

## LEGISLATIVE COUNCIL.

*Friday, 22nd April, 1932.*

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

### PRESENT.

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

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

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

The Hon. P. James Kelly, M.B., Ch. B., Surgeon-General.

The Hon. F. Dias (Nominated Unofficial Member).

The Hon. T. Millard, C.M.G., Colonial Treasurer.

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

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

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

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

The Hon. S. H. Bayley, General Manager, Transport and Harbours Department.

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

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

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

The Hon. N. Cannon (Georgetown North).

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

The Hon. J. Eleazar (Berbice River).

The Hon. G. E. Anderson (Nominated Unofficial Member).

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

### MINUTES.

The minutes of the meeting of the Council held on the 21st April, as printed and circulated, were confirmed.

### UNOFFICIAL NOTICE.

Mr. WOOLFORD gave notice of the following motion:—

Whereas as the result of the efforts of His Excellency the Governor, this Colony has been granted a sum of £10,000 by the Trustees of the Carnegie Corporation for the promotion of educational opportunities among the young women and girls of the Colony;

And whereas this financial assistance has been forthcoming as the direct result of the enterprise and initiative of His Excellency the Governor:

Be it Resolved,—That this Council hereby places on record its grateful appreciation of the munificent offer of the Trustees of the Carnegie Corporation to provide this Colony with a sum of £10,000 for educational purposes and of the valuable services rendered to the community by His Excellency the Governor in securing the said grant:

And be it further Resolved,—That this Council respectfully requests that a copy of this resolution and the decision of the Council thereon be forwarded by the Government to the said Trustees of the Carnegie Corporation

### ORDER OF THE DAY.

#### POWERS OF ATTORNEY BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I move that "A Bill to make provision with respect to the recording of powers of attorney, their effect and their revocation" be read the third time.

Dr. Kelly seconded.

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

Bill read the third time.

#### PENSIONS (VOLUNTARY RETIREMENT) BILL.

Mr. MILLARD (Colonial Treasurer): I move that "A Bill to authorise the

Governor in Council to grant pensions or gratuities in certain cases to officers on the Fixed Establishment who voluntarily retire from the Public Service before they have qualified for pension" be read the third time.

PROFESSOR DASH seconded.

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

Bill read the third time.

#### PETROLEUM BILL.

The Council resolved itself into Committee and resumed consideration of "A Bill to amend the Petroleum Ordinance, 1930, as to storage of petroleum and other matters."

Mr. D'ANDRADE (Comptroller of Customs): I ask permission to withdraw the amendment previously proposed as clause 5 and to substitute the following:—

5. Section six of the Principal Ordinance is hereby amended as follows:—

(a) by substituting the words "Director of Public Works" for the word "Governor" wherever that word occurs in sub-sections (3), (4) and (5) thereof; and

(b) by adding the following as sub-section (7) thereof:—

(7) for every original licence so issued, and for every renewal of a licence during the year nineteen hundred and thirty-two a fee of five dollars shall be paid.

It will be remembered, sir, that objection was taken to a fee of \$5 for every original licence issued and for every renewal of a licence, and it was suggested that there should be no fee at all or that the fee should be reduced. Another suggestion was that there should be no distinction between Georgetown and New Amsterdam and other districts. There is already a licence of \$50 payable with respect to filling stations in Georgetown as compared with a licence elsewhere in the Colony. It is not desirable that there should be further discrimination in respect of the issue of the licence itself, but it is felt that the position would be met if a fee of \$5 is imposed only in respect of this year. The substitution of the Director of Public Works for the Governor no objection has been taken to.

Clause, as amended, agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Mr. D'Andrade.*)

#### GEORGETOWN IMPROVEMENT WORKS (AUTHORISATION) BILL.

THE ATTORNEY-GENERAL: I move the first reading of "A Bill to remove doubts as to the authority of the Georgetown Town Council to receive advances of money from the Government of the Colony for the construction of certain improvement works in Georgetown, to repay the moneys so advanced and to pay interest thereon until such repayment."

Dr. KELLY seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the second time (*Attorney-General.*)

#### STAMP DUTIES BILL.

THE ATTORNEY-GENERAL: I move the second reading of "A Bill to amend the Stamp Duties Ordinance, Chapter 42". That Ordinance lays down the procedure to be adopted in the imposition of stamp duties. Some of the things therein dealt with are not now of importance. Section 99, the one with which we are concerned, contains the definition of certain terms in the Tax Ordinance. Under that section illegitimate children are treated under the Tax Ordinance as if they were legitimate, and they get the same benefits and exemptions. This conflicts with the provision in the Tax Ordinance in respect of estate duties. Government has lost a good deal of duty in consequence of these exemptions and it is now proposed that the matter should be set right and the definition of a child, or children, or descendant of a child repealed, so that the expression "children" will mean legitimate children.

Dr. KELLY seconded.

Mr. ELEAZAR: Am I to understand that this amendment is intended to exclude illegitimate children from the definition "children?" I do not think that was the intention of the Legislature when the Ordinance was passed. It was recognised that East Indian children who were regarded as illegitimate were perfectly legitimate, and it was intended to meet those cases more than any other. Apart from that, if a person desires to leave property to his illegitimate child is that child to be penalised only because he is illegitimate and be deprived of the privilege the law allows to illegitimate children? A child is sufficiently punished by being brought into the world illegitimate and I do not think that child should be deprived of the father's desire to benefit it by his worldly goods. The Ordinance ought not to be interfered with for the purpose of giving Government an opportunity of taking from children the few dollars intended to benefit them. Government is doing itself or the Colony no good, and it might well consider whether the Bill should not be withdrawn.

THE ATTORNEY-GENERAL: I am sorry I cannot agree with the hon. Member's pronouncement as to what the law of the Colony is. The law is that if a man makes a will and afterwards marries his will is revoked by his marriage. If under his will he intended to benefit illegitimate children that will will be revoked by his subsequent marriage. It is also the law

that the expression "child" or "children" in a legal document means legitimate child or children, and unless there is some meaning from which it can be gathered that illegitimate children are included they are not. The object of the amendment is to amend the definition of child, or children, or descendant of a child, in the case of persons introduced or coming into the Colony from Asia. The effect of that definition as the law now stands is that there is a distinction in the meaning of child or children amongst the different classes of the community. In that case, and in that case only, it includes illegitimate children. The Legitimacy Bill, which was passed a few days ago, will have a material effect in reducing cases of this kind, because it provides for legitimising by subsequent marriage children who might otherwise be affected.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

The Council adjourned until Tuesday 26th April, at 11 o'clock.