

**LEGISLATIVE COUNCIL.****THURSDAY, 31ST AUGUST, 1950.**

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

**PRESENT.**

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

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

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

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

The Hon. C. V. Wight, C.B.E. (Western Essequibo).

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

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

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. G. M. Gonsalves (Eastern Berbice).

The Hon. Dr. C. Jagan (Central Demerara).

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

The Hon. C. A. McDoom (Nominated).

The Hon. G. H. Smellie (Nominated).

The Clerk read prayers.

**PRESENTATION****D.F.C. TO FLYING OFFICER SUPERGIA**

Flying Officer G. Supergia was presented with the Insignia of the Distinguished Flying Cross.

The PRESIDENT: Flying Officer Supergia, on behalf of the Government of Canada and in the name of His Majesty the King, I have very great pleasure in presenting you with this Insignia of the Distinguished Flying Cross which you earned during the last war. The Government of Canada, in forwarding this Cross to me and asking me to present you with it, also forwarded the citation relating to the award, which reads as follows:

"Pilot Officer Supergia, as rear gunner, has flown on numerous operational sorties, at all times, displayed coolness and vigilance worthy of the highest praise. In December, 1944, whilst returning from a mission to Osnabruck, his aircraft was attacked by a Junkers 88. This Officer's excellent directions enabled his pilot to manoeuvre the aircraft into a favourable position. Handling his guns with cool determination, Pilot Officer Supergia then opened fire on the attacker, damaging it and forcing it to break off the engagement. Throughout this officer has shown outstanding courage and determination under fire, and has set an inspiring example to the other members of his crew."

It gives me very great pleasure to present you with this well earned decoration. (Applause).

**MINUTES CONFIRMED**

The Minutes of the meeting of the Council held on Wednesday, 23rd August, as printed and circulated, were confirmed.

**ANNOUNCEMENT****BIRTH OF ROYAL PRINCESS**

The PRESIDENT: Hon. Members, I have been requested by the Secretary of State for the Colonies to convey on behalf of Their Royal Highnesses the Princess

Elizabeth and the Duke of Edinburgh, an expression of their deep appreciation to the Members of this Legislature for their congratulatory message on the birth of their daughter.

#### GOVERNMENT NOTICE

##### INTRODUCTION OF BILL

The ATTORNEY-GENERAL gave notice of the introduction and first reading of a Bill instituted :

“An Ordinance to amend the Cattle Stealing Prevention Ordinance, Chapter 94, with respect to the revision of the register of brands, the branding of cattle, and for purposes connected therewith.”

##### URGENT BUSINESS

The PRESIDENT: As I have another engagement this afternoon I propose to ask the hon. the Deputy President to preside over the remainder of today's meeting. I shall preside tomorrow. There are two somewhat urgent items on the agenda which have not yet been disposed of. One relates to the motion of the hon. the Third Nominated Member (Mr. Raatgever) with regard to the retention of Imperial Preference. He gave notice of it last week and as there will be a conference in England to discuss the question towards the end of this month I think it is important that we should record our views on that particular motion.

The other matter, which is of some urgency, is the motion standing on the Order Paper relating to my Message of the 8th of August on the subject of a further extension for a period of six months from the 31st August, of the guaranteed minimum prices to farmers of ground provisions. The present guarantee expires today, and I think it is important that we should extend it and that we should take that particular motion tomorrow also.

When those two items have been disposed of I propose that the Council should adjourn for an informal discussion on the Sessional Paper which has been tabled today relating to the revision of the Ten-Year Development Plan. Hon. Members are aware, I think, that Col. Spencer who has been engaged on this matter for the

last two or three months, will be leaving us in a day or two, and I think, and I feel sure hon. Members will agree, that we should like to hear him on this matter before he leaves. So that, as I have said, after disposing of the two items which I have mentioned, I propose that the Council should adjourn for this conference. I now ask the Deputy President to take the chair.

##### DEPUTY PRESIDENT PRESIDES.

The DEPUTY PRESIDENT (Mr. C. V. Wight) then took the chair.

##### ORDER OF THE DAY

##### LOCAL MEN AS POLICE SUPERINTENDENTS

Mr. LEE asked, and the COLONIAL SECRETARY laid over replies to the following questions :—

Q. 1—Is there any vacancy for a Superintendent of Police in the Police Force ?

A. —No.

Q. 2—If the answer is in the negative, will Government state when there will be a vacancy ?

A. —There may be a vacancy on the retirement of the Deputy Commissioner of Police in 1951, if the latter post is filled by the promotion of an officer serving locally.

Q. 3—How many Assistant Superintendents of Police have been promoted to the posts of Superintendent of Police since 1947 ?

A. —Five

Q. 4—Will Government give their names and state the periods of their service in the Police Force in this Colony ?

A. —Mr. F. W. M. Mullin, 13 years.  
Mr. A. M. Roberts, 12 years.  
Mr. R. H. T. Beaumont, 12 years.  
Mr. W. F. Gunby, 18 years—Seniority in Colonial Police Service dates from 3rd September, 1939.

Q. 5—Will Government state the periods of service of Assistant Superintendents of Police who have not been promoted to the posts of

Superintendents of Police since 1947?

- A. —Mr. V. J. Fitt, 7 years—Seniority in Colonial Police Service dates from 4th July, 1941.  
 Mr. S. W. Simon, 35 years—First appointed to commissioned rank in December, 1943.  
 Mr. J. Griffith, 30 years—First appointed to commissioned rank in September, 1946.  
 Mr. F. De Abreu, 21 years—First appointed to commissioned rank in November, 1947.  
 Mr. D. J. G. Rose, 1 year 9 months.  
 Mr. F. Cannon, 1 year 3 months.  
 Mr. J. A. Phoenix, 24 years—First appointed to commissioned rank in October, 1949.  
 Mr. D. J. P. King, 9 months.  
 Mr. R. K. Jones, 4 months.

Q. 6—Will Government consider the appointment of local men to the future vacant posts of Superintendent?

- A. —Government's policy is to fill vacancies by the appointment of locally-born men if fully qualified and otherwise suitable candidates are available.

#### MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL, 1950.

The Council resolved itself into Committee and resumed consideration of the Bill intituled:

"An Ordinance further to amend the Motor Vehicles and Road Traffic Ordinance, 1940."

Clause 3—*Sections 61 to 66 of the Principal Ordinance to apply to certain vehicles.*

The ATTORNEY-GENERAL: When the Council adjourned on the last occasion clause 3 of the Bill was under consideration, and some hon. Members expressed the view that the clause as drafted was too stringent with regard to horse-drawn buses, and it was suggested that the clause might be amended so as to provide for an inspection of those horse-drawn vehicles. I have redrafted the clause so as to meet the views of hon. Members. The clause as re-drafted reads:

3. (1) From and after the commencement of this Ordinance, no person

shall operate any vehicle to which this section applies unless there is in force a certificate of fitness issued by a certifying officer in respect of such vehicle.

(2) Any application for the issue of a certificate of fitness under the provisions of this section shall be accompanied by a fee of fifty cents.

(3) This section shall apply to every vehicle drawn by any animal, and constructed and used for the carriage of not less than six passengers for hire or reward at separate fares stage by stage, or stopping to pick up or set down passengers along the line of route.

(4) Any person who operates any vehicle in contravention of the provisions of this section shall be liable on summary conviction to a penalty not exceeding twenty-five dollars."

I think that that re-drafted clause will meet the criticisms and comments of hon. Members with regard to the horse-drawn vehicles which ply for hire. It was emphasized in the course of the debate that the object of the provision was to provide some security for those who use those vehicles, and also for other road users, as it is quite clear that those vehicles are becoming a danger to members of the public who use them and pay their fares, and also to other users of the roads.

Mr. DEBIDIN: I must congratulate the hon. the Attorney-General on this amendment which meets completely the case we have been arguing as regards the restrictions imposed by the Principal Ordinance. Although I am in whole-hearted agreement with the re-drafted clause I am still, however, in doubt as to what would be the position of animal-drawn vehicles in so far as licences are concerned. Am I to assume that the licence fees normally charged will still be charged? I would like to know if that is so.

The ATTORNEY-GENERAL: Fees for what?

Mr. DEBIDIN: Licence fees.

The ATTORNEY-GENERAL: The licence is free. Hon. Members will appreciate the fact that this is a specific provision relating to those animal-drawn vehicles. Sub-clause (2) of the re-drafted clause provides that a fee of 50 cents

should be paid with respect to the issue of a certificate of fitness. We have not left it under the general penalty section, therefore all this is a specific provision.

Mr. DEBIDIN: Thank you.

Mr. LEE: I am not quite satisfied with this re-drafted clause. As I have said before, this will affect the horse-drawn vehicles in my constituency and on the West Bank, and I would suggest that the provision should apply to vehicles used for the carriage of not less than ten passengers instead of not less than six passengers as mentioned in sub-clause (3). I think I am right, unless I am reading wrongly. I had to get a new pair of spectacles this morning. (laughter). Has any accident occurred involving these vehicles?

The ATTORNEY-GENERAL: The hon. Member has suggested "not less than 10 passengers", presumably to cover the situation in his constituency in Wakenaam and Leguan. The object of this provision is to ensure a reasonable standard of efficiency. That is all that is required, and as a lawyer the hon. Member will appreciate that it is better to have some provision of this nature in order that, for the payment of a fee of 50 cents, the owner can get a certificate of fitness for his vehicle. It is in the interest of the passengers also. These horse-drawn vehicles will not be required to pay more tax than they are paying now.

Mr. ROTH: Do I understand the hon. the Attorney-General to mean that the 50 cents for inspection will be in addition to the tax?

The ATTORNEY-GENERAL: That is so.

Mr. LEE: If a certificate of fitness has to be obtained it means that brakes will have to be fitted to these horse-drawn vehicles. Where would the owners get brakes to fit those vehicles? It seems to me that it is only another way of prohibiting the use of those vehicles. People in my constituency hire carts to transport their rice and their families some three or four miles, and on some occasions there are as many as eight women sitting in

these carts. Such carts would have to be provided with brakes.

Mr. DEBIDIN: The hon. Member is misinterpreting the wording of the clause which deals with animal-drawn vehicles used for the carriage of passengers for hire or reward. If a cart carries a dozen people to a rice field it would not come within the provisions of this clause at all. I am assuming, and I believe I am right, that the Licensing Authority will not treat these animal-drawn vehicles in the same way as motor vehicles and demand that brakes be fitted to them. If he does then my friend would have a right of appeal.

Mr. LEE: We make laws here but the Supreme Court interprets them. I would like it put in such a way that there would be no ambiguity about it. The clause says "every vehicle drawn by any animal, and constructed and used for the carriage of not less than six passengers." A cart is a vehicle that can carry passengers, and as long as it carries it is constructed to carry passengers. We have seen motor trucks carrying passengers sitting on benches on some occasions. Isn't that being "constructed" to carry passengers?

The CHAIRMAN: May I suggest to the hon. Member that he continue to read the clause step by step?

Mr. LEE: The vehicle is hired to carry passengers. It may be my cart and my donkey, and I may put benches or boxes in the cart.

The ATTORNEY-GENERAL: The fact that the hon. Member puts benches or boxes in his cart shows that it was not constructed for the purpose of carrying passengers. It is a makeshift arrangement.

Mr. FERNANDES: I would like to thank the hon. the Attorney-General very much for meeting all the points I made at the last sitting. I have never heard of the owner of a donkey cart being prosecuted for carrying passengers even though he may charge a fare, except he overloads his cart. If he puts more than half a ton in his cart, whether human or any other

cargo, he is liable to prosecution. I would like to remind hon. Members that in the City of Georgetown vehicles carrying less than six passengers must have a certificate of fitness before they can operate. Of course that is a Municipal law and cannot affect vehicles operating outside the City. This amendment is intended to bring vehicles operating outside the City under the same restrictions as regards a certificate of fitness.

As regards the question of brakes, we still have our cabs and a few carriages, and they always had to be provided with a certificate of fitness, but I have never heard of any certifying authority demanding that brakes be put on them, and I take it for granted that that will not be done in this case. All this amendment does is to provide that every vehicle drawn by an animal and carrying passengers for hire as a bus shall be certified as being fit for the carriage of those passengers. I am going to support the clause whole-heartedly because I think the public should be protected as regards safety.

Clause 3, as amended, agreed to.

Clause 4—*Repeal and re-enactment of section 71 E of the Principal Ordinance.*

Mr. DEBIDIN: I intend to offer very strong opposition to this clause as being contrary to public policy and to democratic circumstances. I am loth to use that word "democratic" so often, but whenever I find this Council attempting to constitute the Governor in Council to be such an overriding and all powerful body over matters of small interest, matters over which the public ought to have some freedom, as indicated by this clause, it seems to me that I have to use the word "democratic". The way I interpret this particular clause is this: A person may be disallowed. He may be a chauffeur who desires to have a hire car driver's licence or a licence to operate a hire car. He may be refused by the Competent Authority. According to the clause that refusal will have to be taken direct to the Governor in Council. I respectfully suggest that when that is done that person will not have that freedom of representation, he will not have the freedom of offering evidence or

giving his own point of view in a manner which may be as convincing as if personal evidence is being taken such as before a Magistrate, and in many other ways a proper appeal cannot be put up before the Executive Council. This can be dealt with both objectively and suggestively. Objectively, the whole thing is wrong. I may say that the Executive Council seems not to have enough work to do and, it seems to me, this must be the last straw to break the camel's back in its anxiety to take on more work. Nearly everything, I notice, is being transferred for final decision to the Governor in Council — appeals, or actual actions, or the making of regulations which should be made by this Council, or in a hundred and one ways. The Executive Council has assumed a tremendous task. I want to say, Sir, in the first place it will not be competent to judge any appeal which may come from the Competent Authority because of, possibly, the constitution of the Executive Council. There may be men not qualified enough on that Council to go properly into the matter. You may have a lawyer on that Council, but his hands may be tied because it may be his client's interest at issue. Maybe his interest is opposed to the client's and, human nature being what it is, that particular person may withdraw from the consideration of the matter or he may be inclined to oppose the application. That is a case which has happened in this Council. — the case of the licensing of Dr. Ramdeholl's motor car which is a left-hand drive. He had been refused a licence by the Competent Authority when there was so much precedent and a very strong case, as there was a scarcity of that type of vehicle and it was to be used in a part of the rural districts where the roads are bad, and in England and throughout the West Indies there are to be seen dozens and dozens of left-hand drive cars. At Grosvenor's Square, London, can be seen surrounding the American Embassy, dozens of them. The whole block is taken up with them. Yet in this Colony the Executive Council turned down the appeal from the Competent Authority under this Ordinance. It was only after very strong representation and until I had moved a motion in this Council and it was about time for that motion to come forward for consideration

the Executive Council said in a very polite manner "On reconsideration of this matter we are prepared to grant it."

Mr. RAATGEVER: I must correct that. It was as the result of something done on the Control Board. At my request it was put before the Executive Council and approved. It had nothing to do with my friend's motion.

- Mr. LEE: I beg to substantiate my Nominated Friend's statement.

Mr. DEBIDIN: It seems, that only confirms what I say. They do one thing and say another. The letter to me made reference to my motion and reconsideration of the matter. The letter gives a different impression to what the hon. Member is saying. I fail to see that the Control Board could have had anything to do with the licence at that time. It is all pulling a white rabbit out of the hat. There is only one thing certain in respect of my motion which was actually printed for discussion; the debate did not come up. It seems the Executive Council felt there may have been an exposure. It certainly means it will be an appeal from Caesar to Caesar if the Competent Authority says "No", because he will have some good reason for doing that. He may have sound reason from the point of view of official action, etc., and knowing him as I do, he usually has good grounds for what he does. But looking at it from the other side one may think he is too harsh. A Magistrate after hearing the facts may be inclined to be more sympathetic and so grant the licence, but the Executive Council taking on the garb of officialdom will be expected to support the decision of the Competent Authority. I feel sure that in nearly every case that may result, and it will so result because the Executive Council will not have, as I say, the opportunity of hearing that personal appeal from the person affected by the decision of the Competent Authority and so will not be able to see how he is looking at life and the effect of the decision against him. I feel sure that the Executive Council will not be in any sense the proper authority or body to sit in judgment upon the Competent Authority's decision in any of these matters.

I would prefer, if the Executive Council is anxious to have this particular function, that it only be after a decision from the Magistrates' Court. There are provisions in the Ordinance which allow for that — after the Competent Authority shall have refused certain applications those applications shall go before a Magistrate. At this very moment I have an application before the Magistrate on behalf of a chauffeur whose licence has been cancelled. Under the Ordinance he has power to go to the Magistrate and apply to have the cancellation annulled and his driver's licence restored to him. When that application is made, all the facts are put before the Magistrate. Facts of the man's good character, his reliance upon the qualification of a chauffeur for a living and many other circumstances are put before the Magistrate and are taken into account for the restoration of the certificate. That is what we want. That stands in the same position as the two cases under clause 4. I feel that any question of refusal on the part of the Competent Authority to grant either of those cases, as stated in clause 4, should be taken to appeal before a Magistrate where the Magistrate will be in a better position to hear other facts and to go more closely into the matter in a judicial atmosphere and to say whether the Competent Authority is right or wrong. If the decision of the Magistrate is wrong, or if the Competent Authority's decision is reversed, I feel the case might then be taken to the Executive Council for final decision.

I feel, Sir, that this whole clause might be amended, and I shall move an amendment to the effect that —

"Every refusal of the Prescribed Authority to grant a licence to operate a hire car or to drive a hire car, and every suspension or revocation of such licence shall be subject to an appeal to a Magistrates' Court, but the decision shall also be subject to an appeal by application to the Governor in Council, and the decision of the Governor in Council on every such appeal shall be final."

In other words, it is the insertion after the words 'appeal to' in the fourth line of the words "a Magistrates' Court but the decision shall be subject to an appeal to" I respectfully beg to move that.

The CHAIRMAN: The hon. Member may put it in writing and hand it to the Clerk.

Mr. DEBIDIN: I shall do so. I trust this Council will give due consideration to the need for the people to be protected in the way I indicate.

The CHAIRMAN: If I am to follow the argument of the hon. Member to its finality, if the Executive Council is not competent in the first instance to adjudicate how would it be competent after a decision of the Magistrate? Would it not be preferable for the decision of the Magistrate, if appealed from, to go to the Full Court of Appeal? If the hon. Member's amendment is that the matter should be treated in a judicial way rather than in a ministerial way, then pursue the judicial course rather than the administrative course. It seems that the suggestion of the hon. Member is not in consonance with his reasoning.

Mr. DEBIDIN: With your permission, may I say that I accept the suggestion which has been made. The point made by you, Sir, I consider to be very sound and I shall ask that the amendment stop at the words "subject to an appeal to the Magistrates' Court" and all the other words in the clause be deleted.

Mr. LEE: I am supporting the application to the Magistrate for this reason, and not through the remarks of the hon. Member, that as practitioners we know that we have to apply for a chauffeur to be given back his licence and we have to lead the evidence necessary to support that application. In that case any person who has been refused by the Prescribed Authority will lead evidence before the Magistrate, whereas if the application goes to the Executive Council, as provided in this Bill, he will not have the opportunity to do so. A Magistrate sitting to hear the matter should know the responsible people in his district; he should know the very good chauffeurs; he should know whether a man can be reformed in character and whether he can be given a chance to earn his living as a chauffeur. The Magistrate will know the person appealing more than the Members of the Governor in Council

and I do not agree with your remark, Sir, with respect to the petition from the Magistrate to the Governor in Council. Many of us when the Magistrate has given a decision have petitioned the Governor in Council for a reduction of the penalty. If we do not want to go to the Governor in Council we go to the Governor. I know many men who have driving licences have applied quite recently for a licence to drive a hire car, but there is the imposition that the person has to be driving a car for two years before such a licence can be granted. Members of this Council will realise that a man has to wait two years before he will be allowed to drive a hire car to earn his living. It is there for the protection of the people and the safety of passengers. Some time or other this Council may be asked to amend that. At the present time if we are going to allow that imposition of two years as a driver to obtain a licence to drive a hire car, the Magistrate should be the person to hear the appeal from the Prescribed Authority. I agree to an amendment to that effect.

Dr. GONSALVES: I want to say a few words in relation to this clause 4 of the Bill. I do not feel competent in saying that the decision of the Governor in Council will not be just and fair, because I feel that the Members of the Executive Council are men of ability and will be able to decide the issue on the facts presented to them. But I am worried about this clause from my own experience. In other words, we must be very careful so that when the law is finally made the interpretation will be clear cut and there will not be a terrible imposition on applicants either in respect of a hire car or any other car. I have one or two cases in point. It is very hard after a person goes and pays the licence fees for the year in respect of the working of his bus that for some reason he is made to understand, he must get that bus off the road because so and so is the case and that is the order of the Prescribed Authority. Perhaps it may not be so directed; but that is the execution of the order. I know that just within a week or so that order was given by the Police. What I am contending about is this: No person can operate any other motor vehicle without the consent of the Prescribed Authority and without paying the licence

fees, and when he has paid the fees to be told that he cannot operate does not seem to be good enough. I think persons should have the right to be heard properly, and the refusal should be on good grounds otherwise it would cause extreme provocation. — after paying the licence to be told to move the vehicle off the road. What has the licence been paid for?

Here is another case. A man has a hire car and a policeman goes to him and asks if he has a licence to operate the car. He replies "No, but I have made application and have been given to understand by the Assistant Superintendent that I can go on operating the car in the meanwhile." The policeman said to him "I do not agree. You get out of that car." We have to be very careful as to the interpretation of the laws we make, and I will ask the hon. the Attorney-General to consider these points so that when we do place something on the Statute Books it is easily understood, and the person who pays a licence fee is protected also as we talk about protecting the travelling public. Those are my views, and on that ground I am supporting the amendment. I agree with you, Sir, as Chairman saying that instead of going backwards and forwards it is better to pursue it in the right way and the applicant be given the right to go as far as he likes to have what he considers as justice being done to him. On those grounds I am supporting the amendment to this clause.

Mr. FERNANDES: Sir, I am going to move an amendment to this clause, because I feel like other Members that the right to appeal should be to the Magistrate and after that to the Full Court. I do so, not because I am afraid of any decision that may come from the Governor in Council but because of my desire to see that not only justice be done but that no error be done. It is generally known that the people of British Guiana have lots of reasons for preferring in matters of this kind to take their appeal to the Courts of Law. Their reasons are simple and cast no reflection on the Governor in Council. First of all the question of the leading of evidence and things of that kind is responsible for their desire to have this matter being taken to

the Courts of Law. So I am going to move a small amendment to the clause, that part of it which reads "Appeal to the Governor in Council." I am moving the deletion of the word "final" in the proposed amendment that an appeal to the Magistrates' Court in each case shall be final and the addition of the words "subject to further appeal to the Full Court". I have already given my reasons, and I am going to ask Members to support that amendment because it is essential not that only justice be done but that it should appear to be done.

Mr. LEE: I do not know whether my hon. friend, the Member for Georgetown Central, (Mr. Fernandes), knows that the Full Court of Appeal can review no facts except those facts are in the reasons.

Mr. DEBIDIN: I will read the amendment I have and will ask the hon. Member for Georgetown Central whether he will still press his last amendment. I am following more or less the proviso to section 13 of Ordinance, No. 22 of 1940. All I am seeking to do is to delete in the clause all the words from "Governor" to "final". That is a form of amendment which also bears similarity to other provisions. The point I want to make is that any decision from a Magistrate is also subject to an appeal to the Full Court of Appeal, and I do not think it is necessary to say "subject to appeal to the Full Court", as in my opinion any decision of a Magistrate is always subject to appeal to the Full Court of Appeal unless there are specific words in the provision which say "the decision of the Magistrate shall be final".

The ATTORNEY-GENERAL: With regard to the last point made by the hon. Member, on referring to section 71E of the Motor Vehicles and Road Traffic Ordinance, as enacted by Section 5 of Ordinance, No. 21 of 1946, hon. Members will see this:

"(1) Every refusal by the Prescribed Authority to grant a licence to operate a hire car or to drive a hire car, and every suspension or revocation of such licence shall be subject to an appeal to the magistrate of the judicial district in which the applicant for the licence or the person whose



licence is revoked or suspended resides and the grounds and the form of the appeal shall be prescribed.

(2) The decision of the magistrate on every such appeal shall be final."

Therefore, as the law stands at the present moment, provision is made for appeal from the Prescribed Authority to the Magistrate and the decision of the Magistrate shall be final. What is sought now by the amendment is that instead of going to the Magistrate the appeal can go to the Governor in Council. I would point out that that only means the appeals are limited to the question of the particular facts. The appellant not only on immediate matters but maybe on grounds such as the hon. Member for Eastern Demerara (Mr. Debidin) has advanced. I would point out to hon. Members that this procedure is not new, because provision is made for appeals to the Governor in Council under section 65 of the Motor Vehicles and Road Traffic Ordinance, No 22 of 1940, which provides that:

"Any person whose application for the grant of a road service licence is refused or whose road service licence has been revoked may appeal to the Governor in Council against the decision of the Prescribed Authority and the Governor in Council shall, after considering the matter, make such order as to him may seem just. The decision of the Governor in Council shall be final."

That is one instance in which there is provision for appeal from the Prescribed Authority to the Governor in Council. In addition, in the Motor Vehicles and Road Traffic (Amendment) Ordinance, No. 21 of 1946, section 4 (1) provides:

"4 (1) The power to revoke a road service licence under section sixty-three of the Principal Ordinance shall include a power to suspend a road service licence for such period of its duration as the Prescribed Authority may think fit, and the right of appeal conferred under section sixty-five of the said Ordinance upon a person whose road service licence is revoked shall extend to a person whose road service licence is suspended."

(2) This extension of sections sixty-three and sixty-five of the Principal Ordinance shall have effect

in relation to the application of those sections to goods transportation licences as provided by section seventy-one N of Part VIII of that Ordinance."

Therefore, there is nothing new in the suggestion in the proposed amendment. The principle is there so far as the law is concerned, and what is sought to be done now is to have the whole matter of these appeals uniform. According to the argument put forward it is undesirable to give more power to the Governor in Council, who would be unable to, or not in a position to assess the relevant facts. I think that is a point of view which should not enter into the minds of Members of this Council. I can assure hon. Members that the Governor in Council takes a very objective view of the various matters which come before it, and I would like to point out that the Attorney-General is also a Member of the Governor in Council and has a duty to perform, which I wish to assure hon. Members is performed quite objectively. He has no interest in any client, and there should be no suggestion of any offhand consideration of matters of this nature by the Governor in Council, or that anything is done except in the best manner, and quite objectively. I think Members of this Council who are also Members of the Governor in Council will support me in that

Mr. DEBIDIN: If the Attorney-General's objective view is to uphold the official action of any member of the Civil Service I agree that he is right in his contention that he and other Members of the Executive Council look at matters very objectively, but I think that is far from the position we have in mind. What we are considering is the position of a poor unfortunate man who, although a certified chauffeur, applies to the Prescribed Authority for a licence to drive a hire vehicle in order to make a living, and if he is refused he has to appeal to the Governor in Council. How can the Governor in Council deal with such a matter objectively without having the individual before it to give his point of view? It is an *ex parte* hearing by the Governor in Council. The hon. the Attorney-General quoted a section in

respect of which an appeal lies to the Governor in Council, but that deals with a class of Road Service licence in respect of which the Governor in Council in the first instance goes into the question of franchise and has full right to deal with an appeal. That is perfectly reasonable. If a chauffeur whose licence has been cancelled has a right of appeal to a Magistrate, why shouldn't that same individual who is refused a licence to drive a hire car not have a right of appeal to a Magistrate also? They are not such vastly different positions. I am in complete agreement with the hon. Member for Georgetown Central (Mr. Fernandes) that there should be a right of appeal to the Full Court of Appeal, and I propose to add to his amendment the words "that the decision of the Magistrate shall be subject to an appeal to the Full Court of Appeal."

Mr. FERNANDES: My amendment has nothing to do with what the hon. Member is now suggesting. I moved a very simple amendment. I am not a lawyer, and I have just put in a sufficient number of words to convey what I have in mind. The hon. the Attorney-General has pointed out that there is nothing new in this principle of appealing to the Governor in Council. I would like to remind him that it is new as far as I am concerned, because when it was put into the law I was not here. Had I been here I would have taken the identical stand I am taking today—that all appeals of this kind should go to a Magistrate, and from the Magistrate to the Full Court, for reasons which I have already stated. While the Attorney-General thinks it is not new, because it is already in another part of the Ordinance, it is new to me, but I can do nothing about it. I will have to let it stand where it is until a suitable opportunity arises to have it changed.

Mr. DEBIDIN: May I have the benefit of hearing the hon. Member's amendment?

Mr. FERNANDES: I read it out.

Mr. DEBIDIN: It seems to me that if my friend is going to rely on his amendment it would mean that the decision of

the Governor in Council would be subject to an appeal to the Full Court. You cannot have an appeal from the Governor in Council to the Full Court. There is no provision in the law for that. It is an appeal from the decision of a Magistrate that goes to the Full Court of Appeal. In my amendment I suggest that there should first be an appeal to the Magistrate whose decision would be binding on the Prescribed Authority, with a right of appeal to the Full Court.

Mr. FERNANDES: I do not wish to prolong the argument. We are amending a clause in the Bill; we are not amending an amendment of a clause. The section of the Ordinance we are now amending says.

"(2) The decision of the magistrate on every such appeal shall be final."

All my amendment seeks to do is to delete the word "final" and add the words "be subject to further appeal to the Full Court."

Mr. DEBIDIN: My friend has moved an entirely new clause. He is asking that both the original clause and the amended clause be amended. That is where he is getting himself tripped up. We are dealing with the clause in the Bill, which is the only thing we can deal with.

Mr. FERNANDES: The effect of my amendment is that an appeal should be to a Magistrate instead of to the Governor in Council as proposed in the Bill, and that there should be a further right of appeal to the Full Court.

Dr. JAGAN: It appears to me that the hon. member for Eastern Demerara (Mr. Debidin) did not listen to everything the hon. Member for Georgetown Central (Mr. Fernandes) said. It seems to me that both hon. Members are speaking about the same thing and are agreed on the same points, and I cannot see why there should be this confusion.

Mr. FERNANDES: My amendment allows for an appeal from a Magistrate's decision to the Full Court. The amendment of the hon. Member for Eastern

Demerara did not allow for an appeal to the Full Court but to the Governor in Council.

The CHAIRMAN: The amendments which have been submitted to me are in effect and substance the same. The only question is whether the Attorney-General is prepared to accept the wording of them. The position is that both hon. Members have submitted amendments which suggest that appeals should not be to the Governor in Council but to a Magistrate, and from the Magistrate to the Full Court of Appeal. I would like, however, to suggest to the hon. Member for Eastern Demerara (Mr. Debidin), who remarked that an appeal to the Governor in Council was like an appeal from Caesar to Caesar, that the case he has quoted with regard to the revocation of the certificate of a chauffeur in certain cases often creates an appeal from Caesar to Caesar, because the very Magistrate who had suspended the licence is the one to whom the applicant has to appeal after six months for the removal of the suspension.

The ATTORNEY-GENERAL: The point really is whether the Ordinance should be amended as proposed, by permitting an appeal to the Governor in Council instead of to a Magistrate, as the law now provides. The question for the Committee to consider is whether the proposal as contained in the amended clause should be approved, or whether it is desirable that the provision in the Ordinance should stand. If it is considered desirable that the procedure should be by way of an appeal to the Court then the law as it now stands permits such an appeal to a Magistrate whose decision shall be final. If it is agreed that an appeal should be to the Court, the next question is whether there should be a further appeal to the Full Court. The hon. Member for Essequibo River has pointed out that the Full Court would only entertain an appeal where there was not sufficient evidence to support the decision of the Magistrate. Consequently it is for the consideration of this Council whether, in making provision for an appeal to the Full Court, it would carry the matter further, because

it is generally a question of fact and not law involved, and the Magistrate would have addressed his mind to the facts when he supported or disapproved the decision of the Prescribed Authority. Therefore, the whole question resolves itself into whether this Committee considers it desirable to provide for an appeal to the Governor in Council, or to permit of an appeal to a Magistrate, as is now provided for in the existing law. As regards a further right of appeal to the Full Court I do not think it is necessary.

Mr. DEBIDIN: A man who is dissatisfied with the decision of the Magistrate might wish to have a final opportunity to appeal to the Judges of the Supreme Court.

Mr. ROTH: We have been over an hour on this clause and I move that the question be now put.

The CHAIRMAN: There is no question before the Committee at the moment.

Dr. JAGAN: First of all we must agree on the principle whether we want an appeal to go to the Governor in Council or continue to go to a Magistrate, and if it should go to a Magistrate, whether there should be a further appeal to the Full Court. The hon. the Attorney-General has suggested that in view of the fact that certain appeals now go to the Governor in Council, we should make it uniform. The hon. Member for Georgetown Central (Mr. Fernandes) has indicated that he would prefer to see the law changed so that all appeals should go before a Magistrate, and I agree with him, because in matters of this sort I prefer the American principle of division of powers legislative, executive, judicial and so on. If an executive branch makes a decision it should not be the final authority on a question of appeal. I therefore agree that the decision of the Prescribed Authority should not be subject to an appeal to an executive body but should go to a judicial authority which is the Magistrate's Court. I believe it is agreed that the decision of the Magistrate should not be final but should be subject to an appeal to the Full

Court. The hon. Members for Eastern Demerara (Mr. Debidin) and Georgetown Central (Mr. Fernandes) have the same thing in mind. I am appealing to the hon. Member for Eastern Demerara to withdraw his amendment in favour of that of the hon. Member for Georgetown Central, of which I am in favour.

The CHAIRMAN: I do not think we will get any further by this repetition. It seems very clear what is required. The position is that some hon. Members may desire an appeal to the Governor in Council, in which case they will vote that the clause stand as printed in the Bill. Some hon. Members may desire that the Magistrate's decision be final, in which case an amendment could be easily moved by one Member on behalf of others who so desire. Other hon. Members may desire that the Magistrate's decision be subject to appeal to the Full Court, and any Member who desires that may be able to draft an amendment to that effect. At the moment it is obvious that the two amendments I have before me suggest that in the first instance an appeal should go to a Magistrate, and from the Magistrate to the Full Court of Appeal.

The amendment by the hon. Member for Eastern Demerara (Mr. Debidin), if I may suggest, will have to be redrafted, because in the first instance what he suggests seems to be inconsistent, and I shall so have to rule unless it is redrafted. He suggests that the Magistrate's decision should be binding on the Prescribed Authority and final; then after that he goes on to suggest that there should be an appeal to the Supreme Court. There seems to be some sort of inconsistency there.

The hon. Member for Georgetown Central (Mr. Fernandes) has in substance moved an amendment but, I think, the wording will have to be slightly changed to convey what the hon. Member means. It seems that both Members are in effect asking that the Magistrate should in the first place consider the matter, and then it should go to the Full Court of Appeal. I would suggest that the amendments be reworded to convey that. I do not know

if the hon. the Attorney-General would press the point that the matter should go to the Governor in Council. I feel sure that he would assist hon. Members in drafting the correct amendment desired.

Mr. LEE: I am submitting this amendment: If the Magistrate disallows a licence then the matter should go to the Governor in Council. I have my reasons for that.

The CHAIRMAN: There again I do not think the wording is quite in order. It is not acceptable. I cannot allow any of these amendments.

The ATTORNEY-GENERAL: This Committee must decide on the question of the principle, because it is rather difficult to draft something when the principle itself is not settled. The principle in question is whether it is considered desirable that this appeal, as at present drafted in the amending Bill, should stand. That is providing for an appeal from the Prescribed Authority to the Governor in Council. Some hon. Members have expressed the view that it is preferable or desirable that the appeal should be to the Court. That is the law as it is now. If that is decided, then there is also the further question which has been advanced by other hon. Members that there should be an appeal from the Magistrate to the Full Court. Therefore, this Committee is faced with two alternatives — first of all an appeal from the Prescribed Authority to the Governor in Council or an appeal to the Magistrate. As the law stands now the appeal to the Magistrate is final. But some hon. Members are of the opinion that it should go to the Full Court. One hon. Member said the appeal should go to the Magistrate and then to the Governor in Council. I would just point out to hon. Members that if the original section is looked at it would be seen that everything is provided under Section 71E and, therefore, the whole position revolves around sub-section (2) of section 71E of the Principal Ordinance. That should be deleted, and then you will have the decision of the Magistrate on every appeal shall be subject to appeal to the Full Court of the Colony. In other words

the present clause should be negatived and the present law should be re-enacted with the difference of opinion — those Members who think “the decision of the Magistrate on every appeal shall be final” can be left, and those who think that it should not be final. I suggest that, perhaps, for drafting we can negative the whole clause, re-introduce section 71E as it is and amend it.

Mr. DEBIDIN: I am prepared to accept your suggestion. It gives what I have in mind, and I ask that it be put.

Mr. LEE: Let us accept the principle.

The CHAIRMAN: You will be accepting the principle in the amendment. I suggest that hon. Members, who desire to have in the Magistrate, move that the clause be deleted and a new clause be reintroduced. That seems to me the best thing, and just keep the beginning of the present law with the amendment that you desire.

Dr. JAGAN: Section 71E has the same wording as the original clause, and so the amendment moved by the hon. Member for Central Georgetown is very simple. All it asks is to have the words in the present clause — “Governor in Council, and the decision of the Governor in Council on every such appeal shall be final” — deleted and the original words of the original clause added with the further few words saying that it can be taken to the Full Court of Appeal. If we want it to remain as it is, then all we have to do is to vote against the clause, and the law will revert to what it is now. If it is necessary to go further we can move the amendment by the hon. Member for Georgetown Central.

The CHAIRMAN: I put that the words in the printed clause 4 “Governor in Council, and the decision of the Governor in Council on every such appeal shall be final” be deleted and the following words substituted therefor “magistrate of the judicial district in which the applicant for the licence or the person whose licence is revoked or suspended resides, and the grounds and the form of the appeal shall be prescribed.”

If necessary a further amendment can be moved as sub-section (2) to the effect that instead of the decision of the Magistrate being final it should be subject to appeal to the Full Court of Appeal.

Question put, and the Committee and voted as follows:—

**For:**—Messrs, McDoom, Kendall, Fernandes, Debidin, Ferreira and Lee, Dr. Jagan and Dr. Gonsalves—8.

**Against:**—Messrs. Smellie, Roth and Raatgever, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—7.

Amendment carried.

The CHAIRMAN: It would be necessary to decide whether you will ask that a sub-clause be added and that the present clause be numbered (1) and the inserted sub-clause (2), and whether you desire the sub-clause to read “The decision of the Magistrate on every such appeal shall be final” or “shall be subject to appeal to the Full Court of the Supreme Court”.

Mr. FERNANDES: I beg to move the insertion of the following as sub-clause (2)—

“(2) The decision of the Magistrate on every such appeal shall be subject to further appeal to the Full Court.”

The ATTORNEY-GENERAL: In other words, section 71E as it is will be the same as the sub-clause (1), but the variation comes in sub-clause (2) which provides for appeal to the Full Court of the Supreme Court.

Mr. LEE: I move as an amendment the substitution of the words “Governor in Council” for the words “Full Court of Appeal of the Supreme Court”.

The ATTORNEY-GENERAL: The point really is that hon. Members are going back on the law as it stands now. To a large extent this is an administrative matter coming from a Prescribed Authority. Hon. Members would appreciate the fact that there will be some considerable time before an appeal to the Full Court is heard. Where the decision is on a

question of fact, and there are facts provided on which the Magistrate can properly come to his decision, there will be no chance of getting the appeal allowed.

Dr. JAGAN: The hon. the Attorney-General was speaking about the principle before and now he is speaking of expediency.

The ATTORNEY-GENERAL: Not at all. I am speaking on the legal position so far as appeals go. In an appeal where there are facts on which the Magistrate properly found his decision, the Court of Appeal does not interfere with the decision.

Mr. Fernandes's amendment put, and the Committee divided and voted as follows:—

**For:** Messrs. Smellie, McDoom, Kendall, Fernandes, Debidin and Ferreira, Dr. Jagan and Dr. Gonsalves—8.

**Against:** Messrs. Roth, Raatgever and Lee, Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—7.

Amendment carried.

The CHAIRMAN: There is no need to put the further amendment. I shall now put formally the question "That clause 4 as amended stand part of the Bill".

Question put, and agreed to.

Clause passed as amended.

The Council resumed.

The ATTORNEY-GENERAL: I beg to move that this Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) BILL.

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

"An Ordinance to amend the Registration of Births and Deaths Ordinance".

In so doing I would point out that the Bill seeks to provide for an increase from twenty-four cents to thirty-six cents of the fee payable to District Registrars for each registration of a birth, death or still-birth. Hon. Members are aware of this increase and, in fact, it was sanctioned some time ago, as will be seen from clause 3, the Ordinance shall be deemed to have come into force on the 1st January, 1950. The Bill seeks to make legal provision for the payment of the amount.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a second time.

Mr. FERNANDES: When this matter came before the Legislative Council I appealed to Government to reconsider the rates of increase to those who are affected by this Bill, but apparently Government has ignored my appeal. I am now in a very awkward position because there are two Bills before us, both tending to give increases of payment. The other Bill, which is next on the Order Paper, is intituled "An Ordinance to amend the Marriage Ordinance, Chapter 142". The remuneration of the Registrars of Births and Deaths prior to 1939 was 24 cents per registration while the remuneration of the Marriage Officers prior to 1939 was 35 cents per registration. Now it is well known that those gentlemen who perform the services of Marriage Officers collect other fees besides the registration fees. The registration is just the legal record of the gentlemen having officiated at the marriage of two persons. Still what do we find? As a matter of fact they collect a further fee for that marriage ceremony, but that is a matter that really does not concern us except that I cannot understand why in the case of one lot the increase is 60 per cent., the lot I venture to say which is the least deserving, and in the case of the other it is 50 per cent.

I spoke very strongly on this matter when it came up before, and I am still very strong on it because I maintain that

the increase of 50 per cent. is out of all relationship to the general increases given to others who serve Government. The hon. the Financial Secretary said that my appeal was late, but my information is that other appeals had been made to the Head of the Department and for some reason or other those appeals did not get to the proper Authorities. But I am sure that if anything is unfair and unjust in this Council it is the duty of Members to put it right. Fortunately in this case the amount of money involved is so small that it will not throw the Budget any further out than it may be at present, and I am sure that if it is put right every Member would feel that he has done what is just. It has been argued that some of these people do not need the money, but my information is that 90 per cent. of them need it and need it very badly. On the old rate of payment at one shilling (1/-) per registration — if my information is correct and I am pretty sure it is correct — the Registrars of Georgetown earn approximately \$5.00 per month and, as I have said before, they have to be on duty every day except Sundays and holidays; they have to provide an office and they have to provide a table and a chair so that the person who goes to register the birth of a child or the death of a relative or friend can have a seat in order to give the required details in comfort. You can quite imagine that rents have gone up and the cost of everything else has gone up, and it is practically impossible for these people to get by on the small amount paid. I have been reminded and you can just imagine what happens in the rainy season: if the road is muddy and someone goes to register with a lot of mud on his or her boots or the rain is falling heavily at the time. A Registrar cannot say to that person "You cannot come in with these boots." Things of that kind have to be taken care of. The place of registration has to be kept clean.

I am appealing to Members and to Government because I am in a funny position here. I can move an amendment by the substitution of the word "forty-eight" for the word "thirty-six" in the Bill, but in doing that, I am afraid, I am going to be slightly out of order. This is one time I find it difficult to move an amendment to a Bill, as it will mean

the voting of an additional sum of money. I would like a ruling of the hon. the Attorney-General on that, if not I would be forced to move a motion to that effect. I am wondering whether Government will reconsider its decision and at least give 60 per cent increase in each case. That will result in the smaller lot who need the money more getting 38.4 cents per registration as against the other lot's 40 cents. Why there was a difference in the original Ordinances I do not know — 24 cents as against 25 cents I would like to ask. I do not know whether the hon. the Financial Secretary will say anything on it. I think that the least that can be done is to make both lots of fees 40 cents, otherwise I will be forced to move a motion to the effect and have it debated in the Council.

Mr. ROTH: The hon. Member has given a very plausible account of the poor unfortunate Registrars having to make out on \$5.00 a month.

Mr. FERNANDES: To a point of correction! I said no such thing. \$5.00 a month is the earnings for this part-time job. I did not say they have to live on this amount. For this \$5.00 for this part-time job they have to furnish an office and be on duty every day except Sundays and holidays.

Mr. ROTH: It is the first time I have heard the hon. Member use the words "part-time job". I have been Superintendent Registrar for many years in various parts of the Colony and I have not seen the Registrar who had an office or even a table or a chair. You have to sit in his gallery. It is only a part-time job, and is not, as the hon. Member endeavours to make out, an awful lot of work. As regards having to be there all the time, the hon. Member has forgotten that there is a Deputy Registrar in every case. Things are not as bad as the hon. Member makes out.

Mr. DEBIDIN: I agree with the last speaker. I know several Registrars and I know how they carry on their business. There is no recognized office. They meet persons on their steps and the business is done there. Usually the sicknurse on an estate is the Registrar. He has a

fair income and is able to do the job properly.

I really got up to speak on the question of principle which seems to be completely overridden by this clause. I assume that the idea is to increase the stipend of these Registrars. It seems that we are forgetting that this is a social service, and I think Government should undertake this particular duty. It is part of the functions of any Government to register births and deaths in order to compile its vital statistics, and if Government feels that the district Registrars are inadequately compensated for the work they do it is its duty to subsidize them in some way. As a matter of fact I know that there are hundreds of people in each district who would be glad for that shilling, and not the 36 cents. Appointment as Registrars gives them a certain status in the district, (laughter). I know what I am saying. I know several persons who would be very happy to receive 24 cents for each registration. If the Registrars are deserving of better remuneration they should be given it out of the public revenue. After all the Colony is not so badly off financially. It was never intended that they should be paid by the people who register births. There should only be a token payment.

Mr. ROTH: A person registering a birth does not pay a cent; Government pays.

Mr. DEBIDIN: I made it a point of duty to enquire from those hon. Members who are fathers, and they assured me that they pay a shilling for the registration of a birth.

Mr. FERNANDES: The shilling paid in the case of the registration of a birth is for a birth certificate. If a certificate is not taken at the time of registration and it is wanted later on you will have to pay 60 cents for it at the Registrar General's Office.

The DEPUTY PRESIDENT: We are not in Committee yet; we are still on the second reading. When we get into Committee we can have this criss-cross.

Motion put, and agreed to.

Bill read a second time.

#### COUNCIL IN COMMITTEE

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

#### Clause 2.—Amendment of sub-section (2) of section 57 of the Principal Ordinance

Mr. FERNANDES: I would like to ask the hon. the Attorney-General whether I would be in order in moving an amendment to take off the 36 cents.

The ATTORNEY-GENERAL: The answer is "No". This matter arose some time ago during the consideration of the Estimates.

The FINANCIAL SECRETARY & TREASURER: This matter has been debated in Council before, and it was discussed at length in Finance Committee. The hon. Member for Eastern Demerara (Mr. Debidin) was just a little confused in his remarks. This Bill has nothing whatever to do with the fee which is paid by a person who registers a birth. This clause has to do with the fee which is paid by Government to the persons who are appointed Registrars in districts. It has nothing whatever to do with the revenue side. As has been said, these Registrars are part-time employees. They are people, in some cases, of some substance and some status in the community, and they undertake this particular duty, as the hon. Member has himself said, partly as a public service. I do not for one moment think that they rely upon the income that they earn from this source as a means of livelihood. I am told that the duty is reasonably simple. It does not take much time.

I have a minute before me which estimates the time occupied in performing one complete registration properly and adequately as 12 minutes. I think that is rather long myself. I think it takes less time than that. What we have to consider is not the question of the livelihood of the Registrar but what the job is really worth, and as I said when the matter was being discussed, 36 cents seems to be quite



a reasonable fee to pay for an operation of this sort to a part-time employee — a person who has other occupation and other means of income. That is what it is worth to Government to have this job done. A shilling was the fee for a very long time, and I agree with the hon. Member for Georgetown Central (Mr. Fernandes) that had the matter been pressed some years ago it is conceivable that the Government and the Council would have agreed to an increase long before now. However, it is never too late to mend, and it has been seen fit to offer an increase of 50 per cent.

Now the action which has already been taken is that when the matter came before the Finance Committee it approved of an increase in the estimate provision of \$3,500 in order to meet this increase in cost, both for the Registrars and the Marriage Officers, as from the 1st of January, 1950. That money has been put on the Estimate and has been voted in anticipation of this legal act, and those people have been getting the increased rate for some time now. If this Bill is not passed, presumably Government will have to cease paying them at that rate, but the Legislative Council has, by implication, already agreed to this rate of 36 cents for Registrars and 40 cents for Marriage Officers. It is true that the hon. Member for Georgetown Central (Mr. Fernandes) recorded his objection and definitely stated that not only when the Estimate came before the Council would he oppose and press his views, but also when the Bill came before the Council — firstly, that the rate was too low, and secondly, that it should be retrospective from January, 1949, and not January 1950. As regards the second point, there is no particular virtue in going back to 1949. I think that one might very well go back to 1942 when cost of living allowances first came into effect. I think the correct thing is to put it into effect from this year. As I have said, this is not an income to the recipient but reimbursement for the time and trouble taken, and for affording the necessary accommodation to Government for this kind of work.

As regards the variation between the rate of increase — in the case of Registrars from 24 to 36 cents, and in the case of

Marriage Officers from 25 to 40 cents — the figures have just been rounded off. No one suggested precisely 50 per cent. increase in one case and 60 per cent. in the other. I do submit that we have not done unreasonably by those people in granting these increases. I do not think there is any necessity really to further consider what is put in this Bill.

Mr. DEBIDIN: I am very grateful to the hon. the Financial Secretary for his lucid explanation, and for that reason I shall support the Bill as it stands. I would, however, like to get an assurance that the fee charged a person for registration will remain the same.

The FINANCIAL SECRETARY & TREASURER: There has been no suggestion whatever of any variation in the fees for registering births and deaths. The question simply did not come up. If the hon. Member wishes that assurance I give it to him, but the two things are quite different. This is a payment and the other is revenue. There was no suggestion when the money was voted by the Finance Committee, that the fees payable by the public should be increased.

Mr. DEBIDIN: I am glad for that, and I hope the Press will publish it, and that the Registrars will understand that.

The FINANCIAL SECRETARY & TREASURER: I think the hon. the Attorney-General will confirm that the passing of this particular clause will not have the effect of increasing the fee payable for the certificate.

The ATTORNEY-GENERAL: It has nothing to do with the certificate.

Mr. FERNANDES: The hon. the Financial Secretary is usually very clear in his replies, but I thought he would have explained the matter more fully instead of merely stating that the 60 and 50 per cent. increases were just a rounding off procedure. I thought he would have attempted to satisfy the Council that the work done by the Marriage Officers was a little more intricate and took a little more time, and indeed, involved a little more responsibility. I thought that if it was felt that the two jobs were

worth the same money that they would have been fixed at the same level, and the question of rounding off would not have come in. Hitherto the difference between the two rates was one cent. Now it is four cents. The way I look at the increase is the actual money that is given. It is 12 cents in one case and 15 cents in the other. It looks to me as a small case of discrimination, but I will not take up much more time because it seems to me that Members have made up their minds to vote for the Bill as it stands.

The ATTORNEY-GENERAL: The section of the Ordinance which is being amended is section 57 of Chapter 139, which provides:

"57. (1) Every registrar, four times in every year, shall make out an account of the number of the births and deaths which he has registered since the last quarterly account, and the superintendent registrar shall verify and sign the account.

(2) When the account has been rendered to and certified by the Registrar General, there shall be paid to the registrar from the public revenues, or out of any funds available for that purpose as hereinafter provided (but not otherwise) as the case may be, such sums as he may be entitled to receive on the said account at the rate of twenty-four cents for every entry of birth or death included in the account:

Provided that no fee shall be paid for any entry appearing to the Registrar General to have been made in a careless manner or in an illegible hand-writing."

What is sought to be done by this amendment is to substitute the sum of 36 cents for 24 cents, which is the fee the Registrar is entitled to receive when he presents his quarterly accounts and record..

Dr. JAGAN: I am glad to hear that, because I would have opposed the measure if it was intended that the public should pay an additional sum for registration. I would like to support the contention of the hon. Member for Georgetown Central (Mr. Fernandes) that similar increases should have been given to the Registrars and the Marriage

Officers, in spite of the fact that in one case the fee was 24 cents and in the other 25 cents for each entry. I hope that the hon. the Financial Secretary will adjust the matter in the very near future.

Mr. ROTH: As Superintendent Registrar I was also a Marriage Officer. I can assure hon. Members that there was more work to be done as Marriage Officer than as Registrar of Births and Deaths. I actually married people.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### INITIATION OF MONEY VOTES

The DEPUTY PRESIDENT: With regard to the point raised by the hon. Member for Georgetown Central (Mr. Fernandes) as regards the imposition of taxation, I wish to point out that there is nothing in Article 59 of the British Guiana (Constitution) Order in Council, 1928, Chapter 2, which prohibits debate on a question of an increase, whether it is a matter of revenue or not, but it is really nugatory, because the Council cannot pass it unless the Governor authorizes it.

The ATTORNEY-GENERAL: Article 59 of the British Guiana (Constitution) Order in Council, 1928, Chapter 2, provides:

"59. The Council shall not pass, nor shall the Governor assent to, any law, vote, or resolution the object or effect of which may be to impose any tax or dispose of or charge any part of the public revenue, or to revoke, alter or vary any such disposition or charge, unless such law, vote, or resolution shall have been proposed by, or by the direction of, or shall have the express approval of the Governor. But subject to the foregoing exceptions it shall be competent for any Member of the Council to propose any question for debate therein, and such question, if

seconded by any other Member, shall be debated and disposed of according to the Standing Rules and Orders."

I think the hon. Member raised the point earlier this year when we were dealing with the Estimates.

Mr. FERNANDES: I raised it because I thought I could not initiate an increase of a vote—that if I moved an amendment to bring both of those fees to 40 cents I would be breaking the law. I therefore appealed to the hon. the Financial Secretary to say whether Government would accept that suggestion. Had he agreed he would have moved an amendment of the clause. Of course he argued all around the point but failed to show where the extra four cents was due in one case and not in the other.

The DEPUTY PRESIDENT: I just thought I would raise the point so that in future hon. Members would bear in mind that they can propose such questions.

The FINANCIAL SECRETARY & TREASURER: I was in sympathy with the argument but, quite obviously, for the reasons stated by the Deputy President, I could not take the responsibility of accepting on behalf of Government a motion to that effect until I had proper authority. The matter had been carefully considered and decided, and I could not sit here and take that responsibility, even though it is a small matter, without specific approval.

Mr. FERNANDES: In that case I would like to thank the hon. the Financial Secretary because he still gives me some hope. He cannot take the responsibility himself but he may take it after he has brought what I have said to the attention of Government.

#### MARRIAGE (AMENDMENT) BILL, 1950.

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

"An Ordinance to amend the Marriage Ordinance (Chapter 142)"

This Bill seeks to provide for an increase from twenty-five cents to forty cents of the fee payable to Marriage

Officers for each marriage entry. I do not think it is necessary for me to make any further comment, because the debate on the previous Bill dealt with the same point. I formally move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a second time.

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

The Council resumed.

The ATTORNEY-GENERAL: With the consent of Council I move that the Bill be now read a third time and passed.

The COLONIAL SECRETARY seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### SUPPLEMENTARY SCHEDULES

The FINANCIAL SECRETARY & TREASURER: I beg to move:

"That, this Council approves of

- (a) the Statement of Supplementary Expenditure totalling \$2,087,264.90 incorporated in the Colony's accounts for the year 1949 consequent on the adoption of the Second Report of the Public Service Salaries and Wages Commission, 1948, by the Legislative Council with the approval of the Secretary of State;
- (b) the Statement of Supplementary Expenditure totalling \$578,295.72 incurred during the year 1949 and not included in any previous schedule for the year 1949 being admitted as a charge to Public Funds under Colonial Regulation 265(2)".

The motion is formal. It seeks the approval of the Council of a Statement of Supplementary Expenditure which has been incorporated in the Colony's accounts for 1949, totalling \$2,087,234.90, which is

consequent on the adoption of the Report of the Public Service Salaries and Wages Commission, 1948, and a Statement of Supplementary Expenditure totalling \$578,295.72 incurred during 1949. These two final Schedules were approved in Finance Committee. They have been embodied in the accounts of the Colony, which have already been submitted, and I hope the Council will take them as read and give them the necessary formal approval.

Mr. DEBIDIN: The hon. the Financial Secretary referred to this as being a formal matter. I agree with him entirely. I agree with him that action has already been taken and this is merely the implementation of what has been decided by this Council. So I want my position or what I have to say recorded in the true light in which I wish to say it, and that is, this is the opportunity I wish to take to refer to the financial position in which we stand in British Guiana. I am not at all very happy, particularly because of what I anticipate to be an unfavourable trade balance for the year. We have already had indications of that, and particularly because I feel that there are many instances — I will not waste the Council's time to refer to them — or directions in which I feel the Colony has suffered loss in the way of national income and revenue. Therefore I must take this opportunity of saying that the wisdom of the few had not been fully appreciated — the few who opposed the passing of the Salaries Commission Report. The manner in which that Report was passed was what I had anticipated. The composition of the members of that Commission plus the fact that those who again had to do with it in the Executive Council made it clear when it came out that it was completely approved of. But the fact remains we had committed this Colony, at a time when we could not be sure — it was merely passed in order to satisfy the demands of the Civil Service of this Colony — to the expenditure of a large sum which I fear will not be sustained. What I would like to know is how we are going to face the future, how we are going to approach the Ten Year Plan? It seems to me that we who have the brief of the people, the common man of the Colony, have a right

to challenge this Government from time to time as to the way in which it is handling the financial affairs of this Colony.

Sir, there is no question whatever that if this Colony becomes eventually bankrupt that the pride which we are trying to establish in the Civil Service being put on a level with that of very large Colonies, revised upwards instead of downwards, would all be lost in shame. I stand here once again to condemn the fact that men in the Service who had been well paid had over \$100 per month added to their salaries when the smaller men today are feeling the burden of inadequate salaries. The smaller group classifications are still without proper revision of what they deserve and need in the Civil Service of this Colony. I take this opportunity to say today, when we are months away from the original decision, that we had not been properly guided. Our financial position has been challenged by acts which had been flagrantly carried against the warnings of the minority of this Council, and it seems to me timely —

The DEPUTY PRESIDENT: I must ask the hon. Member to be careful. After all it has been a decision of this Council, and to say that the decision had been carried flagrantly against the wishes of the Council is not correct.

Mr. DEBIDIN: Then I say "want-only". There are instances where this Council had come two-thirds prepared because of the way in which the Members were placed. One naturally could not expect the Members who were appointed on the Commission to go against their Report, or the Members of the Executive Council. We were persuaded to agree to that Report. Here you have something railroaded or pushed over in a wanton manner and carried. The acting Colonial Secretary had to complain why there was strong opposition to the Civil List section of the Report. We had our only opportunity then, when the Report was put. We could have hardly dealt with each clause much less each of those involved in the Report which was moved in a single motion.

The Civil List had to come by way of an Ordinance and we bitterly opposed the regrading. It was eventually accepted in what has been passed now. I am not suggesting that we should vote against what has been passed. I am not voting in keeping with my feeling of the past otherwise I may vote against it. All I say is, too long and too often have we always been wise after the event. I do trust this Council will in the expenditure of the future pay attention to the productive element of the Colony rather than to the unproductive element, as in that way our revenue will not be substantially endangered.

Mr. LEE: I would only like to mention the hon. Member will have his opportunity, as the Salaries and Wages increases are only for two years and are dependent on the revenue of the Colony.

Mr. DEBIDIN: We can hardly go back easily.

Dr. JAGAN: I think the hon. Member is referring to the question of revenue in case the hon. the Financial Secretary seems to think that a revision is unnecessary. That is a difficult and different matter altogether. I do want to agree with the criticisms which have been made generally by the hon. Member for Eastern Demerara (Mr. Debidin). As I said before in this Council, when we get here and tax the people and a good sum is accumulated it is shared out. I do hope that in the coming year we will not be faced with the same problem of new taxation. The hon. the Financial Secretary has told me we will be.

There is one point I would like to comment on, and that is the reference to the Transport and Harbours Department. I see there is a deficiency of \$1,000,600.55 for the year. I do know that some time ago the Advisory Committee of the Transport and Harbours Department recommended that the rates and fares should be increased, but the Government's decision has been that only the fares should be increased, and the rates were consequently left at what they were. No doubt that has added in a great measure to this deficit, which is so staggering and so huge. I hope Govern-

ment will give this matter serious consideration and will review the recommendation which has been made by the Committee, in order to see whether the time is not opportune for the rates to be revised and that upwards. As the hon. the Financial Secretary has intimated a few moments ago, possibly we may find in the ensuing year taxation Bills being presented to this Council which will aim —

The FINANCIAL SECRETARY & TREASURER: I did not intimate anything at all. I may have made a casual remark aside, but that is no intimation.

Dr. JAGAN: I hope it is not an intimation. I do hope that in the coming year we will not be faced with any Tax Bill which will seek to press the small people of this Colony any more than they are being pressed at the moment. The lot of the small man is very difficult. The conditions under which he has to work are severe; the wages which he is getting and even the prices which he is getting for his produce in many cases are inadequate. Consequently, I do hope that in the future more care will be taken with the expenditure of revenue collected in this Colony.

Mr. SMELLIE: With regard to what the hon. Member has just said about the Transport and Harbours Department, I would like to say it is always coming in for a lot of criticism. It is the **Cinderella** of the Departments. This question about the level of freight fares simply means that the general public is being subsidized at the expense of the Department, and that has been said here more than once. The second point I would like to make for the information of the Members of this Council is this—it is an obvious bit of information to give: The actual figure that the hon. Member quoted as deficiency is what it costs the Colony for the running of the Transport Services. Perhaps, there are some Members who do not know that the revenue which the Department obtains from the Harbours Services goes into another coffer of Government.

Motion put and the Council divided and voted as follows:—

For: Messrs. Smellie, McDoom, Kendall, Fernandes, Ferreira, Roth, Raatgever, Lee, Dr. Gonsalves, the Financial Secretary and Treasurer the Attorney-General and the Colonial Secretary—12.

Did not vote:

Mr. Debidin, Dr. Jagan—2.

Motion adopted.

The ATTORNEY-GENERAL: The hon. Member called for a division and did not vote!

Mr. DEBIDIN: It is only to let my position be clear that I am not against its passing, but I cannot support it. It is a clear principle involved.

The ATTORNEY-GENERAL: I am only pointing out that that is what the hon. Member said in the course of the debate in very emphatic terms. He was making his position perfectly clear.

#### FARMERS' GUARANTEED MINIMUM PRICES

The FINANCIAL SECRETARY & TREASURER: I think it is convenient to take Item 11. I do not think it is controversial and it may be convenient to take it now, as the guaranteed prices to the farmers expire today.

Question put, and agreed to.

The FINANCIAL SECRETARY & TREASURER: I beg to move—

“That, with reference to His Excellency the Governor's Message No. 3 of the 8th of August, 1950, this Council approves of the guaranteed minimum prices to farmers for ground provisions which expire on the 31st of August, 1950, being extended for a period of six months from that date.”

Sir, the Message from the Governor explains the history of this matter. It recalls that by Resolution No. 6 of 1948, this Council sanctioned the establishment of guaranteed minimum prices for ground provisions and that guarantee expires today. The Message also indicates that the *ad hoc* Marketing Committee has considered the matter and has recommended its extension for a further period of six

months from today, and that during this six months the Committee proposes to consider and submit for the consideration of Government and subsequently of this Council further proposals regarding price guarantees generally, and also the very difficult subject of the operations of the Government Produce Depot. The list of guaranteed prices is shown in paragraph 3 of the Message, and I need not read the items. It is quite obvious that something must be done during the interval while the consideration of that long term policy is being worked out. Consequently I beg to move the motion.

The COLONIAL SECRETARY seconded.

Mr. DEBIDIN: I beg to move the adjournment of further discussion of this motion. We were told that this would be taken tomorrow. I appreciate what His Excellency said about the urgency for this and, I take it, it will be taken the first thing tomorrow. Members will then have a better opportunity to go into the matter. It has far reaching effects so far as the peasantry of this Colony is concerned, and it is important that we come tomorrow with our minds made up for the debate.

The FINANCIAL SECRETARY & TREASURER: The principle in this matter was agreed to by this Council. I asked the permission of the Council to take today and I also explained that the guarantee expires today and furthermore that this is an intermediate measure to keep the present guaranteed prices in force a further period of six months until a new policy is worked out. So I do not think it will have a tremendous effect on the farmers as the hon. Member is making out.

Question put, and agreed to.

Motion passed.

The DEPUTY PRESIDENT: With your consent I adjourn the Council to 2 p.m. tomorrow and ask Members to retain their seats so as to dispose of some business before the Committee.

The Council adjourned to 2 p.m. the following day.