

# LEGISLATIVE COUNCIL.

*Tuesday, 18th February, 1941.*

The Council met at 11 a.m. His Excellency the Governor, SIR WILFRID JACKSON, K.C.M.G., President, in the Chair.

## PRESENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

The Hon. 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 20th of December, 1940, as printed and circulated, were confirmed.

## ANNOUNCEMENTS.

### DEATH OF HON. R. E. BRASSINGTON.

THE COLONIAL SECRETARY (Mr. G. D. Owen): Sir, before we proceed with the business of the Council I should like to state that a few days ago the death occurred of the hon. R. E. Brassington.

Mr. Brassington had been a Member of the old Combined Court and when the new Constitution came into force in 1928 he became a Member of this Council. He served the Colony as an Elected Member for Essequibo for a period of nearly a quarter of a century—from 1911 to 1935—and for the last seven years of that period he served on the Executive Council.

I think it may be truly said of Mr. Brassington that, as a Member of this Legislature, he did not fail to take every opportunity to improve the lot of the people of this Colony generally and of the inhabitants of Essequibo in particular. As a mark of esteem, sir, I ask leave to move the following resolution:

That this Council records its deep regret at the death of the hon. Robert Edward Brassington and directs that an expression of its sympathy be conveyed to his relatives.

THE PRESIDENT: The hon. Colonial Secretary has asked for leave to move that resolution. I am sure there can be no

objection on the part of hon. Members of Council to leave being given.

Mr. DIAS seconded the resolution.

Mr. JACOB: Sir, I desire to be associated with that resolution, and as one who has been associated with Mr. Brassington for nearly thirty years I beg to endorse what has been said.

THE PRESIDENT: I would like to associate myself entirely with what has been said by the hon. Colonial Secretary. All those in favour of the resolution will signify their assent in the usual manner by standing.

Resolution carried unanimously, Members standing.

THE PRESIDENT: Steps will be taken to communicate the terms of the resolution to Mr. Brassington's family.

#### ADDITIONAL 3RD CLASS PILOT.

THE COLONIAL SECRETARY communicated the following Message:—

#### MESSAGE NO 6.

Honourable Members of Legislative Council,

In view of the increase in shipping as a result of the war, the Board of Commissioners of the Transport and Harbours Department recommend the creation of an additional post of Third Class Pilot, Transport and Harbours Department, as from 1st January, 1941, with salary on the scale \$888 x \$48—\$1,080 per annum, and the Council is invited to approve of the creation of this additional post and to undertake to provide the necessary funds to pay the officer.

W. E. JACKSON,  
Governor.

14th February, 1941.

#### PAPERS LAID.

THE COLONIAL SECRETARY laid the following report and documents on the table:—

Report and accounts for the year ended 31st December, 1940, of the East Demerara Water Conservancy Board.

Post Office Savings Bank (Amendment) Regulations, 1940.

The Defence (Suspension of Sugar Quota) Ordinance, 1937, Regulations, 1940.

Volunteer (Amendment) Regulations, 1941.

#### GOVERNMENT NOTICES.

##### INTRODUCTION OF BILLS.

Notice was given of the introduction and first reading of the following Bills:—

A Bill intituled an Ordinance to provide for the payment of pensions at specified rates per annum to certain retired certificated teachers in place of the pensions computed in respect of such teachers under the Teachers' Pensions Ordinance.

A Bill intituled an Ordinance to make provision for the payment of a pension to Edwin Allison Haynes. (*The Colonial Secretary*)

A Bill intituled an Ordinance further to amend the Income Tax Ordinance, Chapter 38, by increasing the rate of tax on companies; by making provision for the deduction of amounts paid as excess profits tax; by making certain corrections; and for purposes connected with the matters aforesaid.

A Bill intituled an Ordinance to provide that all Government Currency notes which are legal tender in the Colony of Trinidad and in the Island of Barbados shall be legal tender for the payment of any amount in British Guiana.

A Bill intituled an Ordinance to amend the Motor Vehicles and Road Traffic Ordinance by providing for certain exemptions from the payment of specified fees; by empowering the Commissioner of Police to prohibit or restrict Road Traffic on particular occasions and by reducing the area wherein licence fees at the higher rate are payable.

A Bill intituled an Ordinance to amend the Hobaboe Creek (Diversion) Ordinance by substituting references to the Drainage and Irrigation Ordinance, 1940, for references to the Polder Ordinance. (*The Attorney-General, Mr. Pretheroej.*)

A Bill intituled an Ordinance to impose an Excess Profits Tax on the profits of business carried on in the Colony.

A Bill intituled an Ordinance to appropriate the supplies granted in the current session of the Legislative Council. (*Mr. McDavid, Colonial Treasurer.*)

#### ADDITIONAL 3RD CLASS PILOT.

THE COLONIAL SECRETARY gave notice of the following motion:

THAT, with reference to Governor's Message No. 6, dated 14th February, 1941, this Council approves of the creation of an additional post of Third Class Pilot, Transport and Harbours Department, with effect from 1st January, 1941, and undertakes to provide the necessary funds for his salary.

#### ORDER OF THE DAY.

##### MEMBERS OF COUNCIL AS CROWN PROSECUTORS.

Mr. JACOB asked and the hon. Colonial Secretary laid over replies to the following questions:—

Q. 1. When was the hon. C. V. Wight, Member for Western Essequibo, appointed to prosecute on behalf of the Crown at the Berbice Criminal Session, and how long will this appointment continue?

A. The depositions of cases to be tried at the last Berbice Criminal Session were handed to the hon. C. V. Wight by the Crown Solicitor on the 17th October, 1940. The last case at that Session was completed on the 25th November, 1940.

Q. 2. What sum was paid to the hon. gentleman for services rendered during the months of October and November, 1940, each month separately?

A. The hon. Member was not remunerated on a time basis but was paid an inclusive fee to prosecute in all cases heard during the Session. It is not the custom of the legal profession to publish the amount of such fee.

Q. 3. Is it the intention of Government to continue to employ Members of the Legislature in view of Article No. 21 of the British Guiana (Constitution) Order in Council, 1928, Chapter 2, which reads as follows:—

“No person shall be qualified to be elected a Member of the Council or, having been elected, to sit or vote in the Council who is the holder of an office of emolument under the Crown or under the Government of the Colony.”

A. As Counsel briefed on behalf of the Crown does not hold an office of emolument under the Crown or under the Government of the Colony the services of any practising member of the Bar will be retained if, and when, required regardless of whether he may be a Member of the Legislative Council or not.

Q. 4. If Government does not consider that Article No. 21 is infringed by the temporary appointment of the hon. Member for Western Essequibo, will Government re-appoint the hon. Member to prosecute on behalf of the Crown at the next Criminal Session to be held in the County of Essequibo, his Constituency?

A. No arrangements regarding prosecuting Counsel have yet been made in connexion with that Session.

#### CROWN COUNSEL AND WIFE IN SAME OFFICE.

Q. 5. Is it a fact that the wife of the Crown Counsel is employed in the Attorney-General's Office as Clerk to the Attorney-General under her maiden name?

A. Yes.

Q. 6. Does Government consider it desirable to employ a husband and wife in the same office?

A. It is a common practice in legal chambers, and the fact that the chambers concerned are those of a Law Officer does not appear to affect the position.

#### RICE DAMAGED BY INSECT PESTS.

Mr. JACOB, on behalf of Mr. LEE, asked the hon. Colonial Secretary laid over replies to the following questions:—

Q. 1. Is Government aware of the fact that insect pests have damaged a large area of growing rice in the Colony during the last crop? If the answer is in the affirmative, what steps, if any, were taken to combat this evil in each of the following districts: (a) Essequibo, from Charity to Supenaam; (b) Wakenaam and Leguan; (c) West Coast, Demerara; (d) East Coast, Demerara?

A. Yes. The usual steps were taken by the Department to advise growers on methods of control. In many cases, however, the principal pest—the rice caterpillar—attacked broadcast rice and there was insufficient water in these areas to allow of efficient control of this. In other instances, meres around the seed beds were not high enough and the growers would not build them higher to allow of control. Outbreaks of this pest occur regularly, its control is well known, and information has been distributed frequently in the form of circulars, posters, contributions to the Press, and through the District Officers. The more enterprising farmers adopt control measures with success each year. In one district, namely on the West Coast, Demerara, the pest was the moth borer of rice and its damage was not evident to the growers and not made known to the Department until long after it had become well established. Indeed, it was only reported to the Department when the rice was almost ready for reaping. This particular pest is largely controlled by the Amazon Fly, which was introduced some years ago and, in this outbreak, the examination showed a parasitism of 50 per cent. in one area. The total loss for the district was in the vicinity of 10 per cent. although a few individuals suffered as much as 50 per cent. loss.

#### EGGS, POULTRY AND FRUIT.

Q. 1. Will Government state what become of the eggs, poultry and fruit from the Experimental Station in the Botanic Gardens, and what income, if any, is derived from the several items to November 30th, 1940?

A. Eggs for hatching purposes and poultry are sold at a nominal price for the improvement of poultry throughout the Colony. The revenue from January to November, 1940, is as follows:—

|               |                  |
|---------------|------------------|
| Eggs \$183.64 | Poultry \$213.21 |
|---------------|------------------|

The only fruit of any importance in the area mentioned is mangoes. There are a few old trees which fruit irregularly and after provision of propagating material there is no surplus of marketable fruit. The variety “Julie” has given the best results and a small commercial area of this variety has been started at the Experimental Fields. It is expected that fruit from this when in full bearing will be available for sale.

THE PRESIDENT: This concludes the Order of the Day. If it is the wish of the Council, and I think it suits the convenience of everybody to proceed with the first reading of those Bills of which

notice has been given, we may go on with the meeting and do that if there is no objection.

#### SUSPENSION OF STANDING RULES AND ORDERS.

THE COLONIAL SECRETARY: I move the suspension of the Standing Rules and Orders to enable the Bills on the Order Paper to be read the first time.

Mr. DIAS seconded.

Question put, and agreed to.

#### BILLS—FIRST READING.

The following Bills were read the first time and notice given that at the next or a subsequent meeting of the Council it would be moved that they be read the second time:—

A Bill intituled an Ordinance to provide for the payment of pensions at specified rates per annum to certain retired certificated teachers in place of the pensions computed in respect of such teachers under the Teachers' Pensions Ordinance.

A Bill intituled an Ordinance to make provision for the payment of a pension to Edwin Allison Haynes. (*The Colonial Secretary*).

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A Bill intituled an Ordinance to impose an Excess Profits Tax on the profits of business carried on in the Colony.

A Bill intituled an Ordinance to appropriate the supplies granted in the current session of the Legislative Council. (*Mr. McDavid, Colonial Treasurer*).

THE PRESIDENT: This concludes the formal business we have for to-day. The Council stands adjourned to to-morrow at the usual hour.

The Council adjourned until the following day at 10.30 a.m.