

LEGISLATIVE COUNCIL.

Thursday, 2nd January, 1936.

The Council met, His Excellency the Governor, SIR GEOFFRY A. S. NORTHCOTE, K.C.M.G., President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, (Mr. E. J. Waddington, C.M.G., O.B.E.)

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

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

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

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

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

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

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

The Hon. J. Mullin, O.B.E., Commissioner of Lands and Mines.

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

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

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

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

The Hon. M. B. Laing, District Commissioner, East Coast Demerara District.

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

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

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

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

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

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

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

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

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

The Hon. 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 12th December, as printed and circulated, were confirmed.

MAYORALTY OF NEW AMSTERDAM.

THE PRESIDENT: Honourable Members, I feel that an expression of regret—almost an apology—is perhaps due to you for having called you at such short notice and during the season which has scarcely escaped from the holiday character, but, as the hon. Colonial Treasurer will explain to you, the principal business for which you are called is one which brooks no delay. It is a matter which is very much in the Colony's interest, and in those circumstances I feel sure that all hon. Members will gladly make any sacrifice of their time and convenience in the interest of the Colony.

There is now, as hon. Members no doubt will observe, another Bill which will be brought before them this morning for passing throughout all its stages. It deals with the Mayoralty of New Amsterdam. The Bill has been put forward at the request of the Town Council of New Amsterdam. If the Bill rests on the somewhat unusual ground of the ineligibility of the Mayor I would like to assure hon. Members that it is not initiated for that reason. I will leave it to the hon. Colonial Secretary to explain the Bill.

I need only add an expression from this Chair of my cordial good wishes to all Members for the New Year and of my confident hope for the prosperity of the year for this Colony.

ANNOUNCEMENTS.

COMPASSIONATE GRATUITY.

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

MESSAGE No. 9.

Honourable Members of the Legislative Council,

I have the honour to invite the Council to approve of the grant to Mrs. D. La Rose, Uncertificated Assistant Teacher, St. Joseph's School, Port Mourant, of a compassionate gratuity of \$150.

2. Mrs. La Rose has been certified by a Medical Board as unfit for further service. She has had nineteen years and six months service; that is ten years and six months less than the period prescribed by section 5 of the Teachers Pension Ordinance, Chapter 197, for qualification for a pension.

3. Mrs. La Rose's service has been satisfactory, and with the advice of my Executive Council I recommend the payment of the proposed gratuity for the approval of the Legislative Council.

G. A. S. NORTHCOTE,
Governor.

28th December, 1935.

PAPER LAID.

The following document was laid on the table:—

Regulations to amend the Post and Telegraph Regulations, 1928. (*The Colonial Secretary*).

GOVERNMENT NOTICES.

PUBLIC PURPOSES LOAN BILL.

Mr. McDAVID (Colonial Treasurer) gave notice that at a later stage he would move the suspension of the Standing Rules and Orders to enable the following Bill to be introduced and taken through all its stages:—

A Bill to amend section forty-one of the General Loan and Inscribed Stock Ordinance, Chapter 46, and the Schedule thereto.

COMPASSIONATE GRATUITY.

Major BAIN GRAY gave notice that at a later stage he would move the suspension of the Standing Rules and Orders to enable him to move the following motion:—

That, with reference to Message No. 9 of the 28th December, 1935, this Council approves of the grant to Mrs. D. La Rose, Uncertificated Assistant Teacher, St. Joseph's School, Port Mourant, of a compassionate gratuity of \$150.

NEW AMSTERDAM TOWN COUNCIL BILL.

THE COLONIAL SECRETARY (Mr. Waddington) gave notice that at a later stage he would move the suspension of the Standing Rules and Orders to enable the following Bill to be introduced and taken through all its stages:—

A Bill temporarily to amend the New Amsterdam Town Council Ordinance with respect to ineligibility of the Mayor of New Amsterdam for re-election.

PETITION.

Mr. ELEAZAR laid on the table a petition from the inhabitants of the upper Berbice River praying that the licence duty on corials and dogs be removed and the licence duty on firearms reduced in respect of that district.

ORDER OF THE DAY.

SALARIES, ETC., OF TEACHERS.

Mr. DE AGUIAR asked the following questions of which he had given notice:—

1.—(a) Have the number of teachers in the First, Second and Third Class been fixed in accordance with Education Regulations, 1934, (sec. 12), which came into force on January 1, 1935?

(b) If so, when were they fixed?

(c) Are the teachers who qualified in the certificate examination held recently included?

2.—(a) If the number is not yet fixed, why have the teachers who passed the examination not yet received the increased salary to which their new qualification entitles them?

(b) When will they receive the increased salary?

(c) Will they receive arrears of salary, dating from the first of the month following that in which the examination was held?

(d) Will a supplementary estimate be introduced to give effect to (b) and (c); if so, when?

3.—(a) Do pupil teachers receive an increase in salary on passing the annual examination?

(b) If the results are late in being published,

do pupil teachers receive arrears of salary ; if not, why ?

THE COLONIAL SECRETARY replied as follows :—

1.—(a) and (b) An establishment of all grades and classes of teachers has been prepared for 1936 and will be published when the Estimates have been approved by the Secretary of State.

(c) Posts have been included in the Estimates for teachers who qualified at the recent examinations but have not yet been promoted.

2.—(a) Regulation 25 of the Code makes all grants (including salaries), dependent on the amount voted annually for that purpose by the Legislative Council. In this instance the Teachers' Certificate Examination was held at the request of the teachers concerned. In order to secure the approval of Government to the holding of the examination, the representatives of the teachers suggested that payment of the increases entailed by the grant of higher certificates, should be suspended until the Colony could provide the additional expenditure involved. Government agreed to hold the examinations on this condition, which was published in the *Official Gazette* dated 30th December, 1933, in the following terms :—

“ It is to be clearly understood that a pass in this examination will not entitle a candidate to promotion. Appointments to the third or second class will be made only at such times as vacancies occur.”

(b) When the estimates have been approved by the Secretary of State, steps will be taken to appoint teachers qualified for promotion to the schools in which their services are most urgently required. Increased salary will be paid from the dates on which these teachers assume duty in their new appointments.

(c) and (d) No.

3.—(a) Yes.

(b) Yes. The increase is granted from the first day of the school year (1st September), and not from the date of publication of the results.

COMPULSORY RETIRING AGE.

Mr. JACOB asked the following questions :—

1. How many, if any, officials over the compulsory retiring age of 60 years are still employed on the Fixed Establishment of the Civil Service of the Colony, giving names, dates of birth and ages last birthday ?

2. If any officials over the age of 60 years are employed by Government on the Fixed Establishment, please state the reason for this breach of the Colonial Regulations.

THE COLONIAL SECRETARY replied as follows :—

1. There are four officials over the age of 60 years.

2. The Colonial Regulations make no provision for compulsory retirement. For the information of the Honourable Member it is added that the retention of the services of these officers involves no breach of the Pensions Ordinance, Cap. 204.

PUBLIC PURPOSES LOAN BILL.

Mr. McDAVID : In pursuance of notice I move the suspension of the Standing Rules and Orders to take “ A Bill to amend section forty-one of the General Loan and Inscribed Stock Ordinance, Chapter 46, and the Schedule thereto ” through all its stages. This Bill deals with the recent loan and it is desired to take advantage of the favourable condition of the money market at present.

Major BAIN GRAY seconded.

Question put, and agreed to.

Mr. McDAVID moved that the Bill be read the first time.

Major BAIN GRAY seconded.

Question put, and agreed to.

Bill read the first time.

Mr. McDAVID : In moving the second reading of the Bill I would like to invite the attention of the Council to two notices which appeared in the extraordinary issue of the *Official Gazette* on the 31st December, 1935. For the convenience of Members I have caused copies of those notices to be circulated and laid on the table. The Council will observe that Government has given notice of its intention to exercise the option to redeem various bonds of outstanding loans which are set out in those notices. The first notice relates to six outstanding loans which were issued between the years 1907 and 1915 and under the Public Purposes Loan Ordinance, No. 19 of 1896. That Ordinance is now Chapter 45 of the revised laws of the Colony. The issues total \$1,135,416 and carry rates of interest ranging from 3½ to 4½ per cent. per annum. Normally, these loans are repayable between 20 and 28 years from now, but there exists in each case the right to redeem them before maturity on giving 12 months' notice. That right has already accrued, subject to the year's notice.

The second notice relates to four outstanding issues under the Public Loan and Colonial Treasury Bills Ordinance, No. 6 of 1916, which is now Chapter 47. Those issues total \$446,900 and bear interest at the rate of 5 per cent. per

annum. There is a similar right existing to redeem prior to maturity. That right has already accrued in respect of two issues and will accrue some time in 1937 in respect of the others. The total loans to be redeemed, therefore, amount to \$1,582,316. The proposal is to redeem those bonds out of the proceeds of the related sinking fund as far as it is possible to do so and to raise by a new loan on the London market the money which is necessary to cover the difference. It is estimated that the sinking fund will realise in 1937 a sum of \$600,000 and it will therefore be necessary to raise by a new loan a sum of approximately \$982,000. We hope to take advantage of favourable conditions which now exist in the money market in London and to raise this new loan at a rate of interest which will not exceed 3 per cent. per annum. It is necessary to do so at once because conditions are uncertain and we must take full advantage of the present low rates which are prevailing.

The loans which are to be redeemed carry interest and sinking fund charges of a total of \$76,000 per annum. If, as we hope, the new loan of \$982,000 is raised at 3 per cent. per annum with a currency of something like 25 years, the annual charges will be in the vicinity of \$56,000 per annum, and therefore this Colony will save as the result of the financial operation something like \$20,000 per annum. It is possible that we might raise a loan of a somewhat longer currency than 25 years, and assuming that it is raised for 35 instead of 25 years the saving will be \$30,000 per annum instead of \$20,000. The Bill which is before the House is intended to provide statutory authority for the raising of the loan.

There is at present authority under the Public Purposes Loan Ordinance, No. 11 of 1929, to raise a loan of £537,000 for the redemption of outstanding 6 per cent. bonds. All our 6 per cent. bonds have already been redeemed, but it has not been necessary to use that provision to the full extent because a proportion of those 6 per cent. bonds was converted locally. The amount actually used out of that provision of £537,000 was £312,000, so that there remains an unissued balance of £224,000 under that Ordinance. But, as I stated before, item

17 of the Schedule relates solely to 6 per cent. bonds, and the purpose of this Bill is to divert that unissued balance of 6 per cent. bonds towards the redemption of the bonds to which I have already referred. The effective clause of the Bill reads—and I read it in order that it might be quite clear—as follows:—

“That part of the amount of five hundred and thirty-seven thousand pounds, appropriated in item 17 of Part II of the Schedule to the Principal Ordinance for the redemption of six per cent colony bonds, which remains after the redemption of the said bonds, may be utilised for the redemption of other colony bonds.”

When, therefore, this Bill is passed into law, it is proposed to authorise the Crown Agents to issue fresh stock under Ordinance 11 of 1929, which will be an addition to the two loans which have already been raised under that Ordinance. Before I conclude I would like to refer to a question which was asked by the hon. Member for North Western District quite recently in this Council. He asked “Does Government intend to approach the Secretary of State for the Colonies, with a view to converting all loans bearing interest above 3 per cent. per annum with the object of reducing the interest paid to a figure not exceeding 3 per cent.?” The answer given was that Government had no intention at the present time. That question was bound to receive a negative answer at that time, in the first place, because the proposals now before the Council had not yet been completed, and, secondly, the question referred to all the loans to the Public Debt. It has already been explained by the hon. Attorney-General that conversion and redemption are only possible where the terms of the loans provided for them. I can assure the Council that Government has taken, and is taking, every possible step to seize every opportunity for effecting reduction of the Public Debt charges by conversion, but Government must stick strictly to the conditions and obligations imposed by the bonds. I move that the Bill be now read the second time.

Major BAIN GRAY seconded.

Mr. JACOB: I desire to congratulate Government on this step and would like to make reference to certain statements that appeared in the Press. There was a debate in the House of Commons in which

the statement was made that in the past the policy of the Imperial Government was somewhat short-sighted. Maybe that was responsible in a measure for the non-inclusion in the issue of all bonds in the past of a redemption clause. Having heard the Colonial Treasurer this morning, I feel quite satisfied that Government will now put a redemption clause in all bonds.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): I do not know if the hon. Member is referring to the million sterling loan. There seems to be some misapprehension amongst certain uninformed people not Members of this House that there is no redemption clause in connection with that loan which was made in 1922. There is a redemption clause but instead of its being limited to 10 years it is limited to 20 years, and therefore it does not come into operation until 1942. Those are the terms on which the loan was raised. As a matter of fact at that time it was very difficult for Government to raise a loan. Government advertised for tenders and two tenders were received. Government accepted the better of those tenders, but it is a condition of that loan, imposed by the lenders, that the right to redeem before the loan fell due should not be exercisable until after 20 years. That was submitted to the Combined Court and was approved by the Combined Court. I do not know if there are any loans which have been issued by this Government in which there is no provision for redemption before the loan falls due.

Mr. DE AGUIAR: I should like to hear from the Colonial Treasurer what is going to be the rate on these bonds: whether they are going to be bought at par or at a premium.

Mr. McDAVID: I am sorry I cannot give any further information with regard to the terms of raising new loans. All I can say is that it is hoped to raise them at a rate of interest not higher than 3 per cent. If we obtain a 3 per cent. loan at par I think we would have done very well indeed.

Mr. ELEAZAR: I wish to congratulate Government once in a life-time. We have been borrowing money at times when the

rate of interest was very high, and now that money is cheap it affords an opportunity for Government to borrow and redeem those bonds. I congratulate the Treasurer on looking so far ahead and getting all the advantages that he can get. 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.

Mr. McDAVID: I move that the Bill be read the third time and passed.

Major BAIN GRAY seconded.

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

Bill read the third time.

NEW AMSTERDAM TOWN COUNCIL BILL.

THE COLONIAL SECRETARY: I beg to move the suspension of the Standing Rules and Orders to enable "A Bill temporarily to amend the New Amsterdam Town Council Ordinance with respect to ineligibility of the Mayor of New Amsterdam for re-election" to be taken through all its stages.

Mr. DIAS seconded.

Question put, and agreed to.

THE COLONIAL SECRETARY moved that the Bill be read the first time.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the first time.

THE COLONIAL SECRETARY: I beg to move that the Bill be now read the second time. As Your Excellency has stated, this Bill has been introduced at the request of the Town Council of New Amsterdam. That Council did in fact recommend that the Bill should be somewhat wider in its effect by removing permanently the disability to which clause 2 of the Bill refers, but in so doing they

explained quite clearly that the purpose which they had in mind was to effect the amendment which is provided in this Bill. It is not thought desirable to deal with or to consider the wider amendment, nor in fact would it be proper that such an amendment should be introduced into this Council on the suspension of the Standing Rules and Orders. In regard to the question of urgency I should mention that the Bill would be of no effect if it were not enacted at once because the election of a Mayor by the Town Council is due to take place next week. The Bill, then, is introduced in order to enable the present Mayor of New Amsterdam to continue in office for another year if the Town Council so decide.

The special reasons which make this amendment desirable are connected with the building operations which are now in contemplation in New Amsterdam. The Town Hall is in a very bad state of disrepair and it is imperative that extensive alterations and rebuilding should be undertaken at once. The loan to provide for this work has already been approved, also the plans, and negotiations have been taking place with a view to the selection of an engineer to supervise the construction. In his capacity as Mayor, Mr. Broughton has taken very great personal interest in this project, and by reason of his technical qualifications and ability he has amassed a fund of knowledge on this subject which is of the very greatest importance to the successful completion of the scheme. It is the desire of the Town Council, as I am sure it is of this Council, that that knowledge should be utilised to its fullest extent, and the Town Council feel—and I think we will all agree with them—that that purpose can be best effected by continuing Mr. Broughton in office for another year. It is in order to enable the Town Council to elect Mr. Broughton for another year, if they so wish, that this Bill has been presented to the Council today. I beg to move that it be read the second time.

Mr. DIAS seconded.

Mr. ELEAZAR: I want to thank Government for the way they have moved in this matter because to the Town Council of New Amsterdam it is of great impor-

tance. All that the Colonial Secretary has said about Mr. Broughton in connection with this project is correct. It took him the whole period of two years while he has been in the Chair to get the loan and free grant. The building project is still undone. Mr. Broughton has brought his knowledge as an engineer to bear on the whole construction, and as none of us on the Town Council has the knowledge of an engineer it is thought advisable that he should be given the opportunity at least to launch the scheme. This Bill meets the wishes of the Town Council amply and I have great pleasure in supporting it.

Mr. LUCKHOO: I join the last speaker in congratulating Government on the expeditious manner in which they have dealt with this matter. Not many weeks ago the Town Council made representations to Government on the subject, and I am very pleased to see the matter dealt with so expeditiously in order to enable the Council to carry out our wishes. I should like to say that the original motion of the Town Council was a very drastic one, giving the Council the right to appoint a Mayor permanently. That did not meet with my view and I am glad to see that Government has taken the real reason into consideration, in removing temporarily the disqualification in order that the present Mayor may be eligible for re-election for another year. I join the Colonial Secretary in congratulating Mr. Broughton on the very able manner in which he worked out the details of the scheme. It is really due to his skill and experience as an engineer that we have been able thus far to proceed with the scheme, and to be deprived now of his technical knowledge and experience would be a misfortune to the Town Council. The scheme aims at improving the sanitary and structural arrangements of the town of New Amsterdam, especially in connection with the market which is not of the best at the present time. I should like to record our gratitude to the Imperial Government for the help they have given the Municipality in making it possible for us at this time to carry out such desirable and necessary arrangements. I feel sure that the New Amsterdam community acknowledges with the utmost gratification the action taken by the local Govern-

ment and the handsome contribution by the Imperial Government to carry out this most desirable project.

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.

THE COLONIAL SECRETARY: move that the Bill be read the third time and passed.

Mr. DIAS seconded.

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

Bill read the third time.

COMPASSIONATE GRATUITY.

Major BAIN GRAY: I move the suspension of the Standing Rules and Orders to enable me to move the motion of which I have given notice. The motion is not controversial and I am sure hon. Members will be glad to authorise Government to make this payment as early as possible.

THE ATTORNEY-GENERAL seconded. Question put, and agreed to.

Major BAIN GRAY: I beg to move:—

That, with reference to Message No. 9 of the 28th December, 1935, this Council approves of the grant to Mrs. D. La Rose, Uncertificated Assistant Teacher, St. Joseph's School, Port Mourant, of a compassionate gratuity of \$150.

The circumstances of this case are set out in the Message. This teacher is not eligible for pension under the Ordinance, but special circumstances exist in view of which Government is asking for authority of this Council to make payment of this gratuity. I beg to move the motion.

THE ATTORNEY-GENERAL seconded.

Mr. ELEAZAR: I always criticise the Education Department and it should be given a little praise when it is deserved. I know this individual and I am pleased that Government has seen fit to give her this consideration. I am very pleased that for once the Director is so kind and considerate to a teacher, and I hope that the Heads of other Departments will take a note and do likewise when the opportunity occurs.

Motion put, and agreed to.

The Council adjourned *sine die*.