

LEGISLATIVE COUNCIL.

Wednesday, 30th November, 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. F. Dias, O.B.E. (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. R. E. Brassington (Western Essequibo).

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

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

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

The Hon. Q. B. De Freitas, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Surgeon-General (Acting).

The Hon. J. Mullin, M.I.M.M., F.S.I., Commissioner of Lands and Mines.

The Hon. N. Cannon (Georgetown North).

The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. A. E. Seeram (Eastern Demerara).

The Hon. V. A. Pires (North Western District).

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

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

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

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

The Hon. F. J. Seaford (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

MINUTES.

The minutes of the meeting of the Council held on the 29th November, as printed and circulated, were confirmed.

GOVERNMENT NOTICE.

PUBLIC NOTARIES BILL.

THE ATTORNEY-GENERAL (Mr. Hector Josephs) gave notice that at the next meeting of the Council he would ask leave to introduce and have read a first time:—

A Bill to provide for the appointment of Notaries Public and to regulate the duties of the office of Public Notary.

UNOFFICIAL NOTICE.

OUTPUT OF FOREST PRODUCTS.

Mr. ELEAZAR gave notice of the following motion:—

THAT a return showing what is the output (for each of the years 1925 to 31st October, 1932, and their respective values) of the following products from the interior:—Bauxite, Balata, Diamond, Gold, Timber, be laid on the table of the Council.

ORDER OF THE DAY.

COST OF SPEECH AND SALUTE.

Mr. CANNON asked the following questions:—

1. What was the cost of printing the annual speech of His Excellency the Governor in 1931?

2. What will be the cost of printing same this year?
3. What is the cost of firing the salute at the Fort at the opening of the Annual Session of the Legislative Council?
4. Why was the usual salute not fired at the Annual Session held this day?

THE COLONIAL SECRETARY (MR. C. Douglas-Jones) replied as follows:—

- 1 & 2.—The printing of the annual speech of His Excellency the Governor is provided for under the Printing Contract.
3. Gunpowder, Tubes and Cartridges, \$25.65
4. For reasons of economy.

LICENSING PROCEDURE.

Mr. GONSALVES asked the following questions:—

- 1.—(a) How many persons were given the option of being fined by the Commissary of the Georgetown Fiscal District during the period from January, 1932, to November, 1932, for failing to take out licences of a duty not exceeding \$10?
- (b) How many of such persons have been so fined?
- (c) What is the amount of the fine which can by law be imposed by the Commissary?
- (d) What is the minimum and maximum fine imposed by the Commissary in respect of such licences during the said period?
- Give particulars for each month, and the different kinds of licences, separately.
- 2.—(a) How many persons have been fined by the Magistrate of the Georgetown District during the said period for failing to take out licences of a duty not exceeding \$10?
- (b) What was the minimum and maximum fine imposed?
- (c) What is the minimum and maximum fine fixed by law which can be imposed by the Magistrate?
- Give particulars for each month, and the different kinds of licences, separately.
- 3.—(a) How many of such persons who were prosecuted before the Magistrate were offered the option of being fined by the Commissary? And how many were not?
- (b) What were the reasons for not giving them such options?
4. How many days during each month of the above period from January, 1932, to November, 1932, and approximately how many hours on each of such days were the commissaries of the said District occupied or engaged in the Magistrate's Courts in such cases?
- 5.—(a) Were such prosecutions before the Magistrate brought with the knowledge and approval of the Chief Commissary?
- (b) Was he satisfied that the time spent in the Magistrate's Court in connection with such cases by the Commissaries could not have been better used by them in his office or in other work of the Department?
6. What was the total amount of fines

imposed during the aforesaid period in respect of the above kinds of licences—

- (a) by the Magistrate.
- (b) by the Commissary.
- (c) Have all such fines been paid, if not how much?
7. Is any share or portion of such fines imposed—
- (a) by the Magistrate
- (b) by the Commissary
- (c) paid to any person or persons? If so, to whom and what share or portion is so paid.

THE COLONIAL SECRETARY replied as follows:—

- 1.—(a) 115.
- (b) 115.
- (c) The amount of the fine imposed by the Commissary under the law does not exceed the value of the licence.
- (d) The minimum fine imposed was \$1 and the maximum \$2.
- These fines were in respect of 103 bicycle licences in March, 3 in April and 1 dog licence in October.
- 2.—(a) 219.
- (b) The minimum fine imposed was \$2 and the maximum \$15.
- (c) \$2 and \$48 respectively.

April	Bicycles	10	\$ 20 00
	Motor Cycle	1	2 00
May	Motor Cycle	1	2 00
	Dogs	17	40 00
June	Dogs	31	64 00
	Motor Cycle	1	2 00
	Store at \$8	2	17 00
	Bicycles	2	4 00
	Tobacco	1	15 00
July	Tobacco	1	5 00
	Dogs	31	70 00
	Store at \$8	1	10 00
	Motor Cycle	1	2 00
	Bicycles	2	17 00
August	Dogs	45	116 50
September	Dogs	9	19 00
	Cart	1	3 00
	Dance	1	12 00
	2nd instalments ...	13	33 00
	Bicycle	1	3 00
October	Instalments	4	8 50
	Dogs	18	44 50
November	Dogs	24	41 00
	Bicycle	1	2 50
		219	\$ 553 00

3.—(a) In no case was the option given of being fined by the Commissary.

(b) It was not considered that there was any reason for giving the option.

4. No record has been kept from which a reply could be furnished.

5.—(a) The reply is in the affirmative.

(b) Do. do.

6.—(a) \$553.

(b) \$117.50.

(c) \$529 has been paid to date of the total of \$553 in fines imposed by the Magistrate. As regards the fines imposed by the Commissary the whole amount has been paid.

7. Of the fines imposed by the Magistrate 10 per cent. is paid to the Revenue Defence Fund, 50 per cent. of the remainder to revenue and the balance to the prosecuting officers and witnesses. All fines imposed by the Commissioner are paid in full into revenue.

FEMALE SELLING CLERKS.

Mr. CRANE asked that consideration of the following motion be deferred:—

THAT this Council is of opinion that the conditions under which female selling clerks in business places in the Colony are required to work ought to be investigated and that such legislation as the said conditions warrant be introduced forthwith.

Agreed to.

SERVICE OF PROCESS BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to facilitate the proof of service of process under the Summary Jurisdiction (Procedure) Ordinance, the Summary Jurisdiction (Petty Debt) Ordinance and the Criminal Law (Procedure) Ordinance" be read the third time.

Mr. DIAS seconded.

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

Bill read the third time.

RICE (EXPORT TRADE) BILL.

Professor DASH (Director of Agriculture): I move that "A Bill to make provision for the establishment of a Board with powers to regulate and control the price and exportation of rice produced in the Colony" be read the first time.

Major CRAIG seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at a subsequent meeting of the Council it would be moved that the Bill be read the second time. (*Professor Dash*).

ANNUAL ESTIMATES.

TRANSPORT AND HARBOURS.

The Council resolved itself into Committee and resumed consideration of the

draft Estimates of expenditure to be defrayed from revenue for the year 1933 under the head "Transport and Harbours."

THE COLONIAL SECRETARY: When the Council adjourned I was dealing with the additional sum of \$5,000 for renewal of dock gates at Mazaruni Station. All Government steamers are docked there for repairs. The hon. Member for Demerara River as a member of the Harbour Board initialled the paper dealing with the item but was not present at the meeting when it was discussed. The position is that if the dock gates are repaired they can be widened so as to enable the "Queriman" to be repaired and painted there and to do this is estimated to cost \$5,000. The question was raised whether it would be cheaper for the Department to have all work done at Sprostons' dock, or to maintain its own dock and do the work there. It is difficult to produce an argument except on some unit and I have ascertained from the engineers of the Department that the best example I can give in respect of cost of repairs is to take the cost of putting in a new plate in the bottom of one of the steamers. We can do it at Mazaruni at a cost of 64 cents per square foot as against \$1.68 by Sprostons. The amount spent on the "Queriman" last year in docking charges at Sprostons was \$2,421.50. It is not possible to estimate the comparative figure of what it would have cost to do the same repairs in our own dock, but on the basis of cost of repairing our other ships we anticipate that sum could have been reduced very considerably. On those figures we are satisfied that it is cheaper to maintain this dock for our steamers, and also that if the sum of \$5,000 is spent to widen the dock gates and rebuild them so that the "Queriman" can be docked there we can save a considerable sum of money. It is estimated that in four or five years the actual cost in respect of the "Queriman" alone would have been repaid. There is another reason why it is convenient—I may almost say necessary—to maintain our own dock. When a ship is put into dry dock for repairs to her bottom the Department can perform extra work, such as repairs to machinery, painting or chipping. That cannot be done in Sprostons' dock as they would require such work to be done by themselves.

Mr. CRANE: The comparison has been

made entirely between carrying out repairs at Sprostons' and the Government dock. When the dock was built there was a lot of activity in Mazaruni, but now there is not. In any case I do not know whether a dry dock in the vicinity of the transport works could not be constructed at small cost so as to enable these repairs to be effected economically. Whenever you have to put a ship in dry dock at Mazaruni you have to incur expenditure on fuel in sending the steamer there for 45 miles and bring it back. All the steamers are concentrated in Georgetown and whatever wisdom there might have been in the days when the dock was constructed I do not think the same degree of wisdom obtains today in maintaining it. I do not think there is any workshop at Mazaruni. When ships are not there what do the men in the workshop do if there is no permanent workshop? The advantage is in having a workshop in Georgetown, and Government might well consider whether it should not spend a little more money on a dock in Georgetown for repairing these steamers.

Mr. BRASSINGTON: I am an admirer of the Colonial Transport Service and I certainly think there are engineers in it who can carry out these repairs equally as well as Sprostons. But we have to look further than that—we have to look at the £. s. d.—and I should like to hear how often the dock is used. If it is only used occasionally and you have to send men to do work when it is required it resolves itself into a question of cost. I would like to see the Department have its own workshop, but in these days when every penny is needed pressing economies have to be considered as against economies that will take years to repay themselves.

THE COLONIAL SECRETARY: I said what had been spent at Sprostons on the "Queriman" last year was \$2,421. I could not give a comparison of what the repairs would have cost at the Mazaruni Station. What I say is we have to reduce the cost to a unit, and we know that it cost us only 64 cents a square foot to repair a plate as against a cost of \$168 at Sprostons.

Mr. BRASSINGTON: In comparing these charges you have to take the overhead expenses of the firm. If the Transport Department had to install machinery

when you take into account the overhead charges it would make a very big difference. You must not take an isolated case but the whole bill for repairs of a steamer for a year if you are to arrive at a fair estimate as regards the wisdom of getting work done at Sprostons or Mazaruni.

Mr. GONSALVES: When this matter was considered by the Board the difference between paying Sprostons for repairs and what those repairs could be done for by the Department was so great that the Board had no alternative but to accept the views and figures submitted by the responsible officer of the Department. As long as we feel that our engineers are capable of doing the work it would not be consistent to adopt the attitude that other persons could more economically do the work than our engineers. There is at Mazaruni a shed where the men work when ships are taken there and I believe the implements necessary to do the work are taken down by the steamer. I have never heard of any inconvenience or of the work not being satisfactorily performed. The only ship it has not been found possible to dock there is the "Queriman" and I think the expenditure of \$5,000 to widen the dock gates would be a desirable expenditure.

Mr. AUSTIN: I happen to be a Director of Sprostons and I think there might be some misunderstanding in regard to docking and repairing steamers there. Sprostons have undertaken to submit the cost of repairs to the Department and to undertake repairs at their dock under the supervision of the Department's engineer. I understand that any repairs are done at cost plus a small overhead commission between 2½ and 5 per cent. When this matter was informally considered those were the views expressed and were later put in writing to the Transport Department. We have a lot of competent men in Georgetown with an empty dock and want to give them work. We can find work for them if Government would give us repairs of steamers and are prepared to do those repairs at the minimum cost plus a small overhead charge.

Mr. ELEAZAR: I do not know that Sprostons have become philanthropists yet and I cannot conceive how they would be able to do work for the Department cheaper than it can with its own dock.

That is philosophy I cannot digest and arithmetic I would like to see worked out. It would work out in decimals and nothing else. It would be imprudent to abandon our own dock in order to give work to Sprostons.

THE CHAIRMAN: I happened to be at Mazaruni on two occasions when work was going on and was surprised to see what an excellent dock the Colony has got there. I was quite satisfied that the work was being done efficiently and think Government has an asset in that dock.

THE COLONIAL SECRETARY: The hon. Member for Demerara River referred to the cost of sending a steamer to Mazaruni. The cost of sending a ship there is very small. On many occasions there is a cargo to carry and a cargo to bring back in addition to what is brought by the ordinary service. We have a workshop there but all necessary tools to do work are taken from the workshop in Georgetown and the men work night and day so as not to delay the ship longer than is possible. To have a slipway to accommodate the "Queriman" or "Tarpon" would be expensive and the easiest way would be in a dry dock. The dock itself is a very well made structure and is never likely to be damaged in any way. The only parts requiring repairs from time to time are the wooden parts, but the dock gates are of greenheart and will last a very long time. The hon. Member for Western Essequibo referred to the question of cost. I can assure the hon. Member that there is no Board of which I have the honour to be Chairman or a member more closely concerned with cost than the Transport and Harbour Board. The Board goes into every question and when it makes a recommendation as to cost I think it would be pretty correct. There are no overhead charges. All the ships with the exception of the "Queriman"—ten in number—go to the Mazaruni Station periodically for their repairs, usually once a year and as a rule there is a steamer in the dock once a month. If Government had no dock of its own we would be entirely dependent on Messrs. Sprostons and would gladly make any arrangements necessary, but even though they are prepared to do the work at the price we do it we would still have to pay them some small commission in addition to the actual

cost of the work. It cuts both ways. I appreciate that if we give this work to Sprostons we shall be giving work to their employees, but if we do not do this work ourselves we would probably not be employing so many men in our own workshop. We are also very fortunate in having a firm like Sprostons with a dock where expert work on shipping can be executed. Government steamers from Trinidad and Surinam come to this dock for overhaul, but it would cost us more than at present if we use Sprostons' dock.

Item put, and agreed to.

Mr. PEER BACCHUS: I want to bring to the notice of the Council the freight rate on cattle. The rate was increased during the War and it has remained at the same figure until to-day. Shipping a wagon-load to Georgetown it cost on the average \$2 per head and below a wagon-load between \$2.40 and \$3.60. That rate needs revision and I hope the Transport Department will consider it. Goods are taken to New Amsterdam from Georgetown at the same rate as to intermediate stations. That is unfair to people living on the Coast a distance of 25 or 40 miles. I am also asking the Board to consider that question from the point of view of fixing a reasonable rate according to the distance of the station.

Mr. ELEAZAR: It does not need any argument to convince one that this is a matter in which something ought to be done. Rates were raised owing to war conditions; now everything is below normal and still the rates are the same. Freight rates on the steamer on the Berbice River are also ridiculous. The rate for bringing one animal from Paradise, a distance of nearly 160 miles, is the same as for bringing an animal from Rossfield, a distance of $2\frac{1}{2}$ miles. The steamers on this river have very little accommodation for second-class passengers, and passengers' cattle and pigs are huddled together. If the first-class fare were reduced nearly everybody would travel first-class owing to the great inconvenience of travelling second-class. The Department ought to address itself immediately to the reduction of fares and freights and the relief of passengers from the inconvenience they now suffer.

Mr. DE AGUIAR: There is a great deal in the representations of the hon. Member

for Western Berbice. The Department is faced with competition by water so far as freight to New Amsterdam is concerned and its rate on merchandise shipped to New Amsterdam is very low indeed. The position with respect to the shipment of merchandise by rail between Georgetown and Rosignol is entirely different. We have increased the licence on buses, and made it very difficult for merchandise to be carried by buses, and the time is ripe for the Department to revise freight rates in this direction. The position is that where there is no competition freight rates are high and where there is competition the rates are low.

Mr. SEAFORD: It is well known all over the world that competition has to come into every dealing. The Board is constituted of very keen businessmen. They have been reducing fares and I am prepared to leave the fixing of freights in their hands. The Transport Department is supposed to be run as a business proposition and interference with freight would make things very much worse than they are at the present time.

Mr. ELEAZAR: The Berbice River is the only means of transportation and it is in a different category to other routes. The inconvenience to second-class passengers is intolerable and the nuisance ought to be abated at once.

THE COLONIAL SECRETARY: This Department, although under the control of Government and has a statutory Board, is first and foremost a business concern, and I do not think you can deny to it as a business concern the privileges which are adopted by all business firms. The Transport Department should be allowed the same privileges, as what you lose on the swings you get on the roundabouts. One of the principles of railway trade is that the charge is always cheaper on a long journey than on a short journey. In other words, it is less costly to carry one ton of goods 100 miles than to carry it 25 miles. Questions in connection with freights and fares are just such as we want to refer to Mr. Cooper when he visits the Colony, and he might be able to give us a valuable formula on what we want advice. Freight on livestock is a matter that may be gone into, but it must be remembered that the moving of livestock is an expensive

business. It means carrying cattle trucks down to a siding, leaving them there for a day or two and removing the cattle afterwards. If we can have a whole train-load of cattle then we can reduce the rate. Now we get a truck with four or five head of cattle and we are asked to put a truck there and leave it for a day. If we could start a train from Rosignol on special occasions as a cattle train, and fill it all the way at a time when it would not interfere with other services, it would be possible for us to reduce the rate for cattle. We carry goods to New Amsterdam at a very cheap rate because we are in opposition to transport by water, and as a business we have to compete for that.

The hon. Member for Berbice River has raised a very important point. That point has given me very much thought and the Board has considered it on many occasions. It is true that passengers travel on the lower deck and if there is livestock they travel together. That is an undesirable state of affairs, but, unfortunately, we have no alternative. We have also to remember that the steamer service has for a period of years failed to show a profit or a return on the expenses. We have tried reducing fares with no result and increasing fares with no better result. It is purely a question of the business of the Colony. When the business of the Colony improves and people could buy more produce, and it pays to send more produce from the Berbice River to New Amsterdam or Georgetown and from the North West District and the Pomeroon, I can assure hon. Members that the Board will be quite willing to consider a reduction of freights the moment we can show a profit on any particular line. We know exactly what every train earns and what it costs, and in the same way every steamer to the North West District. Unfortunately, with the present freight on our steamers, I do not think there is a single service that shows a profit. This point will not be overlooked and if, and when, it is possible to do so we will provide more adequate provision for passengers. We might try throwing open the first-class at a lower rate, but before I can say anything definite I should like to discuss the matter with the Board and the Board would have to go into it carefully and work out calculations.

Mr. ELEAZAR: If first-class fares are reduced people would travel first-class. The poor man is bound to travel with the pigs whether he likes it or not.

THE CHAIRMAN: The Transport Department has undertaken to look into the matter.

THE COLONIAL SECRETARY: I ask that item 3 (Proportion of pension to Mr. S. H. Bayley, \$816) be reverted to. The sum \$816 is not a correct calculation and it should be \$1,176.

Item increased accordingly.

THE COLONIAL SECRETARY: The net deficiency to be provided is \$88,374 instead of \$87,797 and I move that the item be increased to that figure. I also move the insertion as item 2 "Extraordinary expenditure on Renewals and Replacements \$26,300," making the total \$114,674.

Question put, and agreed to.

Mr. BRASSINGTON: I should like to draw attention to the unsatisfactory and inadequate steamer service between Bartica and Aurora. At every Annual Session I have pleaded with Government to give the people in Essequibo more consideration in regard to travelling. People in Essequibo cannot get to Georgetown on three days of the week and I receive weekly complaints of what they consider the unfair treatment they receive. The only means of communication between Parika, Aurora and Wakenaam is by steamer. I plead with Government that something may be done to improve those conditions. The increase of rice production in Essequibo is sufficient to entitle it to a daily service. The Colonial Secretary said there is no profit on the steamers, but this is a question that must be considered above any question of mere profit and loss. If Essequibo had a virile representative on the Board he would be hammering at it for a better service.

THE COLONIAL SECRETARY: As there is no representative on the Board of the Essequibo district that district is the special child of the Chairman. It is true that there used to be a daily service to Essequibo; it has been reduced simply on the grounds of economy,

The Parika Leguan-Adventure service is the least paying service. When crops are moving extra steamers are put on and there is no inconvenience. It would be interesting to the public to know the actual loss sustained by the steamer services. The only service that pays is the Demerara ferry, which made a surplus of \$5,279 over operating costs, but if we add the proportion of sinking fund charges the loss is \$14,393. The loss on the Berbice ferry (also for 1931) was \$10,937, Bartica-Adventure-Leguan \$19,435, Pomeroon \$11,560, North West District \$5,874, Berbice River \$9,176, Moruka launch \$2,857, Canje launch \$285.

Mr. ELEAZAR: I do not think the Transport Department should be considered purely as a commercial concern. The service was inaugurated because it was thought that fares and freights could be reduced and people could get more convenience with an undertaking of their own. It is not playing fair with the community.

Mr. BRASSINGTON: Sprostons used to get a subsidy of \$82,000 and it is correct that Sir Walter Egerton pointed out that the service would not be merely a commercial concern. I do not believe that Members would have given their vote for the inauguration of the service if they thought facilities would have been cut down. It cannot be looked at purely from the commercial point of view but from the point of view of the convenience of the inhabitants of the Colony.

Mr. CANNON: I was here when the matter was discussed and voted against Government because I was satisfied that it was a retrograde step and that what has been complained about to-day would happen.

Mr. SEAFORD: I need not go further than say that the hon. Member for Western Essequibo cannot expect the same prosperity from Essequibo to-day. In the days he speaks of there were about six estates, and surely he cannot expect the management to run the same number of boats. Where are the people to come from?

Mr. BRASSINGTON: Does the hon. Member want to convey that because there is only one estate in Essequibo the people are not entitled to the same convenience and facilities? It is an unfortunate remark

to make that the convenience of any place must be considered only from the angle of sugar.

MR. SEAFORD: I did not suggest anything of the kind. I was simply quoting the hon. Member himself as he has often stated that when a chimney goes down prosperity ceases.

THE CHAIRMAN: The matter will be brought before the Board and they will give consideration to it. It is necessary to look at the matter as a whole.

BIRTHS, DEATHS AND MARRIAGES.

MR. CRANE: When the District Administration Committee considered the question of carrying out retrenchment in the various Departments it recommended that the work of the Immigration Department could easily be performed by placing at the disposal of the Registrar-General a staff sufficient to carry out the remaining work of immigration with which the Colony is concerned. Immigration has ceased since 1917 but the Colony is nevertheless pledged to carry out its contract with Indians, and there are still many of them here who might claim to be repatriated and Government will have to find the money and make the arrangements for that purpose. Government has not given effect to the recommendation of the District Administration Committee but has opened a new head "(a) Immigration and Repatriation" with a First Class Officer, a Fifth Class Clerk and Interpreter and two Interpreter Clerks. If these Interpreters were put under Registration of Births, Deaths and Marriages you would have the identical service given to Indians without any overhead expenditure, and not a single hardship or disadvantage would be suffered by the Indian population because the staff would still exist for the purpose of this work. I submit that the best arrangement is that recommended by the Committee and Government should consider whether it should not next year, if not this year, include this expenditure under Head XI.

MR. ELEAZAR: I think Government is well advised not to follow blindly the recommendations of the Committee because it appears to me they did not appreciate fully the difference in clerical and technical duties. I think Government should proceed as it is doing when it finds that it has been badly advised.

MR. GONSALVES: The complaint of the hon. Member for Demerara River is that this work might be done under Head XI.

THE COLONIAL SECRETARY: After the cessation of immigration it was considered that economy could be effected by closing down the Department, but the records of births, marriages and deaths and of return passages to India have to be very carefully kept. I went into the matter very carefully with the late Surgeon-General and reduced the staff as far as it was possible and at the same time maintain the efficiency necessary. The staff was reduced very considerably and in the interest of Government or the East Indian population no further reduction should be attempted at the present time. The matter will be watched and the time may come when we shall be able to absorb the Department into the Registrar-General's Department without any loss of efficiency. The records are kept at the Immigration Office as there is not at the Registrar-General's sufficient accommodation for the registers, which are constantly being referred to and are now kept in a strong-room and would entail the erection of a fireproof room elsewhere.

SUPREME COURT.

MR. CRANE: I wish to place on record the necessity for some better arrangement being made for the West Indian Court of Appeal. The dissatisfaction which is now felt by legal practitioners as well as the public is only allayed by the fact that they recognise that funds do not at present permit of adequate arrangements being made. It has been found that the arrangement whereby the Chief Justices of the several Colonies comprise the Judges of the Court is not the best for the hearing of appeals. The tendency has always been for the visiting Judges to be rather anxious to get back to their own Colonies, and whether it is so or not in actual practice the public have gained the impression that the work is rushed and the consideration of matters is not as full as it otherwise would be. The only system which would give complete satisfaction is that by which a permanent Chief Justice is appointed who would travel from place to place and have an opportunity of studying the various systems of law of the Colonies in which he would preside over appeals,

The law of this country has for several hundred years been Roman-Dutch law and remained so until 1916. It still crops up in several matters which engage the attention of the Court since there are many people who are protected under the Roman-Dutch law. When you get Judges who have not made a study of the system of Roman-Dutch law and they have to lay down the law on a point of that law you at once see the unsatisfactory position that arises. That the Judge should not be versed in that system of law is a great defect. A permanent Chief Justice would have to guide his Court and be familiar with the different systems of law in the various Colonies.

Another complaint is that the cost of taking appeals to the Court is too high. It would seem to be the desire of those who are responsible for it to burk appeals and the procedure of filing records is a burdensome one. There should be no obstacle to litigants proceeding with appeals. I hope Government will make some enquiries into the necessity for lodging extra copies of the records. In a case in which I was recently engaged the printing of the records cost over \$200 and I had to lodge six copies besides those required for the legal practitioners in the case. The rules are oppressive and litigants are dissatisfied, with the result that few appeals are lodged. That is a state of affairs that should not be allowed to exist. Unless this Court gives better satisfaction efforts are going to be made to get this Colony out of the arrangement and revert to the old practice. The whole thing has been worked in such a channel that there is very little to be done. There are very few cases here and our Judges have to be travelling to the islands and we are paying money and getting no satisfaction. I crave leave to ask what is the position of the Criminal Court of Appeal. I know that the question of expenditure and the necessity of a third Judge has something to do with it, but in the debate on the Bill it was pointed out that pending the ability of the Colony to appoint a third Judge the public would be satisfied with the appointment *ad hoc* of one of the Law Officers of the Crown or other suitable person. The only reason Government can have for not giving effect to the resolution of this House, which was followed up by the publication of an

Ordinance, is the question of money, but the question of money is not as urgent as in the case of the appointment of a permanent Chief Justice for the West Indian Court of Appeal and Government in my opinion has no justification for holding up the Bill for the establishment of a Criminal Court of Appeal.

The Committee adjourned for the luncheon recess.

Mr. ELEAZAR: The West Indian Court of Appeal is of no advantage to this country and we are not getting value for the money we are spending. While the Chief Justice is away we have only one Judge and we have had to make a make-shift of private practitioners. When questions arise on the Roman-Dutch law we have some terrible howlers on the interpretation of that system of law. Apart from the expense of preparing cases for this tribunal there is always doubt whether you will get satisfaction, also the contingency that when the Chief Justice is away we must be without his services.

THE ATTORNEY-GENERAL: The hon. Member for Demerara River in the course of his remarks referred to the question of the establishment of a Court of Criminal Appeal. I may mention that the matter has perhaps become a little more difficult with the changes that have taken place, but it is still engaging the attention of the Secretary of State and this Government and it is hoped that proper provision will be made for the Colony to have the advantage of such a Court.

LAW OFFICERS.

Mr. CRANE: I want to ask Government for a statement of what is the position in relation to the Assistant to the Attorney-General. The officer who fills this position has been appointed a Magistrate, yet you keep him continuously in this acting position and although the office is not filled you ask for an increment. I should like to hear what is the intention of Government as regards this unsatisfactory state of things that has been prevailing for the last three or four years.

THE ATTORNEY-GENERAL: The position is that the permanent office became vacant when the permanent officer was appointed to another office. It is quite true that the present officer has been

appointed a Magistrate and has been attached to the Attorney-General's Department. The fact is that the position is being temporarily filled by him, and I desire to say it is no sinecure. There is a good deal of necessary work to be done, largely in connection with criminal matters, and it is necessary and requisite that there should be such an officer there. The present acting officer is a Magistrate and being seconded to this Department he is necessarily paid out of the vote of the Department. In the meantime there is an acting Magistrate who is paid from the Magistrates' vote. The increment is one that this officer is entitled to.

Mr. CRANE: The Attorney-General tells us it is necessary that the officer should fill this office. We concede that. What we are asking is why is this office not filled. If the officer can do his work, and we all believe he can, he should be appointed to the post. Whilst he is acting in this position he is appointed a Magistrate and we retain him in this office and make makeshifts. We have not said the office is a sinecure and should not be filled. There is plenty of work to be done and the office ought to be filled. If the office is not filled it does not seem to me that an officer who does not hold the office permanently can draw an increment. An increment is an increment to the office and none but the holder of the office can draw it. That points to the injustice to the particular officer because it admits that he is entitled to something over the minimum sum of \$2,304. We are not complaining about his getting \$2,520 but want to see the office filled.

THE COLONIAL SECRETARY: The question whether this officer should be permanently appointed to assist the Attorney-General is still being considered. It will be remembered that last year the hon. Member for Georgetown North insisted that the actual amount spent on any Department should be shown on the estimates of that Department. That is not absolutely correct but we did it at the special request of Elected Members. The proper way is not to show this item under this vote but under the Magistrates' vote and to put a note here that the office is vacant and the duties are performed by a Magistrate and his salary provided under that head. If the salary of the Assistant to the Attorney-General is left out alto-

gether under this head we shall have to make additional provision on the Magistrates' vote for the acting officer who is performing these duties. The officer is entitled to an increment and it would be properly shown under the head of Magistrates but as his salary is transferred under this head we have to show the increment here.

THE CHAIRMAN: The point raised by the hon. Member is appreciated by Government. I think there ought to be a solution of the question and a definite appointment made. One of the questions raised by the Financial Commissioners was regarding the necessity for the appointment. The Secretary of State agreed that the officer who is acting in the appointment should continue to do so, but it was pointed out that it was an injustice to him because he was well deserving of promotion to a Magistracy, and if he was kept as Assistant to the Attorney-General he would not get promotion to the Bench as a Magistrate. He was then promoted as a Magistrate on a Magistrate's pay. I think it is an appointment which meets with everybody's approval. The point has been quite rightly raised that a Magistrate is doing the work of Assistant to the Attorney-General. That work at the moment is certainly onerous and we have chosen this Magistrate to act as Assistant to the Attorney-General, a post for which he is well fitted. I think there is a good deal of weight in what has been said by the hon. Member and I will put the matter again before the Secretary of State.

Mr. CRANE: The other point is that if the salary drawn this year is \$2,304 and the salary proposed to be paid next year is \$2,520 there is a difference of \$216; in neither office is the annual increment \$216; in both cases it is \$120.

THE ATTORNEY-GENERAL: The position in regard to that is that the officer's appointment dates back as Magistrate to the period when he was acting as Magistrate and then appointed to act as Assistant to the Attorney-General. He was allowed the minimum salary of a Magistrate, \$2,400, and \$120 is the increment he would get on that salary in the ordinary course of events.

Mr. SEERAM: I am glad to hear that this office will be filled. There is no doubt

that the officer is competent to fill the post, and I think preference should be given to him and he be recommended.

THE COLONIAL SECRETARY: Arising out of the discussion I ask hon. Members to state whether they prefer the present method continued or suggest that Government should go back to the proper way of presenting these Estimates. If it is decided to go back this office will be shown as vacant and we would then have a correct presentation of the Estimates.

Mr. CANNON: For my part I will not go back to that arrangement.

MAGISTRATES.

Mr. ELEAZAR: We have five Magistrates and there is an item for an additional Magistrate. In my view you do want an additional Magistrate. On the East Coast there were two Courts at Plaisance and at other centres one a week; now the Courts are reduced to once a fortnight and there is tremendous hardship and continuous complaint. The Financial Commissioners came here and gave advice on something they knew absolutely nothing about, as is exemplified by their recommendation that we do not want an Attorney-General in this Colony. Government saw the silliness of that recommendation and has not given effect to it. There is a limit where economy is too expensive and may lead to parsimony of the worse type. The foundation of the Administration of Justice in the Colony has been very badly shaken and the country is under graver dissatisfaction than Government can ever conceive.

Mr. SEERAM: At the present time both litigants and practitioners are suffering greatly by having to attend the Courts repeatedly over the same case. It is no fault of the Magistrates because they are working very hard and are doing their very best. Some Courts are opened at 8 and some at 9 o'clock, and Courts are held on Saturdays on the East Coast and West Coast, Demerara. Notwithstanding that the Magistrates cannot cope with the work. In these Courts preference is given to Police cases and it very often happens that there is a number of them. Postponements necessitate travelling of litigants and their witnesses, which is expensive. It is also not in accord with the dignity of the

position of a Magistrate that he should be perambulating from Georgetown to the East Coast and from there to the West Coast. The solution is the appointment of another Magistrate.

Mr. FREDERICKS: My view is that extreme retrenchment is dangerous to any organised State, but ill-judged retrenchment undermines any State. In countries like this there is nothing more necessary than that the Court should be on the highest estimate of the population. These Courts which hold the balance between man and man must be dignified and must be kept at such a state as would make for the good of the whole country. At the present time one is sometimes aghast to see how justice is being administered in Magistrates' Courts owing to want of time. Imagine a Magistrate saying "Mr. X, I cannot give you any more time, I have too much work." Circumstances which give rise to such utterances are disgraceful when brought about by any kind of retrenchment, and that kind of retrenchment is a danger to the State. Dignity is another aspect. A Magistrate may send his clerk to tell a practitioner, or drop him a line saying, "I shall hold a Court at Buxton at 6 o'clock or somewhere else at 7 o'clock." The administration of law is not a thing you can fling about like some boys playing with a lemon in a field. Lawyers suffer that kind of treatment when they should not suffer it. Through pressure of work, circumstances which are not disclosed to the public and are known to very few people in the country, the Magistrate tells a practitioner he would have his case heard at 8 o'clock in the morning and the unfortunate practitioner has to go there because he has taken the client's money and if he does not go he is hauled before the Practitioners' Committee. The number of Magistrates is not adequate for the work to be done. It is time that the community should know and ask Government to look into this matter. It is wrong and it is undermining justice. We have another spectacle of Magistrates acting all the time, and half the time they do not know what to do. Each man on the Bench should be there independently and should not be looking at one side of the compass or the other. The arrangement whereby Courts are held weekly or fortnightly on the East Coast is bad retrenchment and at the present time we

do need a re-arrangement of the Magistracy. The public ought to be considered in every way and in every degree as there is grave dissatisfaction with the way that the Courts are carried on.

Mr. CANNON: Not being a fully qualified member of the legal profession I must be pardoned for taking part in this debate. I move that item 1 (a) be reduced by \$2,520. My reason is that one of the five Magistrates is provided for under "Law Officers" and should not appear here.

Mr. CRANE: There can be no doubt that the Colony is not being satisfactorily and properly served by five Magistrates. The arrangement whereby one Magistrate travels to the East Coast and another to the West Coast during the next week so as to provide Georgetown with two Magistrates at all times is a wholly unsatisfactory arrangement. The Magistrate has certain administrative duties such as the signing of summonses, warrants and other processes and the public suffer great inconvenience both in the country and in Georgetown from the practice which is now in vogue. The Magistrate finds it humanly impossible to complete his labour. The Government told me that the reduction of the number of Magistrates to five was an experiment. The period of that experiment has been long enough. The East Coast District is from Belfield to the Abary. That is a large district and at no sitting can the Magistrate get through his work. It has been made worse by his having to leave the district for a week and come to Georgetown, and the same applies to the West Coast. There is very great cause for the complaint made to-day and I hope Government will do something to remedy the situation. I have my own view of temporary and acting appointments. There is a danger to the community in keeping these various acting appointments outstanding. With the Attorney-General as the person to whom an acting Magistrate looks for his appointment, it is not in the interest of public justice that Magistrates should be kept unduly long in acting positions. It is Government's responsibility to put the right man in the right place. It is becoming a scandal that Government is running at least two of these offices with acting men for an in-

definite period of time. It is neither in the interest of the Government nor of the general population that that state of things should continue. What I want to see as regards the Judiciary and Magistracy when appointments are made is not only that justice be done but that justice should appear to have been done. As a creole I desire preferment for every creole. I regret that those in authority have not seen the necessity for an interchange of these officers between one country and another. There should be no suggestion that the environment of an officer has cramped his discretion, and I want to see everyone who is fit and qualified given appointment in the proper environment. Unless the hon. Member for New Amsterdam has a better suggestion I am asking that this head be left over in order that Government may make a pronouncement upon our application to increase the number of Magistrates by one. Government can without increasing the estimates make the additional appointment and all that remains to be done is to give an undertaking for the employment of six instead of five.

Mr. GONSALVES: Several speakers have emphasised the difficulties which are being experienced and I join in the appeal for consideration of the question of appointing an additional Magistrate. A few years ago there were nine Magistrates—two in Georgetown, two in Berbice, and one in the East Coast, West Coast, Demerara River, Pomeroon and North West Districts. At the present time there are only five. The administration of justice is a very important matter and great care must be exercised when economies are intended in that direction. There is no doubt that there is far too much work to be performed by these Magistrates. As on the East and West Coasts, a good deal of the civil work in Georgetown is postponed for a fortnight in order that the work of one Magistrate should not be thrown on the other. This Council passed legislation for certain cases to be determined by the Chief Commissary in order to relieve the Magistrate in Georgetown of these cases. These cases are still being put before the Magistrate, however, although the work can very well be done by the Commissary.

Mr. DE AGUIAR: This matter is not one in which only the legal Members of the

House are interested but the whole community and I hope I will be pardoned for intruding in the debate. From the remarks of the various speakers it does appear that there is something wrong. From my own constituency I have received numerous complaints about delays in the trial of cases, due to the shortage of Magistrates and to the Magistrate of the district having to perform duties also in Georgetown. A case begun a fortnight ago has been postponed until the 12th January. When that case is resumed how can you expect the Magistrate or legal practitioner to remember all the facts. The present acting Magistrate might be relieved of his appointment and another called upon to complete that case. That is very unsatisfactory. We have heard of the danger to the community of these acting appointments. It has been said that when these men are withdrawn from their acting appointments they are unable to enjoy the practice they previously enjoyed, because as the result of these acting appointments they create enemies and it interferes with their practice when they resume.

Mr. WOOLFORD : I regret that I shall have to compress within the short time at my disposal the remarks I have to make on this subject. I will therefore deal with the more important aspects of the matter. By statute (Cap. 9, section 45) the sittings of the Magistrate's Court in Georgetown are regulated in relation to statutory time. It is provided there that the Magistrate shall attend for the purpose of administering justice in the district from 10 a.m. to 4 p.m. of each day. That provision applies only to Georgetown and it is in relation to that provision that I desire to say a few words. Owing to the impossibility of the work in these Courts being concluded without extension over a series of days it is now the practice to summon witnesses, litigants and other persons to appear at as early an hour as 8 or 9 o'clock, as the case may be. That is against the law. If these people do not care to attend you cannot make them, but it is being done by the

Magistrates in order that the work should be expedited, or that they should be able within the time at their disposal to dispose of the huge mass of cases accumulating from day to day. Members of the public attend in obedience to a summons, some out of fear and chiefly out of respect, and members of the profession to their credit do not impede the work of the Court and advise their clients to accommodate the Court in that direction. But I wish Government to understand that by so doing they are accommodating Government and this state of things cannot continue and must not be allowed to continue. If members of the legal profession wish to impede the business of the Court they could easily arrange that their respective clients should not attend on a summons that states that the Court is to be held at 8 o'clock. It also often happens that the work of the Court is carried on after 4 o'clock. That is another direction in which members of the public are meeting the Government. It is quite unnecessary to labour that point, and I do not wish any undue publicity to be given to it, but it is a fact that but for the accommodation that is being given to Government by members of the public, very greatly assisted by lawyers, several of these cases that are allowed to be disposed of between 8 a.m. and 5 p.m. would not be either heard or determined. Therefore in appealing to Government to remedy that state of affairs I think it is time that some attention should be paid to representations made in this way. Another very great inconvenience which we suffer is that owing to one Magistrate having to do magisterial work in two districts it frequently happens that a case is commenced on the eve of the transfer of the Magistrate and on his return to the district he has to refresh his memory on that case, and I have heard Magistrates confess to a difficulty of being able to remember everything that has transpired in cases part heard.

The Committee resumed and adjourned until the following day at 11 o'clock.