

LEGISLATIVE COUNCIL.

FRIDAY, 21ST MAY, 1948.

The Council met at 2 p.m., the Hon. C. V. Wight, O.B.E., Deputy President, in the Chair

PRESENT.

The Deputy President, the Hon. C. V. Wight, O.B.E., (Western Essequibo).

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G.

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

The Hon. the Colonial Treasurer, Mr. E. F. McDavid, C.B.E.

The Hon. Dr. J. B. Singh, O.B.E., (Demerara-Essequibo).

The Hon. Dr. J. A. Nicholson, (Georgetown North).

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (2nd Nominated).

The Hon. G. A. C. Farnum (5th Nominated).

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

The Hon. J. Fernandes (Georgetown Central).

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

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

The Hon. C. A. McDoom (6th Nominated).

The Hon. A. T. Peters (Western Essequibo).

The Hon. W. A. Phang (North Western District).

The Hon. J. Carter (Georgetown South).

The Hon. E. M. Gonsalves (Nominated).

The Clerk read prayers.

OATH OF ALLEGIANCE

The Deputy President administered the Oath of Allegiance to the Attorney General, Mr. F. W. Holder, K.C., and Mr. E. M. Gonsalves.

The DEPUTY PRESIDENT: I feel sure I am expressing the wish of all hon. Members present when I say that we welcome the Attorney General back and hope that he is rejuvenated after a pleasant holiday. We also have pleasure in welcoming the Hon. E. M. Gonsalves who has been nominated as a Member of this Council.

The ATTORNEY GENERAL: Thank you, sir.

MINUTES

The Minutes of the meeting of the Council held on Friday the 7th of May, 1948, as printed and circulated were taken as read and confirmed.

ANNOUNCEMENTS

DEVELOPMENT OF HYDRO-ELECTRIC POWER

The COLONIAL TREASURER communicated the following Message to the Council:—

Message No. 9

Honourable Members of Legislative Council,

“The question of the possible development of hydro-electric power in British Guiana has been engaging the attention of the Government for some time, particularly in connection with the results of the expert studies of the Colony’s potentialities for industrialisation which have been undertaken at the initiative of the Government. The reports on these studies

have indicated in various terms that the availability of cheap power will be a prior requisite to any plans for industrialisation—with the implied requirement that the Colony's natural source of power in the form of its waterfalls should be investigated at once.

2. At the same time the Demerara Bauxite Company, Limited, (who also have an important interest in cheap water power as a means of carrying the bauxite reduction processes at Mackenzie to a more advanced stage before export) approached the Government with the request that they should be allowed to gauge water flow at the four falls mentioned below at their own expense, provided the Government was willing to reimburse them under certain conditions and more particularly, if the results of their gauging were used by other persons and the Company was thereby denied the right to develop any fall (or falls) the potentiality of which the Company had established.

Aruwai Falls, Upper Mazaruni River
Kaieteur Falls, Potaro River
Great Falls, Essequibo River
Malali Falls, Demerara River.

3. The Company's proposal was acceptable to the Government in principle as the capital expenditure involved in developing water power is great, and it is essential that any gauging of this sort should be carried out by recognised experts. However, there were certain terms in the licence proposed by the Company to which the Government felt it could not agree, and the matter was therefore referred for consideration to the Trade and Industrial Development Sub-Committee of the Main Development Committee of the Legislative Council.

4. This Sub-Committee considered the whole question of hydro-electric power. In their report the members attach high importance to the development of dependable and cheap supplies of energy and motive power from local resources, and, since a prime necessity for such development is a proper survey of the hydro-electric power resources of the Colony, they have recommended that the Government should re-open negotiations with the Demerara Bauxite Company, Limited, for the gauging of water flow at the four falls mentioned above, on the basis of an amended draft licence prepared by the Sub-Committee for this purpose after provisional negotiations with the Company. This draft licence (including a further amendment made on the advice of the Executive Council), is attached as Appendix A; the Company have indicated their willingness to accept it.

5. I quote for the information of

Honourable Members the following relevant extracts from the Sub-Committee's Report:—

"13. The development of hydro-electric power for anything more than limited local use in situ necessitates capital expenditure on a scale that prohibits the undertaking of such an enterprise until and unless adequate data ascertained by recognised hydro-electric engineers available as to water-heads and flows, and above all, as to the cycles and limits in which these factors fluctuate. Knowledge of the cyclical and seasonal variations of river flow is one of the particular prerequisites to such capital investment in a country subject to heavy but highly seasonal rainfall such as British Guiana. The attention of the Sub-Committee has been drawn to a report by an American Civil and Industrial Engineer, Mr. Stafford X. Comber, on this subject as long ago as 1919 in which he wrote (para. 185)

"No amount of expert knowledge can or could make up for the absence of data regarding stream flow. In this connection I recommend very strongly to the Government that before anything else is done automatic stage gauges and a reliable current meter be purchased and the former installed without delay, in order that stream flow data may be available for as long a period as possible when the time comes to definitely decide upon power sites and plant designs. This should be done whether plants are to be built within the next five or the next fifty years. It is impossible to emphasise too strongly the advisability of at once commencing the recording of data concerning the flows of rivers having power possibilities."

The Sub-Committee can only regard with great regret the fact that the money voted for this purpose was in fact never spent and no work undertaken...."

"23. In the Sub-Committee's opinion, acceptance of the terms of the attached Draft Licence would achieve for the Colony the advantages of:—

- (i) securing as early as possible an accurate assessment of the hydro-electric power resources of four of its most important waterfalls (which results would be published); and of
- (ii) obtaining this information free of any cost at all to the Colony, except only in the case where the Colony Government subsequently refused the investigating Company development rights in

respect of any of the 4 Falls, or where such rights were given to another person within the period of survey or within 10 years afterwards, and before the Company had selected or been given, such a site. In any case, if these circumstances did arise, the Government would be liable to repay to the Company no more than its audited gauging expenditure (not to exceed \$150,000) plus simple interest thereon at 3½%. It is also to be remembered that in the event of another person being given development rights in respect of any of the 4 Falls, the Government would be able, if thought desirable, to require the payment by such other person of the whole or a substantial part of the amount payable by the Government to the Demerara Bauxite Company.

24. It should be noted that this licence does not give the Company any prescriptive entitlement to power development rights at the falls which it is gauging, nor does it allow the Company to "lock up" these rights from the Government or from any other approved user."

6. The Sub-Committee also considered it desirable that three other falls should be gauged, viz:—

Kamaria, Cuyuni River
Tumatumari, Potaro River
Great Falls, Demerara River.

At the first two falls named a start has already been made with a grant of \$14,400 approved in 1945 by the Secretary of State for the Colonies under the Colonial Development and Welfare Act. With the funds thus provided, three automatic gauges were ordered, and stations constructed and temporary wooden pole gauges set up at Kamaria and Tumatumari. The three automatic gauges have arrived in the Colony and interim financial arrangements have been made for installing and maintaining two of them at Kamaria and Tumatumari to enable continuous readings to be taken; the third gauge for Great Falls remains for installation.

7. The Sub-Committee emphasised the importance of hydro-electric surveys being carried out by established hydro-electric engineers in order that the reliability of the data collected should be undisputed. They accordingly recommended that the Demerara Bauxite Company, Limited, should be invited to take over the two existing gauging installations mentioned above and install and operate a third gauge at Great Falls,

Demerara River, as agents of the Government, and, in addition, to collect hydro-electric data for the Government for five years, as long as may be technically necessary, at—

- (a) Kamaria Falls, Cuyuni River
- (b) Tumatumari Falls, Potaro River
- (c) Great Falls, Demerara River, or another fall to be selected by the Government.

The Sub-Committee estimate the expenditure involved over the five-year period to be \$75,000 as in the statement attached hereto—Appendix B.

8. The Sub-Committee's report (together with the reports of the other Sub-Committees) is being printed and will be made available to Honourable Members as soon as possible. A summary of the Sub-Committee's report appears on page 6 of the report of the Main Development Committee which was formally presented to Council on 24th October, 1947. The Development Plan is to be considered by the Council in due course. I am of the opinion, however, that the collection of data regarding the hydro-electric potentialities of the more important falls in the Colony is a matter which should be put in hand without delay. I have accordingly sought the advice of the Executive Council on the recommendations of the Trade and Industrial Development Sub-Committee referred to in paragraphs 4 and 7 above. The Executive Council, after careful consideration of the terms of the draft licence, have advised that the Sub-Committee's recommendations should be adopted.

9. I accordingly invite the Council to approve—

- (i) the issue to the Demerara Bauxite Company, Limited of a licence, in the form set out in Appendix A, to permit the Company to carry out hydro-electric surveys at the four falls mentioned in paragraph 2 above; and
- (ii) the carrying out of hydro-electric surveys at the three falls mentioned in paragraph 7 above, at an estimated cost of \$75,000 over a period of five years, and of arrangements being made with the Demerara Bauxite Company, Limited, to undertake the surveys on behalf of the Government.

C. C. WOOLLEY,
Governor.

GOVERNMENT HOUSE,
British Guiana.
10th May, 1948.

APPENDIX "A"**Draft Licence**

(Licence in respect of the use and occupation of Crown Land).

LICENCE is hereby granted to DEMERARA BAUXITE COMPANY, LIMITED (hereinafter referred to as "the Licensees")

- (a) to install metering stations at—
 - (i) Arawai Falls, near Poaima, Upper Mazaruni River;
 - (ii) Kaieteur Fall, Potaro River;
 - (iii) Great Falls, Essequibo River, and
 - (iv) Mallali Falls, Demerara River; for the purpose of obtaining records of the flow of water at those Falls;
- (b) to operate and maintain each of the said metering stations for a period of five years (hereinafter referred to as "the metering period") from the date of its installation, except as hereinafter provided;
- (c) to occupy such unoccupied Crown lands at or in the vicinity of the aforesaid Falls as are, with the approval of the Commissioner of Lands and Mines, considered by the licensees to be necessary for the purpose of this Licence;
- (d) to remove, and retain ownership of, all machinery and equipment pertaining to any such metering station being the property of the licensees, if metering thereat has been discontinued;—

upon the following terms and conditions, that is to say:

1 The licensees shall, within the period of one year from the date of this Licence, install the metering stations as aforesaid:

Provided that where circumstances beyond the control of the licensees arise, such as unusual climatic conditions or loss or late delivery of material required for the installation, a reasonable extension shall be granted to the licensees.

2. The licensees shall, during the metering period, operate the metering stations as aforesaid and maintain them in good working order in accordance with the terms and conditions of this licence:

Provided that where the licensees decide to discontinue, before the expiration of the metering period, the operation of any or all of the metering stations as aforesaid, the following provisions shall apply—

- (a) the licensees shall give to the Government of the Colony (hereinafter referred to as "the Government") not less than two months notice in writing of the date upon which such discontinuance is to take place;
- (b) the licensees shall not, before the date referred to in paragraph (a) hereof, discontinue the operation and maintenance of any metering station as aforesaid;
- (c) the Government may, by notice in writing served on the licensees before the date referred to in paragraph (a) hereof, require the licensees to continue, until the expiration of the metering period, the operation and maintenance of any metering station as aforesaid to which a decision to discontinue relates;
- (d) where a notice is served under paragraph (c) hereof, the licensees shall fulfil and perform such requirement, and as from the date referred to in paragraph (a) hereof the expense of the operation and maintenance of any metering station as aforesaid to which the notice under paragraph (c) hereof relates shall be borne by the Government;
- (e) save as provided by paragraphs (c) and (d) hereof, the obligation of the licensees to operate and maintain, during the metering period, the metering stations as aforesaid, shall be discharged from the date referred to in paragraph (a) hereof.

3. Save as provided in paragraph (d) of the proviso to Clause 2, and subject to the provisions of Clause 9, the licensees shall provide and furnish all moneys, material and equipment and engineering services required for the purchase installation, operation and maintenance of the metering stations as aforesaid.

4. (1) The licences shall, within one month after the 30th June and 31st December in every year, furnish the Commissioner of Lands and Mines with a report summarising, in respect of each metering station separately, the acts done by the licensees, the information (if any) obtained as to the flow of water, and the money expended by the licensees, during the periods ended the 30th June and the 31st December, respectively.

(2) The first report shall be made up to the 31st December of the year in which this Licence is issued;

Provided that if this Licence is issued during the months of October, November or December the first report shall be made up to the 30th June of the following year.

(3) Reports under this Clause shall be made up and furnished until the expiration of the metering period.

(4) The expenses of the metering stations as aforesaid shall be audited on such basis as may from time to time be agreed upon between the licensees and the Government.

5. Whenever a report in relation to any metering station as aforesaid is furnished to the licensees by any of their engineers, the licensees shall furnish the Commissioner of Lands and Mines with a copy of the report.

6. The Commissioner of Lands and Mines, or any person authorised by him in writing, shall have power to inspect, in company with a representative of the licensees nominated by them for the purpose, the metering stations as aforesaid and the lands occupied by the licensees under this Licence, for the purpose of ascertaining whether the terms and conditions of this Licence are being observed, fulfilled and performed by the licensees.

7. This Licence is—

- (a) subject to the right of any Aboriginal Indians to enter at all times without molestation, upon any unenclosed part of the Crown lands occupied by the licensees under this Licence, for the purpose of seeking their subsistence therefrom in their accustomed manner:

Provided that no Aboriginal Indian shall have the right to disturb the licensees in the peaceful occupation and enjoyment of the Crown lands occupied by the licensees under this Licence.

- (b) subject to the provision that no Aboriginal Indian shall be evicted from the Crown lands occupied by the licensees under this Licence without the consent of the District Commissioner first had and obtained;
- (c) subject to the approval of the Commissioner of Lands and Mines in relation to sites selected by the licensees for the erection of buildings.

8. (1) Where the licensees fail or neglect to observe, fulfil and perform, or contravene, any of the terms or conditions of this Licence, the Commissioner of Lands and Mines shall give notice in writing to the licensees of the nature of

the failure, neglect or contravention as aforesaid, and require the licensees to carry out within three months the terms and conditions in respect of which there has been such failure, neglect or contravention.

(2) Where the licensees fail to comply with such notice within the time specified therein or within such further period as may be allowed by the Governor in Council, this Licence and the interest of the licensees therein together with all improvements on or in the lands occupied by the licensees under this Licence may be forfeited.

9. (1) Where—

- (a) the Government refuses an application made by the licensees within the metering period or within ten years after the expiration thereof, for the right to develop hydro-electric power at any Fall named in this Licence; or
- (b) within the metering period or within ten years after the expiration thereof and before the licensees have selected and been granted a power site at any Fall named in this Licence, the Government grants power development rights in respect of such Fall, to any person not being an agent nominee subsidiary or associate of the licensees, or notifies the licensees in writing that Government itself intends to develop hydro-electric power at any such Fall,—

the Government shall repay to the licensees the audited expenses incurred by them during the metering period in respect of all the Falls to which this Licence applies with simple interest thereon at the rate of 3½ per centum per annum, the interest being computed as from the last day of every yearly period to which the expenses relate, until the date of payment.

(2) Save as provided in sub-clause (1) of this Clause, the Government shall not be liable to repay to the licensees any portion of the expenses referred to in Clauses 3 and 4 (4).

(3) The Government shall not, in respect of the four Falls named in this Licence, be liable under this Clause to repay, as audited expenses, exclusive of interest as computed in accordance with sub-clause (1) hereof, any sum, or any sums aggregating an amount, exceeding \$150,000 (one hundred and fifty thousand dollars) British Guiana currency.

10. Where any person not being an agent, nominee, subsidiary or associate of the licensees makes application within the metering period or within ten years

after the expiration thereof, for permission to develop hydro-electric power at any of the four Falls named in this Licence, the Government shall, if the licenses have not previously applied for power development rights at such Falls or Fall.

- (a) notify the licensees in writing of the application, and
- (b) if requested by the licensees so to do, afford the licensees a reasonable period of not less than 12 months and not more than 18 months within which they may if they so desire, apply for power development rights at such Falls or Fall:

Provided that nothing in this Clause shall be construed as imposing an obligation on the Government to grant to the licensees power development rights at such Falls or Fall.

11. (1) Where the data collected over the 5 year metering period in respect of the Falls, or any of them, named in this Licence, is found to be inadequate or inconclusive on technical grounds owing to abnormal climatic or other conditions beyond the control of the licensees, the Governor in Council may, on the application of the licensees, extend the metering period by a further period not exceeding 5 years in respect of the Falls or Fall as the case may be: but the amount of the audited expenses which the Government, subject to the provisions of Clause 9, is liable to repay to the licensees shall not be increased by the amount of the expenses incurred by the licensees during the further period as aforesaid.

(2) For the purposes of Clauses 9 and 10 of this Licence the expression "metering period" shall not include the period of any extension granted under this Clause unless the Governor in Council so determines.

12. The acceptance of this Licence by the licensees shall operate as an agreement on the part of the licensees to be bound by the terms and conditions thereof on their part to be observed, fulfilled and performed.

The issue by the Commissioner of Lands and Mines of this Licence was approved by the Governor in Council on the day of 1948.

Clerk to the Executive Council.

Licence issued on the day of
1948.

Commissioner of Lands and Mines.

APPENDIX "B"

ESTIMATES OF COST OF CONSTRUCTING AND OPERATING HYDRO-ELECTRIC GAUGING STATIONS.

CAPITAL EXPENDITURE :

Cost of establishing 1 Gauging Station, including purchase of Automatic Gauge, Current Meter, etc. . .	\$ 9,000
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RECURRENT EXPENDITURE :

Estimated Annual Cost of Maintenance (3 Stations)

Salaries, Subsistence and Wages — (Local Personnel) . .	\$ 6,900
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Maintenance of Equipment	\$ 600
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Transportation	\$ 800
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Miscellaneous (Gasolene, etc.)	800
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Keeping Records and Stationery	900
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Supervision (Travelling by Hydro-Electric Engineer)	1,800
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Proportion of Salary for Hydro-Electric Engineer	800
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Contingencies	600
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Total cost per annum	\$13,200
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Total Recurrent Expenditure for 5-year period	66,000
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Grand Total Expenditure . .	\$75,000
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PAPER LAID

The COLONIAL SECRETARY laid on the table the following—

The Twenty-third Annual Report (1946/7) of the Imperial Forestry Institute — University of Oxford.

GOVERNMENT NOTICES

HYDRO-ELECTRIC SURVEY.

The COLONIAL TREASURER gave notice of the following motion:—

"That with reference to His Excellency the Governor's Message No. 2 of the

10th of May, 1948, this Council approves of:—

- (i) the issue to the Demerara Bauxite Company Limited, of a licence in the form set out in Appendix A to permit the Company to carry out hydro-electric surveys at the four falls mentioned in paragraph 2 of the Message; and
- (ii) the carrying out of hydro-electric surveys of the three falls mentioned in paragraph 7 of the Message at an estimated cost of \$75,000 over a period of five years and of arrangements being made with the Demerara Bauxite Company Limited to undertake the surveys on behalf of the Government."

BILLS — FIRST READING.

The ATTORNEY GENERAL gave notice of introduction and first reading of the following Bills:—

A BILL intituled "An ordinance further to amend the customs duties ordinance, 1935, with respect to the customs duty on bottles and bottle stoppers."

A BILL intituled "An ordinance to provide for the establishment' control training and discipline of a volunteer force, and for matters connected therewith."

A BILL intituled "An ordinance further to amend the militia ordinance with respect to the constitution of the British Guiana Militia Band and by repealing all references to the militia force."

UNOFFICIAL NOTICES

SILTING OF NEW AMSTERDAM HARBOUR.

Mr. KENDALL gave notice of the following motion:—

"WHEREAS the continuous silting of the New Amsterdam harbour has forced Government, Municipal, and private enterprises to carry out elaborate extensions to their wharves from time to time, and

"WHEREAS it is extremely necessary to improve the said harbour to meet the growing demands for increased shipping facilities up the Berbice River for our Bauxite, Timber, Sugar, Rice and other products, and

"WHEREAS it was the view of a previous Legislative Council when the dredge

Sir Crawford was purchased; that the New Amsterdam Harbour would be included in Government's Dredging Programme

"BE IT RESOLVED that this present Legislative Council, at its earliest opportunity, investigates the advisability of blocking the channel to the south of Crab Island leading to the Canje Creek, with a view of increasing the flow of the water in and out of the Berbice River, and at the same time reducing the silt on the New Amsterdam section of the harbour, and

"Be it further resolved that a suitable dredge be used for the deepening of the mouth of the Berbice River."

NOTICE OF QUESTIONS

SELECTION OF CANDIDATES FOR W.I. UNIVERSITY.

Mr. FERNANDES on behalf of Dr. Gonsalves gave notice of questions regarding the selection of candidates for admission to the West Indian University.

ORDER OF THE DAY

GRANTS AND LOANS TO FARMERS.

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

Q. 1. What was the total amount of money given to farmers and others as free grants by the Legislative Council Food Production Committee?

Ans. 1. The former Legislative Council Food Production Committee which functioned during the war years made grants to farmers totalling \$74,860.97.

Q. 2. What was the total amount of money loaned to farmers and others by the same Committee?

Ans. 2. The total amount loaned by the same Committee was \$13,700.00

Q. 3. What is the unpaid balance of these loans as at November 30th, 1947?

Ans. 3. The unpaid balance to November 30th, 1947 is \$7,734.40.

SUMMARY JURISDICTION (OFFENCES)
(AMENDMENT) BILL.

The ATTORNEY-GENERAL: With regard to the second item on the Order of the Day—the second reading of the Summary Jurisdiction (Offences) Bill—I would ask leave to have it postponed to a later date.

Agreed to.

MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL.

The ATTORNEY-GENERAL: The next item is the second reading of the following Bill:—

“A Bill intituled “An Ordinance further to amend the Motor Vehicles and Road Traffic Ordinance, 1940, with respect to the licensing of motor cars and hire cars.”

As hon. Members will see, this is a very short Bill. From the memorandum of Objects and Reasons which accompany the Bill it will be seen that “there are now in the Colony certain motor vehicles known as station waggons or utility cars. These vehicles are not constructed solely for the carriage of persons and their effects, they are also constructed for use for the carriage of goods. They can, however, be adapted solely for the carriage of persons and their effects, or solely for use for the carriage of goods.” I desire to emphasise that aspect of the matter to hon. Members and I think they would appreciate the necessity for a Bill of this nature. It is to remove any doubt whatever, in regard to these vehicles. Some have come into the Colony recently and, I understand, have been operating as motor buses much to the prejudice, as will be appreciated, of those buses which have taken out a road licence and have paid the very high fee required for that type of vehicle. In the circumstances, it will be appreciated that these vehicles get the benefit—or attempt to get the benefit of road service vehicles without paying the licence required for buses. I notice from the newspapers that there has been some litigation in connection with the registration of these vehicles, and that the matter has been taken up by Government, with the result that hon. Members have before them this Bill which

seeks to clarify the position. I beg to move that this Bill be now read the second time.

The COLONIAL SECRETARY seconded.

Mr. ROTH: I rise to ask for a little explanation because I am not quite clear on a certain point. In the Objects and Reasons, par. 6 states:—

“6. Clause 2 of the Bill seeks to remove all doubt as to whether a station waggon or utility car is capable of registration as a motor car, and provides for such registration.”

Then, par. 7 states:—

“7. Clause 3 of the Bill seeks to provide that no station waggon, or utility car, shall be licensed under section 71A of Ordinance No. 22 of 1940 to operate as a motor car.”

I do not quite understand that.

The ATTORNEY-GENERAL: I corrected that by reading the last two words as “hire car” instead of “motor car.”

Mr. DEBIDIN: The hon. the Attorney-General referred to the question of litigation in this matter, and I may state that I happened to be Solicitor for the owners of some of these vehicles who sought to have them registered. The matter became abortive because there could be no further operation in the Colony; nevertheless, I learnt then that there was this Bill to come before the Council. I really anticipated that Government would have taken into consideration the fact that what these people had been striving to do was to have their vehicles registered for the purpose for which they wanted them. As far as my memory serves me, it all depended upon the definition of “motor car” as against the definition of “hire car.” The 1946 Ordinance varied the definition of “motor car” so that the definition of “hire car” became affected. In that way a vehicle such as a station waggon—a Jowett station waggon—can be excluded from registration as either a motor car or a hire car because the authorities say it is capable of being used for a double purpose—either as a station waggon or as a van. I urge however—and I think the Attorney-General will agree with me—that that definition could be stretched

to this extent—what is the car constructed for at the time of the application for the licence? In other words, if it is so constructed that it is capable of being used as a passenger vehicle, it should be registered as such. If, however, it is constructed for the conveyance of goods—to be used as a van—then only that type of licence should be granted for it.

This Bill provides the possibility of excluding that interpretation as well, and I think it is taking a very retrograde step in so far as transport facilities in the Colony are concerned. We are endeavouring to assist the Mother Country to rehabilitate the sterling and to encourage a greater exportation of British Goods, yet we find that certain vehicles exported by the British Government would be banned from this Colony. I am dealing with the matter from that point of view—the point of view of the public and the basic intention of the British Government. If what we read is true—that it is intended to speed up the exportation of British goods—then I am afraid this Bill would hamper that measure. Jowett cars are British cars and as a member of the Advisory Committee to the Prescribed Authority, I would say that the Prescribed Authority holds a different view—a view based on the question of competition between these vehicles and the buses which have been given road service licences. I can well appreciate the Prescribed Authority being anxious about the matter as we would be hitting at two desiderata, one being the provision of better travelling facilities for the public and the other, the bringing of more vehicles into the Colony from a source which would help the British Government. There is no question about it that we are suffering in this Colony from extremely bad roads—a condition which seems likely to exist for the next 10 years—but it is an indictment on Government, and I have tabled a motion to that effect.

We want a type of vehicle that would be suitable for conveying passengers on these bad roads and these very Jowett cars are capable of doing that. I have had expert advice and evidence on oath to that effect from no less a person than the Manager of Bookers Garage. He said these vehicles are eminently suited not only for swift and economic transporta-

tion, but for the convenience they would offer to the travelling public. I think all classes of people including teachers and civil servants would like to know that they can occupy a seat in such a vehicle and be taken to their destination—their schools or offices—at a small cost and with a minimum of time compared with the buses. That is an advantage which should not be overlooked very easily.

The next point is that since import licences have been issued for these vehicles, I cannot see how the licensing authorities can say they cannot find any classification for them and refuse to allow them to operate. Speaking from memory, the position at present is that if a vehicle has a capacity for 7 passengers or under it should be registered as a hire car, but if the capacity is above 7 passengers it would be a bus. These Jowett cars, I understand, have a seating capacity for 6 passengers but they have been licensed only for a certain period, and that is the sad part of it. I am glad that the Licensing Authority—Col. Orrett—is here and would be able to give his views on the matter. I do not think there is any good enough reason for refusing unconditional licences to the owners of the Jowett cars which are at present in the Colony. If that is so, I think we would have to set up another Committee or invest the Committee at present dealing with the control of motor cars with further powers to see that before any particular class of vehicle is imported the owner should have the assurance that he would get a licence to operate it. Otherwise, it should not be allowed to leave its place of origin. If this Bill is passed these Jowett cars would be of no use unless they are used as private station waggons. They are not being granted licences for any other purpose but I feel that that is not quite right. For that reason, I would move at the proper time the deletion of clause 3 of the Bill. Secondly, I would move an amendment to the effect that there should be a right of appeal to the Full Court from any decision by a Magistrate under this Ordinance.

Mr. FERNANDES: The policy which has caused Government to bring forward this Bill offends a principle for which I have always fought and for which I will continue to fight as long as I live. That is, it is not because a few people abuse a

privilege everybody else must be denied a right to that privilege. As I see it, the real cause for bringing this Bill forward is because some people have abused their right to use these vehicles under the hire car Ordinance and have used them as 'buses. That does not say, however, that nobody else should be allowed to use them for hire car purposes. For instance, if Bookers Garage or anyone else felt like putting these vehicles into their hire car service I do not see why they should be denied a licence to do so. If a man wanted to take his family into the country for a picnic this would be one of the cheapest means of doing it, but because some people used these vehicles as buses which pay a heavy licence everybody must be denied the privilege of using them in the ordinary course of things. I think that is an indication that Government is weak. If a man is granted a hire car licence and uses that vehicle as a bus, surely the right thing for Government to do is to prosecute him and let him suffer the maximum penalty of the law. If the present penalty is not sufficient to stop the offence then it should be increased. I also want to make the point that it is not only these vehicles that are being used in competition with the buses. It is only about 2 weeks ago that I left this Council on my way home and I stopped in King Street when a motor hire car passed me. A little later, I turned West into Middle Street behind that car and noticed that there were two persons standing at the bus stop on the major road side of Main Street and after the car driver had spoken to them for a few seconds he opened the door and in they went. That was a case where a hire car was used as a 'bus; there can be no question about it. Now, if there were a few more such instances would Government come to this Council and say "Don't issue any more hire car licences because people are using hire cars as 'buses"? Surely that would be going too far.

I agree with the hon. Member for Eastern Demerara when he says that if at the time of application for the licence the vehicle is so constructed that it can be used as a passenger-carrying vehicle it should be licensed as a hire car. If without the permission of the Licensing Authority those conditions are changed and the vehicle is turned into a van, then the

owner should be prosecuted. I think that under the present law an owner can be prosecuted for transporting goods in an ordinary motor car, particularly a hire car. I intend to oppose the Bill on the grounds I have stated—because it strikes at a very important principle—the principle of withdrawing a privilege from the majority because a minority would not obey the law.

Mr. FARNUM: I too, am not in favour of this Bill and I shall vote against it. I feel that this Bill is going to deprive a group of people, whom I regard as a very deserving class, of some of their rights. We sometimes hear in this Council that the people are lazy and things of that kind yet when we have an enterprising group of people getting together and investing their money in a service of this kind we find that they are hampered. A motor transportation service of this kind would not only give a living to the owners but would be a boon to the people in the rural districts. It is quite true that in the country districts we have 'buses operating, but I venture to say, Sir, that a large number of the people in the country districts do not get the benefit of the 'bus service and experience a lot of hardship. The buses on those routes always try to get passengers who are going the extreme distance, and consequently those persons who live at other points of debarkation have to walk. Take this case in point: People who live at Houston on the East Bank, Demerara, desiring to take a 'bus leaving Georgetown are not accepted if passengers going a further distance can be had. In like manner when the 'bus is returning to Georgetown on that route it is already full and those people at Houston cannot get conveyance by it. The same thing applies on the West Coast, Demerara, in respect of places like Best. The buses go as far as Uitvlugt and you have a farming population beyond Uitvlugt up to Parika. We want to encourage the farmer to cultivate. We are asking them to supply more and more food. The farmers on the West Coast experience a hardship too in respect of transportation. Unless they go by train which, you will admit, is very slow they have to endure the hardship of walking from Uitvlugt to their destination between there and Parika. These station waggons serve a very useful purpose because they operate in between the

buses relieving those persons who are experiencing hardship at present, and on the whole they create a boon to those people.

The next point is the question of housing. I have no doubt in my mind that if we have rapid transportation, settled means of transportation and cheap transportation to the country districts, you would find that a good lot of the housing congestion in Georgetown would be relieved because the people would go out into the country districts to live. I think they will thereby live under better conditions from a health point of view and very economically. Therefore, I cannot see why these station waggons should not be licensed. If they are converted from waggons into vans, then the law is there to be imposed as they run the same risk as if a 'bus carries more passengers than it is permitted to carry, and the owners can be prosecuted. There is no doubt whatever in my mind that it will be a great boon to the people in the country districts, and it will tend to relieve the housing congestion in Georgetown, and in other ways it will be a benefit to the people of the Colony in general. In addition to that, a large number of people will be provided with work. I remember reading a memorandum written in 1919 by Sir Cecil Clementi, then Colonial Secretary of this Colony, and in it, Sir, he expressed the opinion that the backwardness and lack of progress in this country was due to the lack of communication and transportation. In that memorandum he further said that the Berbice River should have been bridged and the terminus of the Berbice Railway be at New Amsterdam, and the same thing should have been done with the Demerara River. I think the recent strike of the Transport workers demonstrated very clearly that Sir Cecil was a man of great vision, because if we had those bridges the fear of starvation would not have been so acute as we had felt at that time. Do not let us make a further mistake, but rather let us try and give as much transportation as we can. Let the people be able to move about freely. Let a family desiring to go into the country on a picnic be able to take one of these station waggons and go there. The 'buses plying on the East Coast, Demerara road, stop

around 6 o'clock in the afternoon and thereafter the East Coast district is closed to Georgetown in so far as cheap and easy transportation is concerned. On the other hand, if we had these station waggons plying all over the place it would be an entirely different situation: the people in Georgetown would be able to visit the people in the country districts and in like manner those in the country districts would be able to visit Georgetown, and it would make a tremendous difference. For those reasons I am going to vote against this Bill.

Dr. NICHOLSON: There are two points about this matter of station waggons which have escaped the attention of those Members who are supporting the licensing of station waggons. One of them is the construction of the station waggons. Now a station waggon should not be put on the road to ply as 'bus because of its construction. In regard to the construction of a bus it must have an escape door at the back which a station waggon has not got. A 'bus plying on the East Coast, Demerara, road as far as Rosignol or on the West Coast, Demerara, road as far as Uitylugt or Parika pays a licence of \$500 a year. Will you ask the owner of a station waggon to pay \$500 for a licence to operate? Remember they are going to compete on the same terms as the 'buses who are paying a \$500 licence.

Mr. DEBIDIN: To a point of order! I can appreciate what the hon. Member is driving at, but it is irrelevant to this case. No one is suggesting that if this Bill goes through station waggons be registered as 'buses, as in that case the question of construction arises, but that they be licensed only as hire cars which have no backdoor or escape door.

Dr. NICHOLSON: To put the station waggon licence the same as that of the 'bus for operating in Georgetown for example, construction similar to that of a 'bus will have to be provided and the usual bus fare will have to be charged. It will have to conform with the rules regulating 'bus traffic. Providing that is so, it will be all right. In regard to the hire car service if it conforms with the rule to take a passenger from one point to another point and return, that would be quite all right, but these people have been

plying this way: They go along a certain route, put down one passenger and take up another, and in that way operate against the 'buses. If the station waggon can be constructed as a bus with an escape door—I have seen a few station waggons with escape doors — it should pay the same licence as the 'bus, \$240 or \$500 as the case may be, and follow the rules and regulations governing the operation of 'buses. If the station waggon is to ply as a hire car, then it will have to conform with the rule to take passengers from one point to another point and return to its original position. If that can be done then it would be quite all right.

Dr. SINGH: I am speaking generally. There would have been no need for this legislation today had precautionary measures been taken in the first instance in the issue of licences to the owners of utility cars. Those licences were issued to the owners in good faith notwithstanding it was in error, and similarly the owners having received the licence in good faith, I think, there should be a compromise. These utility cars ought to be allowed to continue to operate as they are doing until they become unworthy for the road and unsafe for passengers, when they will be scrapped as there is no intention of reviving their licences. It will surprise you, Sir, to know that these utility cars have become very popular with the travelling public, especially in the rural districts. They are very comfortable and afford quick transportation. On the other hand, I am sure that if those people had known beforehand that the licence for these utility cars would have been restricted many owners would not have been in possession of them today. In short what I am suggesting is that someone erred, and for that error why should the owners of these utility cars be penalised. As I have said, everything was done in good faith and these people should be allowed to carry on for a certain time until the cars become unworthy, and no new licences be further issued. This Council should endeavour to give the owners of these utility cars fair play.

Mr. McDOOM: I am not going to say much on this subject, but I do want to point out that I have seen these utility

cars being used by the middle class people of this Colony. These middle class people are not at all times willing to use the 'buses. They feel that if they can have the use of these utility cars they would prefer them. I have seen them in operation and on a fairly large scale. There are persons who use the 'buses, others who use the utility cars and others who use motor cars. I feel that if we do anything in this Council to hinder the use of utility cars by those who use them it would be an injustice to them. In regards to the point made by the last speaker that something wrong was done when these cars were licensed, I do not agree with that. What I feel is this: These cars are necessary. We understand that these utility cars can be operated economically, and they are being used by a certain class of people. We know, too, that in the importation of these utility cars, it helped the British Government, and I certainly do not see any reason why now or in the near future the importation of these cars should be prohibited or the licensing of these cars be prohibited. I am opposed to the passing of the Bill.

The COLONIAL TREASURER: I have consulted with the mover of the motion and he desires this Council to permit the Commissioner of Police, who is the Licensing Authority, to make a statement on the subject. I wish it will be granted. I desire, however, to make one observation. The object of this Bill is more benevolent to the people of the Colony, that is the man in the street, than is appreciated. We have for a long time in this Colony hoped and prayed for a properly organised transport service in the city and in the rural areas. I am glad to say that since the advent of Colonel Orrett we are well on the way in that respect, notwithstanding the immense difficulties of the times in getting equipment for such a service. We all welcome the new motor transport service in Georgetown. Just before that we had welcomed the reorganisation of Road Transport Service on the East Coast, Demerara, and also on the East Bank, Demerara. Members will remember that up to a short while ago the 'buses ran helter skelter over the East Coast and East Bank roads and to some extent in Georgetown. We now have buses running

on schedule and a service under control, and I venture to say the common people of the town are only too glad that is so, and similarly the people of the rural districts. They know when, where and at what time to go and get a 'bus to go from A to B. That is something that we want to protect and, I venture to say, if we do not protect it from unfair competition we would lose it. There is not the slightest doubt that if we allow these small utility cars or waggons to compete unfairly with those services we are going to lose those services, because they cannot stand up against that competition. You either have to protect one or the other. You either must have a well organised 'bus service or have a set of little cars running all over the place without anyone knowing when, where and how to get them. That is the point. That is the choice which is before the people of the Colony.

I sympathize very greatly with the hon. Member for Georgetown Central. He has spoken sound commonsense. He has agreed with the point of view I have just outlined. His point is, if there is unfair competition, illegal competition, if there is an abuse then control it in the proper way. Don't wipe all out because of one or two evil-doers. So we come to this point. Is it possible or practical to control it administratively? I am told by those who know, the Commissioner of Police for example, that it is not possible, and consequently of the two evils this Bill chooses the lesser. The hon. Nominated Member, Mr. Farnum, painted a beautiful picture of little cars flying out of town and up and down at nights and after dark. That is all very well. It may be true as the hon. Nominated Member, Mr. McDoom states, that suits the middle class of people, but it does not suit the poorer class. They want a regular 'bus service. I am afraid I have taken up more of your time than I intended, and probably I have said what the Commissioner of Police had to say, but I thought I should explain the point of view of the layman. This is a benevolent Bill intended to help the poorer people to have the use of an organised transport service.

The DEPUTY PRESIDENT: It has been suggested that the Commissioner of

Police should say a few words. Is it the desire of the Council to hear him?

Col. ORRETT (Commissioner of Police): The first point I would like to make is that actually only eight persons would be affected if this Bill goes through. Only those eight persons who hold hire car licences for the use of station waggons. Since they were granted hire car licences, without exception they put themselves on the 'bus routes and competed against the 'buses. I would like to draw attention to the fact that a hire car under the Ordinance is essentially a vehicle for use by a person to go from one point to another as against a 'bus which picks up passengers from stage to stage on a regular route. They are essentially two different types of services, and the hire car service of this Colony has been and is still very well served by motor cars which from the very nature of the word "car" is the correct type of vehicle to be used as a hire car. I would point out that the larger hire cars take as many as five persons and can actually take seven. I am talking of the motor car. Persons, it did not matter to what class they belong, desiring to take their family out of town on a picnic or for anything else, can obtain the services of a considerable number of motor cars which are licensed already as hire cars for that purpose. The buses cannot possibly stand up against competition by these utility vehicles which are very small and pay a very small tax and as hire cars run to no schedule. They go out as they like and return when they like.

It is in the interest of the transportation of the Colony that the bus services should be allowed to develop and improve. At the present moment we have two companies, one operating in Georgetown and the other one on the East Bank, Demerara, route. There is an application for a new company to operate on the Corentyne Coast. There is little doubt that in about a year's time there will be many 'bus transportation systems throughout the Colony, but that would not, be if certain vehicles which were never here and are neither 'buses nor hire cars are allowed to come in and compete with the 'buses. I would at once like to emphasize that there are already a sufficient number of motor cars which

are licensed as hire cars to meet the needs of all those members of the public known as the middle class. The only people affected, as I say, if this Bill is passed, would be eight persons.

The COLONIAL SECRETARY: I would just like to suggest to this Council why all of us here this afternoon are anxious to pass some measure which will permit of enterprise in the bringing in of new types of vehicles and also will provide reasonable protection to the Bus Services, which are here now and which are improving rapidly and are under proper control. I am quite sure that Members here have not come with a special brief for eight people who happen to own station waggons or utility vehicles now, but have come here uncertain in their minds as to whether the Bill introduced by Government would be a fair one and whether it would not stop progress in transportation. Hon. Members have heard what the Commissioner of Police has said, and I ask you to accept the view that if these utility waggons, which are paying only the licences for hire cars, are allowed to compete with the 'buses which are organised and are under control, it is likely that your bus services would deteriorate. None of you want that, and I cannot believe a accepts the principle that we have to admit the principle that we have to do something, not necessarily what the Government has introduced, to protect the organised 'bus services which we want to improve and also to give a reasonable chance for utility waggons to be introduced and used, my suggestion is—and I think there is nothing Machiavellian about it, despite what you feel about this Bill as it is written now—that you agree to the second reading and then when we get to the Committee stage we appoint a Select Committee of this Council to go into the whole question afresh and ask the Commissioner of Police for his assistance, because surely, advice will be required as to the licence which station waggons should pay. My suggestion is made in good faith.

Dr. SINGH: To a point of explanation! My plea is for those men who have already paid the licence for these utility cars. What is their position? I would like

them to be protected. That may be done in the Committee stage.

Dr. JAGAN: We have listened to the Commissioner of Police and have heard that only eight persons will be affected by this withdrawal or denial of their licences, but I am sure there are many others who are anxiously awaiting the decision of this Council, and who do not know what to do and who may anticipate purchasing these utility waggons or vans. As I see it, I think the suggestion as put forth by the hon. Member for Central Georgetown is an admirable one, though the hon. the Colonial Treasurer has said it will be a difficult administrative problem to catch people, who may be using these vans as 'buses, should they be given hire car licences. I cannot see that it will be difficult to catch them, because the Police are very efficient. They have been able to trap black-marketeters and ferret out people who are making bush rum, and in a small matter like this they can quite easily find out the people who are using utility waggons as 'buses. The other point I would like to make is this: It is true that the 'Bus Service, as a good 'bus service, aims at giving a comfortable ride to the common people of British Guiana, the people who can hardly afford to pay the very high fees for hire cars. But we have to look at it from another point of view—the point of view of those people who have been thrown out of work by the formation of 'bus companies. I have in mind the 'bus company now operating in Georgetown and Kitty. There were many small 'bus owners operating the Kitty service before. Those men are now out of employment. Those are the people we have to think of. What are they to do? As I see it, many of those persons have attempted or will attempt to get station waggons which would provide them with a source of income of which they have been deprived by the entry of big capitalists.

There is another point to be considered. These small waggons are only provided with five or seven seats. We are not discussing the question of whether they are 'buses or not, because they cannot carry the number of passengers which a 'bus can carry. It is obvious that it cannot pay the owner of a small 7-pas-

senger waggon to carry passengers over the same distance for the same fare charged by 'buses. If people are willing to pay a higher fare for greater comfort in a utility waggon I see no reason why hire car licences should not be issued for these waggons. I therefore support other Members in opposing clause 3 of the Bill. I feel that the time is ripe when this Colony should be provided with every means of transport possible.

The COLONIAL SECRETARY: I would like to invite hon. Members' attention to the suggestion I made. My idea is that we should pass the second reading of the Bill and then refer it to a Select Committee.

Mr. E. M. GONSALVES: I have listened very attentively to the remarks of hon. Members and I have heard very good arguments for and against the Bill, but I think we would be wise to follow the suggestion of the hon. the Colonial Secretary that we agree to the Bill in principle and to the appointment of a Committee to go into the details. I have a perfectly open mind on the subject, but I agree that if we are to have an efficient 'bus service we must be very careful not to destroy it by having station waggons competing against it with a cheaper licence. The tendency might be to run the organised 'bus service off the streets. These station waggons are very mobile and we want a mobile form of transportation for this Colony. They are lighter vehicles on the primitive streets we have at the moment. The 'buses are very much heavier, and from that point of view it might be very desirable to have a complete station waggon service instead of a 'bus service. I think we would save a lot of time if these details were considered by a Committee. I will support the second reading of the Bill, and in Committee I shall have something more to say.

The DEPUTY PRESIDENT: I would suggest to hon. Members that, as suggested by the Colonial Secretary, we pass the second reading, and when we arrive at the Committee stage a Select Committee could be appointed, if it is so desired, to consider the details. I feel that that would be a better course, because it seems to me that something must

be done with regard to the licensing of these vehicles, and if it is desired that something should be done then the details should be threshed out by a Select Committee which would report to this Council.

Mr. CARTER: I appreciate the concern of the Commissioner of Police and the hon. the Colonial Secretary for the establishment of a reliable and efficient omnibus service in Georgetown and in the country, but I would like to record my opposition to the Bill as it stands. My view is that this utility waggon service is a happy compromise between the 'bus service and the hire car service. It seems to fit in very nicely with the middle class income group who possibly cannot afford to hire a car but would like more comfort than that which one finds in a 'bus. Possibly in the Committee stage some compromise may be arrived at by which certain licences may be issued to this type of car in order that they would not compete unfavourably with the 'bus service, because I think we would all like to see an efficient and reliable 'bus service. Nevertheless, I do not think we should do anything to rule out entirely the possibility of a service of this nature which, in my view, would cater for the middle income group. I feel that one or two Members may be a little suspicious of the suggestion that the Bill should be accepted in principle and the details worked out in Select Committee. It may be felt that it is only the thin edge of the wedge, but I am favourable to the suggestion that we should adopt the Bill in principle and work out the details in Committee.

The ATTORNEY-GENERAL: Before you put the question, Sir, I would like to say that I have listened to the speeches which have been made on this second reading, and the arguments both for and against. I appreciate the points which have been made with regard to this type of vehicle, but this Council must keep before its mind the fact that we have been endeavouring to get an organised transport service for the Colony. There has been some difficulty in getting proper 'buses, and it was to me a personal pleasure when I returned to the Colony to see the improved 'buses on the streets in Georgetown. It has to be borne in

mind that those who purchased those 'buses and incurred considerable expense in putting them on the road are entitled to a fair return on their outlay, and it seems to me that we have to have regard to depreciation and things of that sort. While we see the other side of the picture so far as the small utility vehicles are concerned, we cannot ignore the fact that if these 'buses which pay a large licence were not on the road we would have been in a rather chaotic condition. These 'buses have to run to schedule. They have to observe certain requirements, and they pay a very substantial licence fee.

On the other side the last speaker has emphasised the desirability of having some type of vehicle which could cater for the middle classes, but so far as I have observed the 'buses seem to be in fairly good and substantial condition. That, however, is only my personal view. This Council will have to have regard to the fact that in trying to develop an orderly 'bus service nothing should be done to create competition against those persons who have ventured to organise a proper 'bus service such as the one which now operates in Georgetown. People are very chary about putting up capital of a very substantial nature. Once we have the nucleus of a 'bus service going we must not permit light vehicles to dart in and out and take away some of the fares which should go to the organised service. Without a big 'bus service we are nowhere. It may be unfortunate that eight persons have expended their money in this way, but that is perhaps because it was not contemplated at the time that these small waggons would be used for this purpose.

Hon. Members will also appreciate the point made by the hon. the Colonial Secretary that these are matters which require consideration in detail, and the suggestion which has been put forward by the Colonial Secretary should appeal to hon. Members. We all want to get something done, and that being so I support the suggestion that we take the second reading now and agree to the details being considered by a Select Committee.

The Council divided on the motion for the second reading of the Bill and voted:—

For—Messrs. Gonsalves, Carter, Peters, McDoom, Kendall, Debidin, Farnum, Roth, Dr. Nicholson, Dr. Singh, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—13.

Against — Dr. Jagan, Messrs. Phang and Fernandes—3.

Motion Carried.

Bill read a second time.

The ATTORNEY-GENERAL: I beg to move that a Select Committee be appointed to deal with this Bill.

The COLONIAL SECRETARY seconded.

The DEPUTY PRESIDENT: I propose to appoint the following Members as a Select Committee:—

The Attorney-General (Chairman), Mr. G. A. C. Farnum, Mr. D. P. Debidin, Mr. John Fernandes, Mr. John Carter and Mr. E. M. Gonsalves

CINEMATOGRAPH (AMENDMENT) BILL, 1948.

The ATTORNEY-GENERAL: I beg to move the second reading of

A Bill intituled "An Ordinance further to amend the Cinematograph Ordinance by providing for the provisional grant of licences in respect of premises not constructed or completed and to exempt from the provisions of the Ordinance exhibitions of non-inflammable sub-standard films in premises approved for such purposes by the Commissioner of Police."

It will be appreciated that in the present state of the law no person who wishes to carry on a cinema can apply for a licence until the premises have been completed. As a result he may be put to considerable expense erecting and furnishing his premises, only to have his application for a licence refused by the Cinematograph Board. The proposed amendments in clause 2 of the Bill seek to remedy this, and at the same time preserve certain necessary safeguards in the interest of public safety.

Clause 3 of the Bill seeks to exempt

from the operation of the Cinematograph Ordinance exhibitions given with non-inflammable sub-standard films in premises approved by the Commissioner of Police.

Hon. Members will no doubt agree with the desirability of a Bill of this nature so that a person who desires to erect a cinema will know the position before he expends a considerable sum of money, to find that his application may be turned down by the Board. I formally move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Mr. FERNANDES: I would like the hon. the Attorney-General to say what would be my position if I owned a cinematograph machine and wished to show non-inflammable films in my house to my own family. Would I have on every occasion to apply to the Commissioner of Police to tell me whether my house is suitable for that purpose or not?

The ATTORNEY-GENERAL: I presume that each time you want to exhibit such films you would have to apply for permission, but assuming that the premises remain as they are, and the other conditions remain as they are, the Commissioner of Police may grant a general permission. But conditions sometimes change, and to be on the safe side you would have to apply each time.

Mr. FERNANDES: I have got the explanation which I expected. I am asking Government to exclude from this Bill the provision which makes it compulsory for application to be made to the Commissioner of Police for permission to exhibit non-inflammable films in private houses or in places where no charge is made for the show. For instance, there have been such exhibitions at St. Stanislaus College, in respect of which the British Council representative would also have been liable to prosecution. I am asking Government to accept an amendment for the exemption of private exhibitions of films of this nature for educational purposes. After all the films are non-inflammable, and there is nothing in the machines which is any more in-

flammable than an ordinary house light. I see no necessity for imposing unnecessary hardship on private citizens. I will move the deletion of the provision in the Committee stage.

Question 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 3—Amendment of Section 9 of the Principal Ordinance No. 10 of 1940.

Mr. FERNANDES: I beg to move the deletion of the words "approved in writing in that behalf by the Commissioner of Police:" in par. (d); and also the deletion of par. (e), (2).

The ATTORNEY-GENERAL: I think the hon. Member will agree that it is desirable in all these matters to have some ultimate authority to give approval. This is not a departure, really. If the hon. Member looks at Ordinance No. 10 of 1940, he would see that section 9 reads:—

"9. The provisions of this Ordinance shall not apply —

(a) to an exhibition given in a private dwelling-house to which the public are not admitted; or

(b) to an exhibition, given by a Government department or by a Town Council, of a non-inflammable film of an educational nature in a town hall, school, public institution or church hall or in any premises approved in writing in that behalf by the Commissioner of Police."

We have it here already and all we are doing is to add par. (e) to that. I do not know whether the hon. Member realises the fact that one should have some sort of ultimate control in so far as the permission goes. After all, we are living — and we must bear that fact in mind — in a town which is mostly built of wood. I would suggest to the hon. Member that the provision he is seeking to delete would not be very irksome and

would not create such a hardship as he envisages.

Mr. FERNANDES: I thank the Attorney General for his explanation, but the original Ordinance refers to "non-inflammable" films while this Bill speaks of a "non-inflammable sub-standard film." I should like to inform the Attorney General that these films are less inflammable than the wood buildings we have here. They cannot be ignited and there is no more chance of a fire hazard out of them than by turning on an electric light. If we pass all of these irksome provisions one of these days we might have to see the Commissioner of Police for the using of a hot plate. I do not think anybody should be put to all this trouble because there is absolutely nothing to be gained. It only means that one would have to bother the Commissioner of Police if he desires to have one of these shows, and if you decide to have it after 4 p.m. on any day you would not be able to disturb him. If you hold the show the law would be there and I do not think anybody should be put in that position when there is absolutely nothing to be gained and there is no fire hazard whatever. If the question of inflammable films was involved it would have been a different matter and I would not have offered any objection to it, but there is no hazard and I move the deletion as stated. It might be thrown out but it would be recorded for everybody to see.

The ATTORNEY-GENERAL: I should like to point out that the view of the Commissioner of Police is that the chief danger is in the use of buildings for the exhibition of these films. It is that aspect that he is principally concerned with, but where you are showing films in a cinema there must be a certain number of exits to provide against people being stampeded and so on, but if you have exhibitions in a house where there is only one exit and something happens then one can appreciate what would be the result.

THE COLONIAL SECRETARY: I would like to say that I am surprised at the hon. Member pressing that we should make this amendment, because in spite of the hon. Member's most definite assurance

that a non-inflammable film is non-inflammable, I am not enamoured of the assurance than an inflammable film is never called non-inflammable because it is less inflammable than a non-inflammable film. I happen to know that during the War when they were housing films for the entertainment of troops, there was serious trouble through the showing of non-inflammable films. My authority is the Chief Engineer of the ship which brought me here. I do not think any hon. Member would think of introducing the slightest hazard or fire risk in Georgetown after what we have been through in the four years I have been here. There is no trouble in anyone getting permission from the Commissioner of Police if they want to show a film in a private house. To say that the Commissioner of Police does not wish to be troubled by persons seeking permission is not quite right; I think he is only too willing to be troubled. I think the Attorney-General is quite right; it is not only the using of the films that is a danger; but the using of electricity in overcrowded buildings and so on. I would ask hon. Members not to delete this provision because I think it is important that we must know where films are being exhibited and that the Commissioner of Police should be the authority for the granting of permission. If hon. Members saw the fires which took place in the City within recent years they should never take any risk in a matter such as this.

The DEPUTY PRESIDENT: I appreciate the reasons advanced for the retention of this provision. The hon. Member for Georgetown Central has mentioned one instance of difficulty in getting permission and I know of one myself — where a film was to be shown at the Ursuline Convent and there was very much trouble in getting permission because they could not get hold of the Commissioner of Police. I have asked the Attorney-General whether some Officer could not be deputed to act for the Commissioner of Police if he is absent from the City.

Dr. SINGH: In the absence of the Commissioner of Police the senior Officer should be authorised to act. There is very much red tape in these matters and

that is why unnecessary trouble is sometimes caused.

The COLONIAL SECRETARY: I would agree to an amendment granting authority for someone to act in the absence of the Commissioner of Police. I think the Superintendent of the Fire Brigade could do so.

Mr. DEBIDIN: I have just been reading the 1940 Ordinance which was referred to by the Attorney-General and there seemed to have been something lacking, but if this provision is passed, the hon. Member for Georgetown Central need not have any fear. I agree with the views he has expressed and would add that it is within my knowledge that a young lady came from the United States recently with a nice set of films and a projector but everytime she wanted to show the films she had to get permission from the Police. Science has advanced greatly and we might all have our own films in the near future, therefore unnecessary obstacles should not be placed in the way of exhibition. As I read the Bill here I would like to know whether anyone who wants to project in a house or a school would have to apply for permission in writing, in view of section 9 of the 1940 Ordinance. There is a certain class of house which the Commissioner of Police may approve for the showing of films — say a hotel — as it appears that the Ordinance does not apply to them.

The ATTORNEY-GENERAL: If the hon. Member is referring to section 9 (a) of the 1940 Ordinance, it would be observed that it says “to an exhibition” and does not speak generally.

Mr. DEBIDIN: I am glad we have more lawyers added to our ranks and I think we should delete the whole thing or leave what we have.

Mr. FERNANDES: I am sorry I have to disagree with the Attorney-General because I took the ordinary dictionary definition of “inflammable”.

The COLONIAL SECRETARY: The hon. Member went much further; he said these films are not as inflammable as wood.

Mr. FERNANDES: I maintain that wood is inflammable. If a film is inflammable I agree that permission should be obtained to exhibit it, but if it is non-inflammable it would not be likely to catch the wood because wood is inflammable and is light. I am not dealing with Government or the Town Council; I am dealing with ordinary private individuals and educational institutions like the one across the way. They would come under this provision and I am thinking of the unnecessary hardship it would create. If Government insists in carrying through this measure I will get all my friends to go to Brickdam and ask the Commissioner of Police to inspect their premises and I am quite sure there will be a few thousand applications because there would be the necessity to show some of these films at any moment.

The DEPUTY PRESIDENT: I would like to make a suggestion and in doing so I would reiterate what I have always said here until I get some agreement, even if not in toto. Here we have an Ordinance which started off with Chapter 105 and then we come to an amendment in 1940, but we have not got the amendment as set out in section 2 of the amending Ordinance. Therefore, there is difficulty in having to trace the Principal Ordinance and then go to the amending Ordinance and afterwards come to this Bill. I have had great difficulty in finding out how section 3 will read if this Bill is passed, and I will suggest—if the hon. Member for Georgetown Central agrees to defer the points he has raised including the question of obtaining permission — that we pass this Ordinance as it is and ask the Attorney-General to give us an undertaking that he would draft an Ordinance which, at sight, could be easily read by an ordinary Member of the Council and not with considerable difficulty even to the legal Members. Apparently this is an *ad hoc* Bill; we have heard a lot about the cinema profits and, no doubt, this Bill is a consequence.

While serving as Mayor in 1941, I wrote Government pointing out the necessity for amendment of the Cinematograph Ordinance as regards the provisions contained in clause 2 (a) of this Bill. I saw the necessity for the grant-

ing of provisional licences because the Astor theatre was erected and had to go to a Board to obtain a licence. I wrote Government on several occasions and the reply was that there were more urgent matters to be dealt with. It is now 1948, and it has taken 7 years to realise that the provisions in this clause 2 are necessary. With the amending Ordinance and these various interpolations I would not like, as a lawyer, to have to delve into and fit in these very many amendments like a jig-saw puzzle. I have repeatedly asked Government that when they are bringing forward private legislation of this nature and where there has been the necessity for constant amendment to draft a consolidated Ordinance and put it before the Council. Of course, the objection, as hon. Members would appreciate, is that if we get a Bill put before us in that form the Government would say that hon. Members would have an opportunity to discuss every section of an Ordinance that has already been passed.

Hon. Members will appreciate, however, that when a Bill is put forward in this amending form — and this is a matter which I feel very strongly about — we should be given a chance to study the entire legislation. Whether it takes days, weeks or years as in the case of the Intoxicating Liquor Licensing Bill — the Committee is now making recommendations — Government should put forward one entire Bill incorporating all the amendments and let us have a Bill which would not have to be amended for a few years. I myself have had considerable difficulty in the simple matter of showing a private film at the Ursuline Convent; I had to chase around to get this formality of permission carried out. If the Attorney-General can give us the assurance that we will have a comprehensive Bill or a Committee appointed to consider the whole of the Cinematograph Ordinance it would be a good thing and I would suggest that that procedure be adopted.

Mr. DEBIDIN: I shall be very glad if the suggestion to consolidate these Ordinances is carried out.

The DEPUTY PRESIDENT: I have always advocated it.

The ATTORNEY-GENERAL: I might say that that is more easily said than done. By the time we have had the amendments prepared there would be further representations and we would have to make amendments on amendments all the time.

Mr. DEBIDIN: I appreciate the suggestion as to the need for consolidating this Ordinance, and I am supporting the amendment moved by the hon. Member for Georgetown Central. I am satisfied that we have everything we need in the 1940 Ordinance. Every private dwelling house is exempted from the Ordinance and can exhibit any class of film, whether it is 16 mm. or more. Schools, public institutions and church halls are also exempted from the Ordinance, and then it goes on to say "or in any premises approved in writing in that behalf by the Commissioner of Police." What greater safeguard do we want? The proposed amendment in the Bill seeks to provide that any film under 16 mm. wherever it is shown needs a permit, but that does not make sense because it means you will have greater supervision for films under 16 mm. and none for films over 16 mm. Section 9 (b) of the 1940 Ordinance speaks of "a non-inflammable film of an educational nature" and we should pass the other portions of this Bill through all their stages and delete entirely the portions relating to the amendment. If a consolidation Bill is to be presented this could be introduced again.

Mr. GONSALVES: I share the views of the last speaker as regards the deletion of those parts of the Bill relating to the amendment. We all know that many people take cine-kodak pictures which they show in their own homes and I think it would be a terrible injustice if they have to get permission from the Commissioner of Police every time they want to show those films to their children or their friends. I have had some of these films shown in my home on several occasions and did not know I had to comply with certain provisions in the law. I am sure that 99 per cent. of the population do not know they have to do so. These small cinema motion picture projectors go from house to house. Most of us know they are being shown in many homes, and I doubt five per cent. of the

people know they have to apply for permission to have them shown in their homes. I see no difficulty in deleting the part as suggested by the hon. Member for Central Georgetown. I support that.

Mr. CARTER: It is my view that we are losing sight of one important point in this amendment, and that is the permission does not apply to the exhibition but to the premises. It seems to me that once you have gained permission for a particular premises, such as the home of the hon. Member for Georgetown Central, to show non-inflammable sub-standard films in that particular home, you do not have to go back to the Commissioner of Police in respect of other exhibitions. It seems to me that any premises approved in writing can be always used without returning to the Commissioner of Police for approval whenever you want to have an exhibition there. Therefore, anyone who has a projector and desires to put on an exhibition at his home having gained the permission of the Commissioner of Police can show such films continuously. That is how it appears to me, because the clause reads:

“...an exhibition of a non-inflammable sub-standard film in any premises approved in writing in that behalf by the Commissioner of Police: Provided that no charge is made for admission to such exhibitions.”

The difficulty which Members foresee is not there at all. Once you obtain the permission of the Commissioner of Police to show these films, that is sufficient for all times. With regard to the remarks of the last two speakers, there is something in what they say. Looking at the amended section of Ordinance No. 10 of 1940 and this amendment, I think, if we are going to have this new amendment we would have to repeal section 2 of Ordinance No. 10 of 1940, because otherwise we would have provision in that one for the exhibition of any film not necessarily sub-standard films, whereas in this one you have provision for the exhibition of non-inflammable sub-standard films in any premises approved by the Commissioner of Police. The main point is, once you have obtained the approval of the Commissioner of Police to show the films in any particular

premises you do not have to obtain it on every occasion that you intend to exhibit.

Mr. DEBIDIN: I would like to agree with the interpretation the hon. Member has given, and as a matter of fact that is what is probably intended, but he has had to agree with me in so far as the original Ordinance of 1940 is concerned that it is going to be a conflict between that and this amendment here in so far as what is to be an educational film and the width of the film. In referring to the emphasis on premises, on the face of it if we read (e) it would seem as if the emphasis is on premises, but when you read (d) the proviso creates a confusion. I agree with the hon. Member that in (e) it can be interpreted to mean “premises” for all time. In (d) the emphasis goes back on “exhibition”. I would suggest, Sir, that this be wiped out for the moment, and that is why I have risen again so that my suggestion may be taken. I again repeat that the situation is sufficiently safeguarded by the original Ordinance of 1940, and if it is necessary this amendment can be brought back at a subsequent time, but for the moment the restriction is on the exhibition..

The CHAIRMAN: The only point I would like to draw hon. Members' attention to is this: It is very difficult at this stage to wipe out the whole of the subsection without further consideration, because there must be some sort of control in regard to the premises in which these films are shown. If you do wipe it out, then it means these films can be indiscriminately shown wherever one desires and by anyone whether the person is responsible or not. The reason I do suggest to allow the clause to go through in its present form is that the Fire Advisory Committee is now sitting. There is a Board established and this matter can be referred to that Board before it reports. At the present moment the Fire Advisory Board is considering the general question of the Fire Brigade. I think if we allow this Bill to go through as it is at present this matter can be referred by the hon. the Attorney-General in the light of this debate for the consideration of that Board, because that Board will no

doubt be putting up certain recommendations and, if necessary, there may be a Bill introduced. If we start now to have a Select Committee on some clause of this Bill and, having passed it in the Select Committee, it would have to be reconsidered again by the Fire Advisory Board. It does seem quicker and more logical to allow it to be passed as it is, and then the hon. the Attorney-General can refer the comments of hon. Members to the Fire Advisory Board for their recommendation and, if it is necessary, bring it back to this Council. If not I still say it would take a long time to get the amendments out and put through the Council, and if they are passed we may have to come back and consider them again. I would suggest to hon. Members to pass the clause as it is and adopt the suggestion I have put forward.

Mr. DEBIDIN : I will not agree to the passing of any confusing section in any Ordinance.

The CHAIRMAN : I take it there is no amendment in relation to sub-clauses (a), (b) and (c). The amendment is at (d).

Mr. FERNANDES : I move the deletion of all the words after "premises".

The ATTORNEY-GENERAL : The hon. Member is suggesting the removal of the approval of the Commissioner of Police.

Mr. FERNANDES : I am moving the deletion of (2).

The ATTORNEY-GENERAL : May I ask the hon. Member whether his proposal amounts to this: It does not matter in what premises these films may be shown and what possible risk may arise as the result of showing these films indiscriminately in any form of premises, provided the structure complies with the general conditions?

Mr. FERNANDES : As long as they are not shown for gain.

The ATTORNEY-GENERAL : The hon. Member will appreciate the fact that it is not a question of gain. That is not

the point at issue. It is the question of the safety and security of the people who are even invited to see the show. We cannot think only of such terms as "educational films" or "non-inflammable films." Fires arise in seemingly quite innocent ways. So if hon. Members are considering the matter from the point of view of the security of the citizens of the country, and particularly those invited to an exhibition, who may be trapped in the premises in the event of fire, let us consider the measure from the point of view of doing everything we can as a legislative body to prevent any such risk. That is what I am placing before hon. Members. If the Commissioner of Police goes and sees the place and he approves of it, then we are absolved of any responsibility. If you remove what is suggested, then you remove a precautionary measure and then any kind of premises can be used for these shows. You must consider the matter not only from the point of view of the non-inflammable material used but from the point of view of the congregating of a certain number of people for the purpose of seeing the films, who may be packed like sardines in the place and on something occurring not on account of the film itself may not be able to get out. Let us take every precaution.

Dr. JAGAN : If you take the argument of the hon. the Attorney-General it also applies to public meetings.

The ATTORNEY-GENERAL : I have put the argument in that form because I realize what your comment would be.

Dr. JAGAN : As I see it, if you are going to use non-inflammable films they can be used in the place where I hold my public meetings, so when the people come to hear me they can also see a show.

The ATTORNEY-GENERAL : I am glad to hear of the non-inflammable material used at your meetings.

Mr. FERNANDES : I would like to make one comment. There is a general tendency on the part of Government to think the people of British Guiana are

absolutely irresponsible and have no kind of sense of danger. I want to make that definite statement.

The ATTORNEY-GENERAL: The hon. Member no doubt realizes we are still doing Town Planning.

Mr. FERNANDES: Those fires were not caused in the ordinary way. They originated in business places where you do not have to get any permission from the Police.

The CHAIRMAN: The amendment as put, is that sub-clause (d) of clause 3 be amended by the addition of the following words "to an exhibition of non-inflammatory sub-standard film in any premises provided that no charge is made for admission to such exhibition". In other words, the amendment deletes the words standing as printed in sub-clause (d) of clause 3 "approved in writing in that behalf by the Commissioner of Police".

Question put, and the Committee divided, the voting being as follows:—

For — Messrs. Gonsalves, Carter, Phang, Dr. Jagan, Fernandes, Debidin, and Lee — (7).

Against — Messrs. Kendall, Farnum, Roth, Dr. Nicholson, the Colonial Treasurer, the Attorney-General and the Colonial Secretary — (7).

Did not vote — Messrs. Peters and McDoom — (2).

The CHAIRMAN: I throw my casting vote against, so the amendment is lost and the clause will stand as printed.

Amendment lost.

The CHAIRMAN: There is another amendment moved by the hon. Member for Georgetown Central, and that is that sub-clause (2) (e) of clause 3 be amended by the deletion thereof. In other words that the sub-clause as printed be deleted.

Mr. FERNANDES: It is no use putting that. Having lost the one the other must go.

The CHAIRMAN: You will withdraw it!

Mr. FERNANDES: I am quite satisfied in doing so.

The CHAIRMAN: The whole amendment is defeated. I hope Government will, as I suggest, through the Attorney-General submit to the Fire Advisory Board, which is at present sitting, the suggestions which have been put forward by this Council.

Clause 3 as printed put, and agreed to.

The Council resumed.

The ATTORNEY-GENERAL: With the approval of this Council 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 the third time and passed.

Mr. DEBIDIN: May I be permitted to move an adjournment of the Council at this stage?

The DEPUTY PRESIDENT: I was just discussing whether we should adjourn at this stage or attempt to go on and do the other Bills. I may say the hon. the Attorney-General has just returned and would like a little time to go through the other Bills, especially Nos. 6 and 7 on the Order Paper.

Mr. DEBIDIN: They embrace a tremendous amount of law reform and involve quite a bit of discussion.

The ATTORNEY-GENERAL: If the matter is likely to be discussed very fully, I would like some time to consider it. I think hon. Members would like to express their views fully on the matter.

The DEPUTY PRESIDENT: Is it the feeling of the Council that we adjourn now?

Mr. FERNANDES: In view of the hon. the Colonial Secretary's remarks a little while ago about notifying the Attorney-General about any amendments, I desire to state that there is a little matter, a very simple one, which I will just mention for the information of the hon. the Attorney-General. It is in respect of the Bill to amend the Customs Duties Ordinance. It is understood that that Bill will take effect from the time of the other one, but it is not mentioned in the Bill.

The COLONIAL TREASURER: The hon. the Attorney-General was not here

at the discussion. I propose to bring the point to which the hon. Member refers to the notice of the proper authorities before the Bill is discussed in this Council.

Mr. FERNANDES: I did not like to bring it up here as I thought I would have been out of order.

The DEPUTY PRESIDENT: Is it the desire that the Council be adjourned to Thursday next at 2 p.m.?

The Council adjourned accordingly to Thursday, 27th May, 1948.