

LEGISLATIVE COUNCIL.

THURSDAY, 14TH SEPTEMBER, 1950.

The Council met at 2 p. m., His Excellency the Governor, Sir Charles Woolley, K.C.M.G., O.B.E., M.C., President, in the Chair.

PRESENT:

The President, His Excellency the Governor, Sir Charles Campbell Woolley, K.C.M.G., O.B.E., M.C.

The Hon. the Colonial Secretary, Mr. J. Gutch, O.B.E.

The Hon. the Attorney-General, Mr. F. W. Holder, K.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo).

The Hon. T. Lee (Essequibo River).

The Hon. W. J. Raatgever (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Hon. Capt. J. P. Coghlan (Demerara River).

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. W. O. R. Kendall (New Amsterdam).

The Hon. A. T. Peters (Western Berbice).

The Hon. W. A. Phang (North Western District).

The Hon. G. H. Smellie (Nominated)

The Hon. F. E. Morrish (Nominated).

The Clerk read prayers.

The minutes of the Meeting of the Council held on the 8th of September, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENT.**ANTIGUA ACCEPTS CASH GIFT.**

The PRESIDENT: Hon. Members will recollect that at the meeting of the Council last week we passed a Resolution voting £1,000 as this Colony's contribution to the relief of the distress in Antigua. I informed the acting Governor of the Leeward Islands by telegram of that decision and also suggested to him, as had been suggested by the hon. Member for Eastern Demerara (Mr. Debidin) that part of the contribution might be in kind as we had a certain amount of evaporated milk here which we could spare. I have now received a reply by telegram in which the acting Governor of the Leeward Islands says:

"On behalf of the people of Antigua please convey to your Legislative Council my grateful thanks and deep gratitude for their generous donation. As many more gifts of foodstuffs have now been received, e.g. 11 tons yesterday from French Islands I should prefer contribution should be in money.

Acting Governor,
Leeward Islands.'

11th September, 1950.

I have issued instructions to the Crown Agents to make immediate payment to the Leeward Islands Government of the sum voted by the Council, and I am sure hon. Members will agree with me in hoping that it will contribute materially to the relief of the distress in Antigua.

PRESENTATION OF REPORTS AND
DOCUMENTS.

The COLONIAL SECRETARY laid on the table the following:—

The Financial Statements of the Transport and Harbours Department for the year 1947.

The Report by the Select Committee appointed under Resolution No. XXVI of the 1st of September, 1948, to consider the motion tabled in Legislative Council by the Honourable W. O. R. Kendall regarding improvement to the New Amsterdam Harbour.

GOVERNMENT NOTICES.

INTRODUCTION OF BILLS.

The ATTORNEY-GENERAL gave notice of the introduction and first reading of the following Bills, and of his intention at a later stage to move the suspension of the relevant Standing Rule and Order to enable him to proceed with the first reading of the Bills:—

A Bill intituled "An Ordinance further to amend the Pensions Ordinance, 1933, with respect to the time for the exercise of the option to accept a gratuity and a reduced pension; to make better provision in respect of officers killed or injured while travelling on duty by air; and to enable officers to whom the provisions of the Pensions Ordinance apply a further opportunity to elect that the provisions of the Pensions Ordinance, 1933, shall apply to them."

A Bill intituled "An Ordinance to provide for the payment of increased pensions to the dependants of certain public officers who lose their lives in the course of carrying out their duties and to provide for the payment of increased pensions to certain public officers permanently injured in such circumstances."

ORDER OF THE DAY.

STONE FOR CORENTYNE ROAD
CONSTRUCTION.

Mr. KENDALL, on behalf of Mr. FERREIRA, asked, and the COLONIAL SECRETARY replied to the following questions:—

Q. 1 — In view of the fact that the construction of the Corentyne Road was contemplated some 5

years ago, will Government state why the examination for the existence of a suitable stone supply in that area was not carried out earlier?

A. — The technical advice available to Government has always been, and still is, that it would be more economical to utilise on the reconstruction of the Corentyne Road supplies of stone obtained from the central stone-crushing plant at Ruimveldt, which was sited there so as to provide the most economical coverage for the supply of crushed stone for the reconstruction of all coastal roads and for the Municipality of Georgetown.

Q. 2 — Was Government advised of the non-existence of a suitable stone supply in that area? If so, by whom were these investigations carried out?

A. — No. See reply to Question 1.

Q. 3 — Is it a fact that the Geological Department has now confirmed the existence of substantial quantities of granite up the Corentyne River?

A. — Yes — provided that the term "granite" is used in the purely commercial and not in the scientific sense.

Q. 4 — In view of the fact that Government will save a sum in the vicinity of some \$250,000 on the construction of the Corentyne Road if this granite is quarried, is it Government's intention to quarry granite in this area?

A. — Government, after carefully considering the matter, is not satisfied that a saving of \$250,000 can be effected if stone is quarried in the Corentyne.

Q. 5 — If Government is unwilling to operate a quarry in this area, is Government prepared to permit private enterprise to operate in this area?

A. — Government does not propose to operate a quarry in this area. The results of the Geologist's survey are being published and tenders will be invited from

private interests for the supply of crushed stone to Government for the reconstruction of the Corentyne Road. If a tender is received below the actual cost of the stone being supplied from Ruimveldt and at an adequate rate of supply, it will be favourably considered.

TOWN PLANNING (GEORGETOWN FIRE AREA) (AMENDMENT) BILL, 1950

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled:

“An Ordinance to amend the Town Planning (Georgetown Fire Area) Ordinance, 1945.”

As will be gathered from the Objects and Reasons appended to this Bill, clause 2 of the Bill seeks to provide that a Commissioner who is absent from three consecutive meetings of the Commissioners, shall not be deemed to have vacated his seat where he is absent by leave of the Governor or has a good excuse for such absence

Certain minor amendments to the development plan have been found to be necessary, and clause 3 seeks to introduce a new section into the Principal Ordinance empowering the Commissioners, subject to the approval of the Governor in Council, to amend or alter the development plan in the light of experience gained in the re-planning scheme.

Clauses 4 and 5 of the Bill seek to introduce amendments consequential to the amendment sought to be introduced by clause 3.

Clause 6 seeks to prohibit the alteration of buildings within the area unless the plan of such alteration has been approved by the Commissioners.

Clause 7 seeks to repeal and re-enact section 23 of the Principal Ordinance to provide that no land or buildings within the area described in the Schedule to the Principal Ordinance shall be used for the purposes of any trade or business without the consent of the Commissioners, and clause 8 extends the area to the

southern boundaries of lots 1, 2 and 3 Lacytown.

It will be within the knowledge of hon. Members that this area is administered by the Commissioners under the provisions of the Town Planning (Georgetown Fire Area) Ordinance, No. 18 of 1945. Hon. Members will appreciate the fact that from the ashes of the fire there are arising buildings which I am sure will add to the appearance of the City of Georgetown, and this amending Bill seeks in the light of the experience gained by the Commissioners in the administration of that area, to make certain amendments which are regarded as necessary.

Clause 8 of the Bill is necessary to prevent buildings to the East and South of what are known as the Municipal gardens being used for purposes which would interfere with and detract from the general design and appearance of the Area. I formally beg to move that the Bill be now read a second time.

Mr. RAATGEVER seconded.

Mr. DEBIDIN: On one previous occasion I had to refer to the whole question of town planning and to remark that the citizens of Georgetown were definitely in the dark so far as the town planning policy was concerned. We only hear statements being made that, for instance, a portion of Albouystown will be declared an industrial area, and that hundreds of families will be decanted into some other area. We also hear statements, which may be half truth, that some other part of the City will be taken over, and that there are certain schemes in the minds of Government for the development of some area. I respectfully suggest that this is not satisfactory to the citizens of Georgetown or to the inhabitants of the Colony generally. We are entitled to have the fullest explanation before any scheme is put forward, because it is the experience of the people in this Colony that many a thing is done and people affected become wise after the event. That is not good enough. There are many instances in which that has been done. We had the

experience up to quite recently of money having been expended on certain projects, and we were asked in Finance Committee to approve of the expenditure. When we inquired whether it was expedient to incur that expenditure we were told for the first time that the money had been spent already. We were left with no alternative in such a case. It is embarrassing and it is not right. We know that the Town Planner has many schemes, and that several of them have not been accepted. We have had a very lengthy discussion about the Town Planner and his schemes, and some Members were very outspoken in their remarks. He was described as a dreamer.

The PRESIDENT: I do dislike intensely interrupting the hon. Member, but he is talking about something entirely different from what is before the Council. What is before the Council is the Georgetown Fire Area and an amendment of the law which has been passed by this Council relating to that Area. It has nothing to do with the rest of Georgetown. I do suggest that the hon. Members' remarks should be relevant to the matter before the Council. We are now discussing the Georgetown Fire Area, in respect of which there is an Ordinance, and this Bill seeks to amend that Ordinance. I suggest to the hon. Member that he confine his remarks to that particular matter, and that if he wishes to raise any matter dealing with town planning in Georgetown he should do so in another way.

Mr. DEBIDIN: I appreciate the reason for your interruption, Sir, but this much I will say: that it seems to me that the intention behind it all is to restrict our utterances in this Council, and I strongly protest against such action, because it is wrong to say that I am referring to something which is not relevant to the Ordinance when the Bill before us proposes to go out of the Fire Area to affect an area outside the provisions of that Ordinance. I refer to the Collier premises.

The PRESIDENT: Will the hon. Member confine his remarks to that?

Mr. DEBIDIN: Therefore I must assume that Government is dealing with other parts of the City, and that I am entitled, when speaking of town planning, to speak generally, I submit, on the policy of town planning, or what is being done by the Town Planner under that particular Ordinance.

The PRESIDENT: On those particular things I agree, and no more.

Mr. DEBIDIN: There must be some latitude to refer generally to what we understand is the principle behind the town planning. We have an interest in all those matters and therefore ye should not be curbed, unless Government is afraid.

The PRESIDENT: I do ask the hon. Member to withdraw that remark. What does the hon. Member mean? He knows very well that he has perfect latitude to say what he likes at the proper time.

Mr. DEBIDIN: That proper time never occurs. When we table motions they are "ducked" for such a long time that the effect is lost.

The PRESIDENT: Will the hon. Member get on to what he wants to say with regard to this particular Bill?

Mr. DEBIDIN: So far as town planning is concerned, when I was interrupted I was making the point — and I ask Your Excellency to consider it very carefully — that we have always heard that there is so much which has been jettisoned because the Town Planner has been thinking of grandiose schemes of spending a lot of money, and therefore the public must be concerned to know whose plans and whose ideas are being accepted as we go along.

To come to the Bill proper, when we see reference made in it to approval by the Governor in Council we have to ask ourselves whether the Town Planner and his policy are not submerged or subjugated to whatever is being thought of as being best for the City by the Governor in Council. It seems to me that we have

a reasonable right to assume, when an amendment of this sort is put forward, that the Governor in Council is wresting from even the Town Planner the right and power to determine what is to be done, if not in the whole of the area in respect of which he has certain powers, at any rate with respect to other areas outside, as in the case indicated in this Bill. It seems to me that it is only a month ago that we had to debate the question of the construction of a certain building at the corner of Regent and High Streets, and we had the same type of discussion in respect of a man who was able to say that, but for our opposition here, he might not have had an opportunity to continue his building which had been approved by the Town Council.

It has come to my knowledge from a reliable source that a certain individual has purchased the Collier building obliquely opposite to Bookers' temporary garage in High Street, and that it is his intention to remove and extend his business there — a business which is not obnoxious in any respect at all — a business which would not in any way detract from the appearance of the locality but would rather improve the site. However, Government or some people in the Government, think it is not right for this individual to carry his business there. Here is involved a question of the individual's liberty and right, and it seems to me that as long as it is an easy thing to have legislation passed which would restrict those rights, it does not matter what happens afterwards — whether extreme hardship is caused one person or several persons. That is what I have been observing as the trend of legislation in this Colony, and not very long ago.

I am opposing in principle the proposal to use a particular Ordinance which was passed for a particular purpose, and in respect of a particular area, in order to affect the rights of an individual as regards his property in another area. The individual concerned purchased the property for a particular purpose, and had he done so in the face of existing legislation of the nature now proposed in this

Bill I would say that he would have to take the consequences. But when an individual proposes to do something it seems to me to be wrong in principle for legislation to be passed to affect his rights and his privilege as a citizen. That is what I am objecting to very seriously. It involves the freedom which the inhabitants of this Colony should enjoy — the constitutional rights and liberty of an individual.

These are days when we talk so much about Communism and all the "isms" in the world today, and reactions to actions like this are branded with some "ism" or other. I suggest to the Council that it would be a retrograde step — something for which it would be condemned if it seeks to interfere with the rights of an individual. When we come to consider clauses 7 and 8 of the Bill we should be very careful not to let it be said that this Council legislated against an individual.

Before I take my seat I feel I am entitled to ask that all measures concerning town planning in Georgetown, and any burnt area particularly, should be made public before any scheme is embarked upon. We see the whole face of La Penitence being changed, but do many people know what is planned and what is taking place there? It is due to the public to be informed of changes that are being effected, so that they may indicate whether they approve of them or not.

The PRESIDENT: That is what this Bill is for—to bring to the notice of the public what it is proposed to do.

Mr. FERNANDES: I am against this Bill too. Personally I feel that if it was brought primarily for the purpose of preventing the premises at the corner of High and North Streets from being converted into a business place the Bill is unnecessary. Under the existing Town Planning Ordinance (I would like the hon. the Attorney-General to correct me if I am wrong) this area is included in the area specially set aside for residences, offices and hotels. If it is Government's desire to prevent that building being used as an office then it is a different

matter, but I would still oppose the Bill, because I do not think any further restriction than that the area should only be used for residences, offices, and hotels, should be imposed.

This Bill refers to the planning of the Georgetown Fire Area. We have another Planning Authority which is supposed to be in control of all sections of the City with the exception of the Fire Area. Now the Planning Authority of the Fire Area was appointed before the Central Housing and Planning Authority came into being. We had no Planning Authority, and it was felt after the Great Fire that the area which was razed should be properly planned before re-building was permitted, and Government very wisely appointed a Town Planning Authority for the Fire Area. Having done their job I think the powers of that Authority should end there, and no more power to interfere with the planning of the City should be given them but, if necessary, to the Authority which is charged with the full responsibility for the planning of the City.

I myself am in principle against the bringing into this Council of Bills specially aimed at a particular individual or a particular case. If a law is necessary to stop persons from doing certain things I think Government should have seen to it before now that that law was put before the Council and passed so as to stop what they are trying to stop now. I am against the making of laws aimed at any individual or group of individuals. The hon. Member for Eastern Demerara (Mr. Debidin) said that at the time those premises were purchased there was no question about it that the person who paid his money did not foresee that Government would bring forward a law to stop him doing what he intended to do. That is perfectly correct, but I maintain that Government did not have to bring this law in order to prevent a showroom and sales office from being put on those premises, because the Planning Authority had already zoned the City, and those premises came into the zone in which that type of business would not be permitted.

The other part of the Bill seeks to

provide that a Commissioner who is absent from three consecutive meetings of the Commissioners shall not be deemed to have vacated his seat where he is absent by leave of the Governor, or has a good excuse for such absence. I do not think a small matter like that should have necessitated a Bill being brought before this Council. I take it, if he is absent from a meeting, whether he has leave or an excuse, he loses his seat. I do not think for a small matter like that there is the necessity for a Bill to be brought. All you have to do is to re-appoint him if he lapses. I do not think it is necessary for a Bill to be brought specially for that. On the question of clause 3 the explanation given in the Objects and Reasons is :

“Certain minor amendments by the development plan have been found to be necessary, and clause 3 seeks to introduce a new section into the Principal Ordinance empowering the Commissioners, subject to the approval of the Governor in Council to amend or alter the development plan in the light of experience gained in the re-planning scheme.”

That is giving to the Planning Authority functions that belong to this Council. That is, they can change the plan, by-laws and everything to suit themselves. All they have to do is to get the approval of the Governor in Council, and I know there are quite a few members of that Planning Authority who are Members of the Executive Council and, as someone said some time ago, it is a case of getting the sanction of Caesar for work done by Caesar. I do not agree that there should be these powers. I am not going to say anything more except again to record my absolute dissatisfaction with the idea of bringing a law into force (1) that is unnecessary; (2) just to meet a particular case and to stop a particular person from doing something which, I maintain, he could not have done in any case, but Government wants to make sure that the present Planning and Housing Authority is not given permission for that purpose. That can be the only reason why this Bill has been brought forward. It may be felt that the present Planning and Housing Authority may just possibly grant the permission and in order to stop that the power is to

be taken away from them and given to the Town Planning Authority for the fire areas.

The FINANCIAL SECRETARY & TREASURER: I do not want to trespass on the province of the mover of the motion, but I do want to say a few words at this stage. The hon. Member for Eastern Demerara (Mr. Debidin) referred to what he called lack of systemized planning. He was referring particularly to the City of Georgetown and not this particular area, the subject of this Bill. If he had confined his remarks to the subject of this Bill he would have recalled this is the one area for which there is a special authentic plan. That Ordinance, the Town Planning (Georgetown Fire Area) Ordinance, is remarkable in that respect, is that there is attached to it a certified plan which was placed before his Council, duly examined and approved by this Council and bears the authentication of the signature of the Clerk of the Legislative Council, thus proving that the plan was published and approved by this Body. The plan is retained in a special container in the strong room of the Treasury.

Let us be frank about this. The Georgetown Fire area is a part of the City which the citizens of Georgetown are very interested in. After the fire in 1945 we were very determined that in rebuilding that area it should be reconstructed as a part of the city worthy of Georgetown, worthy of the people of the Colony. To that extent this Council voted from general revenue a very large sum of money to finance the reconstruction of that area. Also persons whose buildings were destroyed in that area were induced and encouraged and almost compelled in one way or another to lay out vast sums of money in constructing those magnificent buildings which we see going up around that area. What is more, this Council agreed to what was at one time a dream, and that is the allocation of part of that area for what is now known as the Georgetown Cultural Centre. We passed an Ordinance in April this year by which the site of the Centre, the area originally used to house the R. A. & C. Society premises and the Assembly Rooms, is now vested in a

statutory body called the Board of Trustees of the Georgetown Cultural Centre. The building which is now going up there—a beautiful building it is—to house the R. A. & C. Society is being paid for ver substantially out of public funds.

The site to the East of it, which is now temporarily occupied by Bookers' Garage, is to be reserved for future use for the construction of a theatre. Having done all this, some of the restrictions which have been put into force by the Town Planning Commissioners in this area are that no business of a detrimental character shall be conducted within the boundaries of that area. So much is it the case that Messrs. Booker Bros. McConnell & Co., Ltd. tried as hard as they could to be permitted to re-establish their motor garage premises on the north side of Church Street and were refused, notwithstanding the fact that they said they were going to put up an elaborate motor showroom and a very good looking building. In order to make sure that the area and in particular the Georgetown Cultural Centre should always conform to the requirements of the standards of beauty what was a Municipal Gardens to the East, which is not in the fire area, has been brought into the plan. There was, however, one very serious omission. Although the boundaries of this area extend to the southern boundary of North Road (that is the boundary adjoining the northern fence of what the hon. Member referred to as Collier's property) it has been discovered there is a serious loop hole. Again I want to be frank. The hon. Member for Georgetown Central is quite right. Certain individuals purchased that property and would perhaps, like to remove their motor business there. You may call it a motor showroom, but it is what it is—a trade which embraces the sale of motor cars and parts, and the repair of motor vehicles on the premises. No one who has the interest of the City at heart would wish to see that kind of business placed alongside or adjacent to the Cultural Centre.

Mr. FERNANDES: To a point of correction! The application came before the Planning and Housing Authority and it was specifically said that there will be no repairs carried out on that premises.

Mr. DEBIDIN: That is correct!

The FINANCIAL SECRETARY & TREASURER: I hope that is correct. However, I say no one would wish to see a business of that nature being conducted on that site immediately to the south-west of St. George's Cathedral and immediately to the East of the Georgetown Cultural Centre. It is all well and good to talk about the liberty of the subject, but the liberty of the subject must be duly restrained in the interest of the whole, and when we find that the liberty of so many others within that area has been curtailed for the good of the whole community we should not allow any one individual to tamper with what has been done. We would have been in the position of allowing a firm to establish a motor business on one side of the road and not allowing another one on the other side. I do say that would have been extremely unsatisfactory. What the hon. Member for Georgetown Central has said is right. There is no doubt that the Planning and Housing Authority have power which may be exercised in that way, but the Georgetown Town Council might also have power. What I understand is that the Town Council's powers do not enable them to restrict the establishment of a business of this nature in that area and so, as he rightly says, in order to make assurance doubly sure it is desirable that the responsibility of determining what should be on that site should be placed where it belongs, with the Commissioners for the Georgetown Fire Area.

I do not propose to deal with the other points. In fact no other point has been debated. I feel very strongly, as Chairman of the Georgetown Cultural Central— I see my two colleagues around this table, the hon. the First Nominated Member, Mr. Raatgever, and the hon. Nominated Member, Capt. Smellie—, and, I feel, I am speaking for the whole community that it would be most objectionable if the proposal of that person who has purchased that property is allowed to be carried.

Question put, and the Council divided and voted as follows:—

For — Messrs. Morrish, Smellie, Raat-

gever, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary — 7;

Against — Messrs. Phang, Kendall, Fernandes, Debidin, Capt. Coghtan — 5.

Motion affirmed.

Bill read a second time.

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

COUNCIL IN COMMITTEE.

Clause 3 — *Insertion of new section in Principal Ordinance.*

The ATTORNEY-GENERAL: I have circulated an alternative amendment clause which reads:

“6A. The Commissioners shall have the power, and shall be deemed to have always had the power, subject to the approval of the Governor in Council, to alter or amend the development plan from time to time in the light of experience gained in the administration of the re-planning scheme.”

I may point out to hon. Members that the Post Office, as was originally laid down in the Plan, was supposed to be housed in two buildings. Subsequent to the plan this matter was further investigated and it was decided that the Post Office should be erected as one block. Consequently that itself required a change in the plan; in addition to that what was an alleyway or footpath running from East to West to the North of the Post Office has been now enlarged to a driveway. Hon. Members, who have visited the site, know that to the East of Fogarty's building there is a road which runs between Fogarty's and the new Post Office building. That in itself necessitated a change in the development plan, and there are one or two other minor amendments to that plan consequent upon the actual dealing with the area in the course of time. It is very desirable that there should be an amendment of this nature which will enable the Commissioners to make the necessary changes subject to the approval of the Governor in Council.

Hon. Members need not fear that with this provision the Governor in Council or the Commissioners themselves are just going to change this plan without the absolute necessity for a change. It is for the very good reason that in matters of this sort slight alteration or change is made. It will be appreciated that to come back to this Council every time such a change is required it will be constantly returning on minor matters, so this is considered to be the best procedure to be adopted. I ask that this alternative clause be substituted. The structure of the Post Office is already going up as an entire building and not as originally intended. That is the reason why you have in the provision the words "and shall be deemed to have always had the power."

Mr. FERNANDES: As I have said before, I am against the clause completely and even moreso against the amendment clause, because this amendment will give to this Authority the right to exceed their powers under the Ordinance under which they were acting and to have it remedied now. This principle I am very strongly against — this taking away of powers from this Council — and I want to make it perfectly clear that I am a very sad individual after being a Member of this Council for nearly three years. As we see the constitution of this Council here this afternoon, we have five Elected Members present out of fourteen. They are all being paid \$150 per month for being here. Nothing any of us, Elected Members, may do or say this afternoon is going to stop this Bill from going through. I had a very very sad experience at the last sitting of this Council where it was even worse; a Bill with unnecessary discrimination went through with but four Elected Members present. It went through with a majority of six to five — the votes of those four Elected Members and one Nominated Member, Mr. Farnum. Those who carried it through were three Officials and three Nominated Members. A Nominated Member has every right to vote, but when the Elected Members of this Council stay away and leave a paltry few to take care of the duty of seeing that laws, in our opinion or of the opinion of the Elected Members who have to answer to

the people, are not passed, and when those laws are carried by a 50 per cent. Official vote, you can very well see what the situation is. I, as an Elected Member of this Council, can just as well stay home.

Mr. RAATGEVER: To a point of order! I must take strong exception to the remarks of the hon. Member. It means that Nominated Members have no interest in this Colony, they are not concerned with the people's rights and, apparently, they themselves are not citizens of this Colony. That is what the hon. Member means by his remarks, and I take strong exception to them. I have just as much, if not more than most of the Elected Members here in this Council, interest in the Colony. I have more interest in the Colony financially and otherwise than most of them.

Mr. DEBIDIN: I question the statement!

Mr. RAATGEVER: I am not going to have these remarks made about me so long as I am a Member here.

Mr. FERNANDES: I am very sorry the hon. Nominated Member, Mr. Raatgever, did not listen to what I said. It is recorded in Hansard. I said it is perfectly all right to have Nominated Members voting; they are entitled to that.

The CHAIRMAN: The hon. Member is blaming the Elected Members for not being present.

Mr. FERNANDES: I made it clear that Nominated Members have the same right as I have to vote, but I have been told by the hon. Member that they have more right than I as they represent the whole Colony. I made it quite clear that a law was passed here last Friday with 50 per cent. of the votes that carried it the votes of the three Official Members. I did not criticize the Officials voting.

The CHAIRMAN: You are not blaming the Officials or the Nominated Members. You are blaming the absence of the Elected Members.

Mr. FERNANDES: I am pointing out to you and this Council exactly what

a sad state of affairs we have. At this point it is no use saying anything on the voting. It is obvious how the voting is going, if Government's intention is to take away from a properly constituted authority power which has been already exercised in this matter.. It has been already ruled and decided upon that the present Planning and Housing Authority should not permit this. It has been already ruled that the Mayor and Town Council has to submit its building applications to the Authority, and after going to that extent yet we find a special law is to be made to put in the hands of a certain number of people this power. Nothing I say will stop it going through

The CHAIRMAN: I could hope the hon. Member would not say that. It is no argument to say nothing will stop it. I am open to be convinced in this matter as is, I think, every other Member of this Council. It is no argument to say it will pass in any event. There have been occasions in this Council when the Government has altered its views. As far as this particular clause is concerned, since the original plan has been approved by this Council I see no reason why any amendment to it should not be subject to the approval of the Legislative Council instead of the Executive Council, if the Council so wishes. The hon. the Attorney-General has explained the need for this. What we are trying to do is to build up a city of Georgetown worthy of the Colony. We have gone to an immense amount of trouble and expesse. We have appointed Commissioners who have done an admirable piece of work. They have found in the course of experience one or two things in the law too rigid, for example, for our new Post Office building which we are building in one solid block instead of having an alleyway between. That is the reason for this amendment in the law—to make it less rigid. Is there anything wrong in that? If this Council wants to say that no amendment be made to the plan without its approval, I am quite agreeable. I hope the hon. Member will move an amendment to the particular clause to say so, and then there can be no doubt about the matter. It is quite true that the original plan for

Georgetown was approved by this Council. If the Council wishes to inflict upon itself the work of approving every minor amendment to the plan as proposed, then let the Council do so. I am quite agreeable

The FINANCIAL SECRETARY & TREASURER: I think the hon. Member is trying to crack a nut with a sledge hammer. The amendment in this clause is designed to confirm something the Legislative Council has already approved. The plan of the Post Office building in two or three stages was presented, if not formally to Council as a Council, certainly on several occasions in Finance Committee, and each stage in that plan, each variation, each modification was discussed with the drawings in front of Members. They knew what was being done. It is not correct to say that this is being sprung on the Council. It is merely to confirm action already taken and approved. The building is going up, so I suggest, Sir—

Mr. FERNANDES: Would the hon. the Financial Secretary just enlighten me as to which part of the amendment confine these powers to the Post Office building? These powers are general.

The FINANCIAL SECRETARY & TREASURER: That is perfectly true, but there is a limit to the exercise of these powers; when the buildings are up you cannot alter the plan anymore. These buildings which are to last for generations cannot be altered, and in course of time the Fire Area Commissioners will die and their functions be handed over to the Town Council. Let us assume that will be the end of the matter. This is not of general application for a long period of time.

Dr. SINGH: I want to say for the information of Members, the hon. Member for Central Georgetown (Mr. Fernandes) went very hard against Elected Members, but Elected Members and all hon. Members here are human beings. Imagine Members coming here week after week. You have been grinding them very much certain months of the year. We have certain attachments to serve in the off-months and we look forward to

that, but instead of that we are here grinding. Hon. Members do want some recreation. The grinding here is due to the work being very much detained. Members speak for hours where it can be for a few minutes, and the work is delayed and all of us are put to inconvenience.

Mr. DEBIDIN : I do not know why the last speaker has become very indignant at what has been said. I do not think the hon. Member for Georgetown Central would reply, but I want to correct the last speaker. The hon. Member (Mr. Fernandes) had been making the point where the people's cause can be lost by the absence of Members at meetings of the Council when they should be present. It is absolutely true to say that, because the hon. Member who has just taken his seat came in late. He had no knowledge of what the discussion had been and he voted for the motion.

The CHAIRMAN: Let us stick to the point!

Dr. SINGH: I had made up my mind. I have been studying it.

Mr. DEBIDIN: I rose to take exception to the hon. Member's reference to Members wasting time. I prefer to be long and explanatory when Members show an attitude of not appreciating the seriousness of measures that come before the Council, rather than be short or not say anything at all. I prefer to err on the side of putting the people's case fully rather than suppress the case at any time. I wish to confirm what the hon. Member for Georgetown Central (Mr. Fernandes) said on the principle. I do not think for one moment that he questions the ability of the Executive Council (nor would I do it) to check upon what amendments would be made in the Plan, but the principle is wrong, and we are here talking about a matter of principle. Where we take a stand in favour of a certain principle which would not effect the actual results which Government hopes to achieve by this amendment then it seems that we should be willing to support the principle advocated, and that is that we should not give power to one body and at the same time

seek to control that power at any stage, even though appreciating the point made that these are minor amendments which may be cumbersome or unnecessary to be put before the Legislative Council. The principle involved is that we may have small things to be done now, but there may be something which is sought to be amended later which may be of major significance to an individual or set of individuals, which we may only know of after the event. That is why I support the hon. Member for Georgetown Central.

Clause 3 put, and agreed to.

Clause 7—*Repeal and re-enactment of section 23 of the Principle Ordinance.*

The ATTORNEY-GENERAL: I have circulated an alternative amendment, the object of which is to preserve the law as it is at present. Under section 23 of the Principle Ordinance there is an absolute prohibition of the use for certain purposes of the buildings and the land in the Area. It is proposed to preserve that and to have a sub-section which reads:

“(2) Subject to the provisions of subsection (1) of this section, no land or building in the Area shall be used for the purposes of any trade or business without the written permission of the Commissioners, and no licence or consent shall be issued or given for any building or land in the Area for such purposes in contravention of the provisions of this subsection.”

Obviously, there were certain trades which were not thought of at the time, which came within the general section enabling the Commissioners to exercise their right of prohibition in any case where any trade or business is alien to the intention set out in the original section.

Mr. DEBIDIN: I feel somewhat diffident to speak because I may be wasting time, but I am going to persist because of the fact that two Elected Members, against whom the hon. Member has complained, have arrived since the debate started. In the first place it affects a question of principle. This

legislation which is sought to be passed impinges upon the rights and liberty of action of individuals.

The FINANCIAL SECRETARY & TREASURER: We are dealing with change 7—aren't we?

Mr. FERNANDES: I would like to ask one simple question on clause 7. I believe somebody said a short time ago in this Council that when these buildings are put up the Commissioners would not have very much work, but under this clause I find that 25 or 50 years from now we will still need the Commissioners if Messrs. Fogarty or Sandbach Parker & Co. decide to change the type of business they are doing in the present building for which permission has been given. I would like to know whether that is correct.

The CHAIRMAN: I think we may assume that this permission will go on, and that when the Commissioners cease to exist by a law to be passed by this Council the power invested in them would be invested in some other Authority — in all probability the Municipal Council.

Mr. DEBIDIN: I have been discussing this clause because it seems to me that it is connected up with clause 8. It does involve what I have been talking about — the Collier property. May I refer to the question of demarcating areas for business purposes. It is clear to me that that entire Fire Area and all that portion of land starting from North Road and extending South — the entire block between High Street and Water Street extending South to Croal Street is essentially a business area. There is no question of any buildings for residences being put up in that area, and there are perhaps one or two hotel premises. It is essentially a business area and that is why I do not understand the reason behind this necessity for written permission. What seems to me to be very important is to decide what portions of the City should be set apart for residences — what are really residential areas. I feel that much chaos

is being created, perhaps by the Town Planning Authority, because certain portions of Lacytown which are essentially suitable for business purposes, have been declared residential areas, while in other sections which are essentially residential business premises are being allowed. I feel that something should be done in a larger way to co-ordinate the work of the Georgetown Town Council, the Commissioners, and the Town Planning Authority, because there is too much chaos at the moment.

I come now to the question of the other side of High Street from the Collier building to Regent Street. There can be no doubt that businesses have started to be put up in that area. Not very long ago Mr. Forshaw opened up a business there, and there is also Lopes' Bedstead House. It seems to me that if we are thinking of the Cultural Centre and the portion of the site looking from High Street towards Water Street we might see very nice town planning, but when we look across High Street in an easterly direction we might see more of an eyesore so far as the City is concerned, of just one or two small businesses with hardly any show on that side of High Street.

The CHAIRMAN: What the hon. Member has to bear in mind is that we are planning Georgetown for the future. What is done is done, and we cannot alter it, but we do not want it to go on, and that is the whole point of a key plan for Georgetown. Surely it is no good arguing about what exists. Let us see that it is not perpetuated, and that we do not allow any more of this sort of thing to happen in the future.

Mr. DEBIDIN: I share with Your Excellency your concern to see a beautiful City. I have travelled very widely and I have seen a great number of cities, but I take tremendous pride in saying that Georgetown, compared with any of them, is really a beautiful city and I would like to see it made even more beautiful. There must be something to reflect beauty on the other side of High Street, and so far as the Cultural Centre is concerned the

functioning of that institution will more or less take place after the close of business in that area.

The Financial Secretary referred to the burnt area, but the section of High Street which includes the Collier building is not a burnt area. It is private property, and it seems to me that we are going far afield to tell those people that, because of the fire, they have to suffer disadvantages. You cannot sell to somebody who will pay you a handsome price because he has an eye to business. I propose to speak on the other clause when the time comes, because I am opposed to both of them. I am looking into the future too, and I think it would be very wrong to restrict people from establishing businesses in that portion of High Street.

The FINANCIAL SECRETARY & TREASURER: I cannot claim the extensive world travel the hon. Member has done, but I share his enthusiasm for the future beauty of Georgetown. What we are trying to do is to protect the integrity of North Street — to protect the vista which was included in the certified Plan, from the Cathedral on the east to Sand-back Parker's premises on the west. If hon. Members recall that Plan they will appreciate that the idea was to have flower trees planted along its whole length, and as a matter of fact I recall that that was to be done along the whole length of that section of North Street, and that up to High Street was to be made one-way traffic for motor cars. I still believe that in that section of North Street no through motor traffic will be permitted.

The whole idea is to provide what would be an exceptionally fine vista to Water Street, and anybody can see at a glance that if a business — especially a business of the type I think is intended—is allowed to be put up at that prominent point at the corner of North Road and High Street, the whole of that vista would be completely spoilt. Anyone standing at the War Memorial, or at the site of the new Bookers' premises, and looking right across would have a complete jar, instead of what is intended. Similarly, anyone standing in High Street and look-

ing at the Cathedral would not get the alignment intended. It is intended for the protection of the Plan for the beautification of Georgetown as a City we should all be proud of, and I think we should do all we can to keep it so.

Mr. FERNANDES: I am not against clause 7. My kick is going to come at clause 8

Clause 7 put, and agreed to.

Clause 8—*Amendment of the schedule to the Principle Ordinance.*

Mr. FERNANDES: On clause 8 I would like to ask one question. After this Bill is passed and becomes law what would be the position if the same gentleman bought the premises next to the Free Library? Would we have to come back here and pass another Bill to stop him, or would we have to go back to that distrusted Authority, the Central Housing and Planning Authority, to stop him? My question has not been answered but I may mention that the law affecting North Street is exactly the same.

The CHAIRMAN: Then I think we will have to amend this clause to include North Street.

Mr. FERNANDES: I shall have to say that this law was introduced primarily for one specific case, and because of distrust of the Authority of which I am a Member, and which I may say (there is no secret about it) has already decided against businesses of this kind going on that spot. So I would like to know what the position is. Don't let us be ridiculous in this Council. Don't let us make one law today to prevent a man putting a building on a certain spot, and if he goes across the road we have to come back here and have certain Members talking about wasting time. If he puts up his garage in the building formerly occupied by the late Dr. Walton it would be worse.

The FINANCIAL SECRETARY & TREASURER: I think the hon. Member is putting ideas into the mind of the Attorney General. The Northern side of Church Street is not at all as important

as the southern side of North Road. The Fire Area extends to the boundaries of what is known as the Collier property, and it should have been included. There is no doubt about that. I would prefer to see no business of this kind on the northern side of Church Street. Consequently I for one, speaking now as a representative of the Cultural Centre, would be bound to leave the Town Planning Authority to deal with the other purchase which the hon. Member has hinted may be made.

Mr. FERNANDES: If it is as important why did they include Church Street up to its northern boundary within the Area in the same way as they included North Street up to its southern boundary in the Fire Area? Why didn't they take the southern boundary of Church Street? I maintain that these areas are equally important. I would like to see a very beautiful Georgetown, and I maintain that no business of any kind should be established in either of those streets, but what I am taking objection to is the principle of bringing forward what I maintain is an unnecessary Bill when there is already a properly constituted statutory body which is dealing with these matters.

Because of some apparent distrust in that body Government brings this Bill, and I humbly submit that it has been brought to meet the particular situation that has arisen. If another case should arise tomorrow, in which John Smith bought the building I am talking about, or any of those buildings on the northern side of the Municipal gardens, and wants to put up a garage there Government would have to bring another Bill to stop it. If the Financial Secretary says that in that case Government would depend on the Housing and Planning Authority I submit that in this case Government should depend on that Authority in exactly the same way. If this Bill casts distrust on that Authority it is obviously bound to cause me to immediately resign my seat because, if an Authority, which includes the Commissioner of Local Governments as Chairman, the Commissioner of Lands and Mines, a representative of the Treasury and another Government Official, Mem-

bers of the Executive Council and one Member of the Legislative Council (who is myself) is distrusted I could not remain on it.

The CHAIRMAN: There is no question of distrust of that Authority.

Mr. FERNANDES: They have already turned the application down.

Mr. RAATGEVER: It is quite true that the Central Housing and Planning Authority has rejected this application, but it has gone back to the Town Council, and I think it was said here by the Financial Secretary that the Town Council has not got the authority to refuse it. So that although the Central Housing and Planning Authority has turned it down they are saying that under the Ordinance it must come before the Governor in Council for approval before it can be done, but the Town Council can give the gentleman concerned permission, and the building can be put up there although it has been turned down by the Central Housing and Planning Authority.

Mr. FERNANDES: In that case I have been made to waste lots of time. I happen to be unfortunate, as I seem to be placed on every committee. I am on the Buildings Committee of the Central Housing Authority and there, when I go, I find a string of applications and we reject this and pass that. Now I find that we have no power whatever. I do not know what is right or wrong. I do not know whether on a statutory body I am acting constitutionally or not. I am afraid, as a Member of this Legislative Council, I shall have to employ in future a legal adviser to advise me whether I am acting right or wrong.

The CHAIRMAN: I may tell the hon. Member that the Georgetown Town Council Building By-laws are absolutely inadequate and out of date. The Town Council has not yet had time to revise them. They recognize the need to revise them, and they propose to revise them, but the fact is that the Town Council are dealing with an antiquated set of Building laws under which they cannot refuse to grant cer-

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tain applications. That is the trouble. There seems to be general agreement in this Council that this particular house should not be turned into a commercial building, and the Mayor of Georgetown himself agrees. Government has said quite clearly that this provision is to make the position doubly sure. What does it matter? We are all agreed that we do not want this particular building to be commercialized, to be a blot on the landscape. Surely that is all we are doing in this particular clause?

Mr. FERNANDES: We agree on that, and what we disagree vitally on is the means by which it is being stopped.

The CHAIRMAN: I would tell the hon. Member this: The Georgetown Fire Area Commissioners still exist and this particular body deals with that area. This law special charges them, and will continue to do so, with the responsibility for planning in this area. We have not reached the stage when we can hand over all the Commissioners' duties to the Town Planning Authority or to the Municipality. The Commissioners are a body specially charged by this Council to look after this particular area, and while they exist, I suggest, we ought to support them in every way possible as long as we are satisfied that what they propose are reasonable and right.

Mr. RAATGEVER: The point that my good friend, the hon. Member for Georgetown Central, has lost sight of is that of discrimination. We have prevented Bookers from putting their garage back in that area and have caused them to spend thousands of dollars to put up a new building in Water Street at Thom and Cameron's site. We have no authority under this Ordinance to prevent somebody from paying \$20,000 or \$30,000 for a premises and changing it into a garage. It would be gross discrimination if we permit that, after we have turned Bookers out of the area and made them put up elsewhere a building which is going to cost \$200,000. Hon. Members will see from that what is the position.

The Council resumed.

The ATTORNEY-GENERAL: With

the consent of the Council I beg to move that the Bill be now read a third time and passed.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a third time and passed.

CONSULAR CONVENTION BILL.

The ATTORNEY-GENERAL: I beg to move the second reading of a Bill intituled —

“An Ordinance to confer upon the Consular Officers of Foreign States with which Consular Conventions are concluded by His Majesty certain powers relating to the administration of the estates and property of deceased nationals of such States: to exempt such Officers from the payment of any tax in respect of any land or buildings owned or occupied by any such State for the purpose of a Consular Office; to enable any land or buildings to be conveyed to any such State without the payment of Stamp Duties; to restrict the powers of constables and other persons to enter the Consular Offices of such States; and for purposes connected with the matters aforesaid.”

This Bill is modelled on the Consular Conventions Act, 1949, (12 & 13 Geo. 6 c. 29), and seeks to give effect to the terms of a consular convention between the United Kingdom and the United States which was signed on the 16th February, 1949.

Clause 2 (1) of the Bill seeks to provide for the grant of representation being made to a Consular Officer in respect of the estate of a deceased person whose property in the Colony is being disposed of, where a national of a State to which the clause applies is named as executor in the will of the deceased person, or is otherwise a person to whom a grant of representation to the estate in the Colony of the deceased person may be made, and such national is out of the Colony and has no duly constituted attorney within the Colony. Clause 2 (2) seeks to provide for the payment of monies or property due from the estate of a deceased, or becoming due on the death of such person, to a national of a State to which the clause applies, to a

Consular Officer, if such national is not resident in the Colony. Clauses 2 (3) and 2 (4) are self-explanatory.

Clause 3 seeks to provide that no immunity or privilege shall attach to any acts done by a Consular Officer under clause 1 and 2. Clause 4 seeks to restrict the rights of entry into consular premises to which the clause applies, of constables or other persons acting in the execution of any warrant or other legal process or under any enactment. I will be appreciated that the Consular Officer is undertaking a duty of administration in his official consular capacity.

Clause 5 seeks to exempt from taxation land or buildings owned or occupied by States to which the clause applies, and used for consular purposes. Clause 6 seeks to enable the proper officer in charge of the effects of a deceased seaman to hand them over to a Consular Officer where the property does not exceed in value £100, and the person entitled to such effects is resident in a foreign State. Clause 7 seeks to extend the powers of a Consular Officer with respect to wrecks. Clause 8 is self-explanatory. Clause 9 seeks to repeal section 5 of the Deceased Persons Estates' Administration Ordinance, which will no longer be necessary in view of clause 2 of the Bill.

As I said before, the Consular Convention was entered into between the United Kingdom and the United States and was signed on the 16th February, 1949. Arising out of that Convention it becomes necessary for this legislation to be enacted. I may mention that it is based on a model draft Bill; and the draft of the Bill now before hon. Members has already been submitted to the Secretary of State and has received his approval.

Mr. RAATGEVER seconded.

Mr. DEBIDIN: I would like to ask a few questions on certain aspects of this Bill which require some explanation. To what extent the term "Consular Officer" can apply, whether it can be applied to a Commissioner?

The PRESIDENT: A professional Consul

The ATTORNEY-GENERAL: Not an honorary Consul.

Mr. DEBIDIN: Whether it affects the position of Indians in this Colony who are entitled to repatriation? Whether the same rights are extended to the Commissioner of India?

The ATTORNEY-GENERAL: I would like to point out that the Bill seeks to give effect to a Consular Convention between the United Kingdom and the United States. Although it is of general application we do not know what may happen in course of time.

Mr. DEBIDIN: I do not know the full extent of it. I thought you might be able to give us the information. To expect us to pass this Bill just like that, without having a knowledge of its implications as to whom it will affect, is not good enough.

The PRESIDENT: The Bill would apply in the case to which the hon. Member refers, if there were a similar convention between the United Kingdom and Pakistan and India. In Conventions of this kind it is desirable to make them reciprocal with as many countries as we can. This one is purely between the U.S.A. and British Guiana, but it will apply to any British subject — East Indian or a member of any other community — who may be a Guianese in America. The British Consul in America will have powers under this Ordinance to represent the estate of such deceased person. I think I am correct.

The ATTORNEY-GENERAL: Yes. The Bill is so framed as to enable it to be extended in case you have reciprocal agreement between other States and the United Kingdom.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE.

Clause 8 — *Application of section 1, 2, 4 and 5.*

The ATTORNEY-GENERAL: I move as an amendment that after the word "five" in the second line the words "of this Ordinance" be inserted.

Question put, and agreed to.

Clause as amended passed.

Council resumed.

The ATTORNEY-GENERAL: I beg to move, with the consent of Council, that this Bill be now read a third time and passed.

Mr. RAATGEVER seconded.

Question put, and agreed to.

Bill read a third time and passed.

BILLS — FIRST READING.

With the consent of the Council and on motions by the ATTORNEY GENERAL seconded by the FINANCIAL SECRETARY & TREASURER, the following Bills were read the first time:—

A Bill intituled "An Ordinance further to amend the Pensions Ordinance, 1933, with respect to the time for the exercise of the option to accept a gratuity and a reduced pension; to make better provision in respect of officers killed or injured while travelling on duty by air; and to enable officers to whom the provisions of the Pensions Ordinance apply a further opportunity to elect that the provisions

of the Pensions Ordinance, 1933, shall apply to them."

A Bill intituled "An Ordinance to provide for the payment of increased pensions to the dependants of certain public officers who lose their lives in the course of carrying out their duties and to provide for the payment of increased pensions to certain public officers permanently injured in such circumstances."

REVISION OF DEVELOPMENT PLAN.

The PRESIDENT: The Council will now adjourn to 2 p.m. tomorrow. I think hon. Members have been already notified that I would like to adjourn Council early tomorrow so as to discuss further the revised Ten Year Development Plan. I would be very glad to have tomorrow the general views or any observations which hon. Members may desire to make on the proposed allocations and on the question of Telecommunications and the utilization of capital from outside sources for the purpose. I hope, after that further expression of opinion by hon. Members we may be able to move forward and reach a definite conclusion before we come to the 1951 Budget. It is important that we should make up our minds on the Development Plan or the revised one in view of its bearing on the Budget. As I say, we might discuss the matter tomorrow, and I would be glad to receive any views of the Council on the matter. The Council is now adjourned to 2 p.m. tomorrow.