make the declaration on oath that no two members of that old Society are in a position to go to the Court in any matter affecting that Society.

Mr. DE AGUIAR: That is also my fear. It seems that it is only an open door for a number of legal actions to be taken against the old Society. It seems to me also that all the costs and legal charges will have to be borne by that unfortunate institution. I fear that a number of questions will arise and the ruling of the Supreme Court will have to be sought on many points for settlement, unless the assets are properly agreed upon by the old Society. The old Society means the Liquidator under this Ordinance, because he is the only legally authorised representative of that Society as far as I know, at the moment. You are going to have the unfortunate Liquidator plied with a number of questions as regards the assets of the old Society. He may have to go to the Court to protect himself, and in that way the funds of the old Society will disappear gradually. It seems to me that the proper thing to do is to arrive at what are the assets of the old Society. I am not so much concerned about the valuation, because I agree with

what the hon. Colonial Treasurer has stated.

This Ordinance can be interpreted in so many ways that my interpretation of what I am going to say may be wrong. Under this Ordinance it is sought to make a necessary provision to carry out the order of the Supreme Court in so far as the distribution of the assets of the old Society is concerned, and there is provision made that if there is deficit in the distribution to the members, certain classes of members will receive deferred shares or something that will be paid later, if at all, by any increase in the valuation of the assets taken over by the new Society. If there is any surplus from the realisation of the assets those persons who are holding these deferred shares will have their shares redeemed by a cash payment in proportion to the excess. All appears to be very well safeguarded. What I am concerned about is the finicky questions raised by "Mr. A" prompted by "Mr. B" which the Liquidator will be up against, and the matter has to be taken to the Court under the clause. By the time that is finished there will be no funds left to the old Society. I think that this clause is opening the door very wide for these questions to arise. I know it is not a Government Bill, but I also know that Government always takes a parental outlook on the people of the Colony. After all it is the people's money, and while it is true it is a private Bill Government should give an ear to the remarks made in this debate, otherwise it seems that the money that is in the old Society will not be protected.

THE CHAIRMAN: I think we give a very patient ear, but I have not quite gathered what your suggestion is.

MR. DE AGUIAR: I thought I had made that quite clear at the very beginning. My suggestion is that consideration of this clause should be deferred until a schedule of the assets of the Society is obtained.

THE CHAIRMAN: That will not prevent the people from going into Court.

MR. DE AGUIAR: The schedule placed in this Bill would show exactly what the new Society would be taking over from the old Society. The question of valuation is

provided for in another clause. If Government is not convinced with that argument I have nothing more to say.

MR. ELEAZAR: I do think that without any deep consideration Government would see the advisability of ascertaining the assets of the old Society. This thing has been going on for three years. The value of properties had gone down, but at the present time the tendency is for the value to go up, and surely you are not going to transfer those properties to the new Society at the old valuation. You can hardly tell how far it would reach if you give a little time. Properties are fetching more in price today than three years ago.

THE CHAIRMAN: What would they bring in another six months?

MR. ELEAZAR: That is in the laps of the gods. Sufficient unto the day is the evil thereof. When the law is made it comes into effect, and there is nothing to prevent anybody from asking why the assets are so much.

THE CHAIRMAN: Oh yes; you have got an agreement.

MR. PERCY C. WIGHT: I take it that the promoters are depending upon that agreement. They have made it the pivot around which the whole thing is to be done. If the schedule of assets is placed at the back of the Bill it would prevent litigation. The framers of the Bill made it clear that the solicitors' fees are to be paid out of the Society, and they say there should be no appeal to the Court.

MR. ELEAZAR: I think this Council would be well advised to ascertain the exact amount of the assets of the Society at the present time. The value may rise or fall in the next few months, and it would be no one's fault if either happens, as one cannot see in the future, but we do know what obtains at the present. The Society's assets are worth more today than two or three years ago when the Society went into liquidation, and it can be ascertained what is the amount. There is nothing to prevent the new Society taking over the assets of the old Society at the old valuation. To whose benefit would that be—those in the new Society or those whose money had been in the old Society?

Mr. HUMPHRYS: Certain hon. Members seem to be placing very little confidence not only in the integrity of those who have put forward the scheme of the new Society, but in the integrity of the Official Receiver, and to some extent they doubt the wisdom of the Court. The valuation of the assets is to be arrived at by agreement, and following that agreement application is to be made to the Court by the Society or by the Official Receiver for the sanction of the agreement. The final approval is with the Court as to whether the valuation is fair or not. Any question about the assets will be settled by the Court. If hon. Members of Council say that the Official Receiver does not know anything about it, or that the Court will accept any valuation and therefore they should be a schedule of the assets to this Ordinance, all I can say is that I am sorry that a Member of this Council can entertain that idea. The clause provides that the assets are to be valued in accordance with a certain Scheme, and the final word as to whether the agreement is fair and just is with the Court. I do not think there can be any objection to that.

Mr. DE AGUIAR: I do not think it is fair to say that the integrity of any person who had dealings with this matter had been questioned. We are just trying to do what we can to assist with the Bill. We have all agreed that a Building Society in this country is a very useful institution and, speaking for myself, I will do all I can to encourage the incorporation of a new Society because I know the value to the members of the old Society in having such an institution to put their little savings. I am trying to offer assistance to remedy the errors of the old Society. There were a number of them and a good deal of those errors were due to faulty drafting of the old Society's Rules and Ordinance, and it is for that reason I am trying to be of assistance in this matter.

I know that very soon after the passage of this Ordinance there is going to be quite a number of applications to the Court to determine the position as regards the old Society's assets, and it seems to me that agreement should have been arrived at before this matter came before this Council. It should have been made water-tight and attached to the schedule of this Ordinance. Take for example one of the ques-

tions—speaking from memory—that was put before the Judge, the case of one class of members who hold mortgages with the old Society and who had paid their instalments—so much per month to cover capital and interest. In a number of cases such members were in default of payment. What was the position? The amounts paid in by them were applied towards what are called advance shares. The member held the property against which an amount was due under a mortgage, and on the other hand held shares on which he was paying, and all the time it was thought that the member was paying on account of the mortgage. It is now said that such members were shareholders in the ordinary way and should be called upon to pay the full amount of their mortgages. In one case the amount of the mortgage was practically paid off, but the amounts paid were applied towards his shares. The Official Receiver, naturally, under the direction of the Court said, "We have nothing to do with that, you have got to pay the amount owing on the mortgage. If there is anything you are to receive that will come to you later from the shares." Several questions are going to arise over the value of the assets of the Society, and I think the proper thing is to make out a list of those assets. What is going to be put down in the instance I cited—the amount of the mortgage or the amount of the mortgage less the amount that has been paid? That question is bound to arise in every case, if the member says he will not pay.

THE CHAIRMAN: I thought the Court had settled that point.

Mr. DE AGUIAR: I am not a legal man, but I am not quite sure that is going to debar a man from applying under this clause. I rather fear this sub-clause (2) is opening the door very wide for not only new questions but the re-opening of some of the old ones where the value of the assets of the Society are concerned. Such questions may be raised by a member of the old or new Society. If all these doubts exist it seems that the proper thing to do is to arrive at an agreement. It seems so easy to make an agreement after the Ordinance is passed, and so difficult to make it before the Ordinance reaches this Council. I cannot understand it. Why was it not done before so that it can form part of this Ordinance?

Mr. SEAFORD: I cannot understand the difficulty in the matter. Under clause 35 both parties come to an agreement which is confirmed by the Court. As soon as that has been fixed where is the dispute about valuation?

Mr. PERCY C. WIGHT: If I have said anything casting reflection on anybody in this matter, I never meant it. The hon. Member who made the statement cannot say that anything I have stated as regards the statement can be so construed. I consider the judgment is one of the best, though as a layman I can pick holes in that judgment. As regards the Official Receiver I will say of him what I said about another man: "I do not think a straighter fellow has walked this earth." I want it made perfectly clear for the benefit of the poor people that I came out of the Society because I did not want any conflict with anybody. I considered the attack on the old Society a personal attack on me. This thing is improper, the way it is being done. No one can afford to go to the Court in this matter. Over \$3,000 came out of the old Society's funds for the payment of the taxed bill of costs in respect of that application to the Court, and the Judge settled it without commotion. I know one learned King's Counsel argued against his own client and would not argue on the grounds he was engaged to do. This thing is going to create litigation which the old Society cannot afford. About \$60,000 in solid cash is to be handed over, and that will suffer the same fate as the cow with its milk, it will be bled until only the skeleton is left.

Mr. ELEAZAR: What is the necessity to make the Ordinance and leave the assets in the air? I cannot see it. I do not understand anyone talking about other people being crooked or straight. We want to see the thing carried out in such a manner that a person, who has any interest at all in the Society, can understand what is the position. It does not matter who is doing it, the assets should not be left in the air.

Mr. DE AGUIAR: I do not know what hon. Members think about these clauses. Take clause 34 which provides consideration for the transfer of the assets of the old Society to the new Society. If consideration must be given surely it should be clearly set out what is going to finally happen to the assets. I cannot appreciate

the difficulty in having a schedule of the assets so that one can see how the distribution will be in actual dollars and cents. If the schedule was prepared alongside the Bill it would show the amount that is going to be paid to every member of the old Society. That is what I am interested in. I would like a statement showing what each class of member would receive after handing over the assets of the old Society. I do not see that it is beyond human ability to prepare such a statement. With all the criticism which has been levelled against this particular clause I hear nothing about it.

Mr. PERCY C. WIGHT: I move as an amendment that a schedule of the assets of the old Society drafted by the promoters of the new Building Society be attached to this Bill.

THE CHAIRMAN: The amendment must be in consonance with the meaning of the clause.

Mr. PERCY C. WIGHT: What are the assets?—All that can be realised. The properties, cash, etc., should be outlined.

THE CHAIRMAN: It seems that the type of amendment proposed does not belong to that clause but to another part of the Bill.

THE ATTORNEY GENERAL: The hon. Member may ask to have clause 33 re-committed and then move to add a reference to the assets set out in the proposed schedule.

Mr. JACOB: I ask that the question be now put.

Mr. C. V. WIGHT: With regard to the application to the Court—perhaps I was not in my seat when the definition of "Court" was given to which the clause does not apply. Court has a special meaning under the Interpretation Ordinance, and it therefore seems unnecessary to define the word "Court" in this Bill.

THE CHAIRMAN: In the preceding clause—32—it is stated that it means the Supreme Court of British Guiana or any Judge thereof.

Question "That clause 33 stand part of the Bill" put, and agreed to.

Clause 33 passed.

Clause 34—Consideration for the transfer.

THE ATTORNEY-GENERAL: I move that paragraph (d) of sub-clause (1) be amended by deleting the words "of the Old Society" from after the word "mortgagers" in the first line thereof and by inserting the words "of the Old Society" after the word "contracts" in the second line thereof.

Question put, and agreed to.

Clause 34 passed as amended.

Clause 35—Determination of the value of the assets.

Mr. PERCY C. WIGHT: The old Society will have to pay the costs.

THE CHAIRMAN: The new Society!

Mr. PERCY C. WIGHT: Which would be comprised of the old Society's members. You are not going to have any new members. Under clause 34, sub-clause (1) (a.iii), any member who desires to be paid off in cash has to give three months' notice, unless a shorter period is fixed by the Board. No member would know that the Board has reduced the time from three months unless there is a general meeting held to announce it. I am going to move that sub-clause (5) of clause 35 be deleted. I never question a Judge's decision, but in this case I must emphasize that there should be provision for appeal.

Mr. SEAFORD: I would like to ask the hon. Attorney General what effect that amendment would have,

THE ATTORNEY GENERAL: He can appeal and go on appealing.

Question "That Clause 35 stand part of the Bill" put, and the Committee divided the voting being:—

For:—Messrs. Mackey, Humphrys, Wood Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid and Dias, Dr. MacLennan Professor Dash, the Attorney General and the Colonial Secretary—15.

Against:—Messrs. Jackson, Jacob, De Aguiar, Eleazar, Percy C. Wight and Woolford—6.

Did not vote:—Messrs C. V. Wight and Walcott—2.

Motion carried.

Clause 35 passed.

Clause 36—Power of Society to borrow for capital purposes.

Mr. DE AGUIAR: I am moving that paragraphs (c) and (e) of sub-clause (2) be deleted. It seems to be very wrong to give power to this Society to issue Bond Certificates for the purpose of paying the costs of this Ordinance, or of any proceedings taken thereunder. It is very unfortunate that these words should have been included in this clause. It comes indeed with very bad grace and leads one to believe that the new Society is going to start off in very unfortunate surroundings. It appears that the Society would not have funds or sufficient funds to pay the costs of this Ordinance and of any application made to the Court and, therefore, would have to issue Bond Certificates in order to provide the Society with funds to meet those expenses. That is the conclusion one can reasonably draw from the inclusion of such a sub-clause in this Bill. We have sensed it all along as one of the primary objects of this Ordinance, seeing that there is sufficient money to go around for these applications. It seems to me that even when the funds of the old Society are depleted the new Society would be able to issue Bond Certificates in order to obtain sufficient money to provide the costs of the various proceedings anticipated to arise from time to time.

Mr. PERCY C. WIGHT: Apart from that, I would like to take exception to (c) on the ground that it is far-fetched. They have buildings receiving rents and still want to borrow money to do repairs. What will become of the rents from those properties? They should collect the rents and take the money and repair the buildings. I think the promoters should be more philanthropic and drop the question of costs, and so do the Society a good turn. The words "and any proceedings taken thereunder" have a deep meaning. It strikes me that as there is a lot of money to be distributed, they want to get hold of some.

Mr. ELEAZAR: We are running through this Bill, but when we are finished

we shall have created as much trouble as we are trying to get away from. With this sub-clause (2) the first thing that is going to happen is that those people who have money in the concern are going to want to be paid in cash and the Society will have properties left on their hands. The Society is going to crash before it has started. You want people to subscribe, but you are saying that you are going to borrow money to pay the people who have money in it. I am out to see that this new Society lives but it does not appeal to me, knowing what I do and what I have heard about the now defunct Building Society. I understood that the people kept calling back for their money in that Society and there was no contribution coming in as the result of a canard which went around. There was no liquid cash and the whole thing came to a standstill. There will be a rush by members of the old Society for their money, and the new Society is going to borrow money and pay them. It should be made clear that no one would get any cash until after twelve months at least. The Society will then have money in hand to make the payments, but instead of getting assets the Society is starting off by borrowing. Government has been advised by the hon. and learned Attorney-General who, I think, knows what he is talking, but he knows "subtraction" and I know "sheep". The thing looks all right but when it is put into operation you are going to find that we have created a situation exactly as that which we are trying to get away from. The hon. Attorney-General, I have no doubt, feels that in ordinary circumstances people ought to join the new Society and in that way it will go forward. He does not know that because of the rush for liquid cash by members of the old Society that Society was left where it was with properties on its hands, and the members ceased contributing. The same thing is going to happen in this new Society, but we are going to borrow money on Bonds so as to have money to pay out. Sell out all the assets, give the people what they are entitled to and then make the new Society. If on the other hand you are going to hand over the assets of the old Society to the new Society so that it may continue, then let it continue by providing that no one would get his money until the Society has got a fair start.

Mr. SEAFORD: The hon. Member for

Berbice River has overlooked Clause 34, sub-clause 1 (a) (iii) which states:

Any such bondholder or depositor or subscriber may within three months after the appointed day give notice in writing to the Society of his desire to be paid off in cash, and after the expiration of twelve months from the appointed day unless a shorter period is fixed by the Board, the amount secured by such certificate shall be paid to him.

They cannot rush for their money now. Fifteen months must elapse before they can get their claim, and that gives the Society a certain amount of time to settle its finances and to get on its legs. I am not quite sure that an amendment is before the Council for the deletion of (c) or (e), but I do not think the Bill would be affected in any way if they are deleted. I cannot see, therefore, that there can be any great objection to the deletion.

THE CHAIRMAN: The amendment before Council is the deletion of (e)

Mr. SEAFORD: I move the deletion of sub-clause 2 (c).

Question "That the clause as printed stand part of the Bill" put, and not agreed to.

Question "That sub-clauses (c) and (e) be deleted and sub-clause (d) be re-lettered as sub-clause (c)" put, and agreed to.

Clause 36 passed as amended.

Clause 37—Bond Certificates.

Mr. DE AGUIAR: It seems to me rather strange that under this clause—the proviso to sub-clause (2) the holders of Bond Certificates in the new Society will get interest at a rate not exceeding five per cent. and those persons who will receive Bond Certificates for their consideration referred to in the previous clause will get interest at a rate not less than four per cent. On the one hand the maximum is limited, as you cannot issue new Bonds for more than five per cent. interest, but on the other hand the old bondholders by arrangement with somebody will get as a rate of interest anything above four per cent according to whatever decision is arrived at.

The next objection, I have, is this. I think that both should be placed on the

same footing. If you are going to put a maximum of five per cent. on the one, it should be the same with the other. I see a little difficulty there, and that is where the draftsman tried to get around it. Some of the old Bonds were issued at six per cent. and it is not convenient to, and I presume they cannot, put them on the same footing in the new Society. I do hope that in this wonderful agreement which is going to be made all these little nice points are going to be covered. The matter of interest can easily be remedied, but it seems that is not going to be the case and that is the reason for the proviso. I do not know whether it is too late to suggest that perhaps this clause may be re-worded so that both classes of bondholders are put on the same footing. I see no reason for the variation.

The next point I wish to make is this: It seems you have to get over another difficulty which appears in clause 34, sub-clause 1 (a) (iii). Here you have that Bond Certificates may be redeemed in whole or in part on six months' notice and you have put the two classes of bondholders in entirely different positions. The holders of old Bonds are provided for under Clause 34, sub-clause 1 (a) (iii). In such a case, as has been pointed out by the hon. Member for Georgetown North (Mr. Seaford), those bondholders would at all times have to wait fifteen months to have their Bonds redeemed, but in the case of the new bondholders they would just give six months' notice.

The last point I wish to make, which is really for the benefit of the new Society, is that there seems to be a weakness in that the Bond Certificates shall have a first charge on the assets of the Society provided:—

(a) no mortgage or other charge ranking in priority to or *pari passu* with the said Bond Certificates may be created or issued by the Society.

It seems to me that before the new Society can pass a mortgage on any of its assets, where in the course of business a property carried a mortgage by another Company and the Society is desirous of purchasing it subject to the mortgage the Society would have to apply to the Governor in Council to be allowed to do so,

THE ATTORNEY-GENERAL: Regarding the hon. Member's question about the different rates of interest, I am afraid I am not able to answer it.

Mr. SEAFORD: I think Clause 37 (2) does not bind the Directors to pay five or four per cent. It only really gives them power to pay those rates which they are able to pay. The reason why four per cent. was hit on was because it was decided upon in the Scheme. That was the proposal put before the shareholders and members originally. This does not bind the Directors to any fixed rate of interest.

Mr. DE AGUIAR: It is obligatory in both cases. In one it gives the maximum and in the other the minimum.

THE CHAIRMAN: A minimum of four per cent. and a maximum of five per cent.

Mr. SEAFORD: To show good faith it had to be put that it would not be less than four per cent.

Mr. DE AGUIAR: The position may be met by the suggestion "not less than or more than."

THE CHAIRMAN: The Bond Certificates may be issued at two or three per cent., but certainly at not less than four per cent. or more than five per cent.

The Council resumed and adjourned to 10.30 a.m. on the following day.