LEGISLATIVE COUNCIL.

Friday, 28th May, 1948.

The Council met at 2 p.m. the Hon. C. Vibart 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. F. J. Seaford, C.B.E., (Nominated).

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

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

The Hon. V. Roth (Nominated).

The Hon. T. T. Thompson (Nominated).

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

The Hon. Capt. J. P. Coghlan (Demerara River).

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. A. T. Peters (Western Berbice).

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

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

The Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, 27th May, 1948, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENT

INTERNATIONAL GENERAL AGREEMENT ON TARIFFS AND TRADE.

The COLONIAL TREASURER communicated the following message:-

MESSAGE No. 10

Hon. Members of Legislative Council,

I present for your information and study the annexed copy of a Memorandum prepared by Lt. Col. O. Spencer, Economic Adviser and Development Commissioner, which summarises lucidly the Geneva Trade and Tariff negotiations concluded on the 30th of October, 1947, and explains what will be the probable effects of the International General Agreement on Tariffs and Trade contained in Command Paper 7258 which was laid before Parliament on the 18th of November, 1947, and more particularly, the effect the Agreement will have on this Colony. It is regretted that sufficient copies of Command Paper 7258 are not available to permit of circulation.

2. A motion will in due course be introduced inviting the Council to endorse the abovementioned International General Agreement on Tariffs and Trade and to undertake to enact any legislation that may be neccessary to implement it in so far as its provisions affect this Colony.

C. C. WOOLLEY,
Governor.

GOVERNMENT HOUSE,
British Guiana,
27th. May, 1948.

ORDER OF THE DAY

JUVENILE OFFENDERS (AMENDMENT) BILL.

A Bill intituled "An Ordinance to amend the Juvenile Offenders Ordinance 1931, by abolishing the power of a Court to impose corporal punishment on a child or young person"!

The ATTORNEY-GENERAL: I hardly think it is necessary to dwell on the principle underlying this amendment as proposed in this Bill. I think the matter was very fully debated when the Council had before it the other Bill yesterday—the Bill to amend the Summary Jurisdiction (Offences) Ordinance with respect to the power of a Court of Summary Jurisdiction to impose corporal punishment. The object of this Bill is to amend the Juvenile Offenders Ordinance of 1931 by abolishing the power of a Court to impose corporal punishment on a child or young person. It will be seen in clause 2 that a young person is a person who has attained the age of 14 years and is under the age of 17 years. The amendment proposed in this clause is to enlarge the age from 16 to 17 years. Clause 3 repeals the power of a Court to order a child or young person, as to whose guilt a Court is satisfied, to be whipped. Clauses 4 and 5 are consequential on clause 3. Clause 4 relates to section 47 and 48 of the Industrial and Reformatory Schools Ordinance which deals with offences relating to schools. Under that Ordinance where a child or a young offender refuses to conform to the rules and escapes from the school, the punishment provides for imprisonment and, if a male, it should be with or without whipping. I shall read that section so that Members will not be under any misapprehension. Section 47 of the Industrial and Reformatory Schools Ordinance, Chapter 192, provides:

"Any child or youthful offender detained in an industrial or reformatory school who wilfully refuses or neglects to conform to the rules thereof shall, on being convicted before a magistrate, be liable to imprisonment, with or without hard labour, for any term not exceeding three months, and, if a male, with or without whipping; and, at the expiration of the term of his imprisonment he shall be brought back to the school from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired when he was sent to prison."

Those words "and, if a male, with or without whipping" are to be deleted by clause 4 of this Bill. Section 48 of the same Ordinance provides:

"If any child or youthful offender ordered or sentenced to be detained in an industrial or reformatory school escapes therefrom, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and, if the managing director thinks fit but not otherwise, may (any law to the contrary notwithstanding) be then brought before a magistrate, and he shall thereupon, on being convicted before the magistrate, be liable to imprisonment, with or without hard labour, for any term not exceeding three months, and, if a male, with or without whipping;....."

In both of those sections we have the words "and, if a male, with or without whipping", and clause 4 of this Bill seeks the deletion of those words. As I have said, the principle of the removal of corporal punishment or the reduction of its application was debated at length yesterday and, as I understood it, hon. Members expressed themselves in favour of that removal. This does not provide the ground for objection, such as that raised by the hon. Member for Eastern Demerara, because this deals with a child or a young person and is not in the same category as the points he was raising yesterday afternoon with regard to being armed with a dangerous weapon in connection with the last clause of that Bill. I beg to move that this Bill be now read a seccond time.

The COLONIAL SECRETARY seconded.

Mr. THOMPSON: With reference to these amendments, I think you made the point before, Mr. Deputy President, that the Principal Ordinance should be given us so that we can tell what it is all about. Most of us here are not legal men, and when we have amendments before us we have to be consulting various volumes of the Laws around the table. I think, if we are given a copy of the Principal Ordinance we would be able to do better justice in considering an amending Bill which is placed before us.

The DEPUTY PRESIDENT : The hon. Member will find the Principal Ordinances bound together in volumes in front of him.

Mr. THOMPSON : My point is, when we come here we should be armed. It does not afford enough time for us to do it here.

Mr. DEBIDIN : I must join with the hon. Nominated Member, Mr. Thmpson, in his remarks. It was with some difficulty that I tried to get the 1931 Ordinances. Even this morning the Orderly of this Council had been making endeavours to get it, and he has told me there is none to be had anywhere on the premises. I would like to add to the observations that where the laws and regulations are provided they should be made complete. Before me I see several copies of the 1939 Ordinance and none of the others. It will facilitate a great deal to have the Principal Ordinances. I am here without any proper references.

Mr. ROTH : Not being a legal man I do not quite appreciate all this splitting of technical hairs. It seems quite obvious, as the hon. the Attorney-General has explained to us, the principle of this Bill is to do away with whipping in respect of juveniles and young persons. I am utterly opposed to this Bill. I am old fashioned enough to believe in the adage "To spare the rod is to spoil the child". I wonder if the hon. the Attorney-General is personally sincere in his efforts to convince the Council as to the necessity for this Bill, or that he is acting on instructions from the Secretary of State as transmitted through the Government to him ? If the latter is so, then he is quite in order as he can do nothing else. I wonder whether the hon. the Attorney-General does not remember his young days ?

The ATTORNEY-GENERAL : I do very much !

Mr. ROTH : I have had my share of whipping and it did me a lot of good, and if I had more I might have been better still. We had a lot of discussion on a Bill of a similar nature. The rising generation is not what it ought to be, and it is due to this "cotton wool" treatment which is being given it. The older generation was brought up in stricter times and under stricter rules, and it has not done us harm. The continuance of it will not do our children harm either. I am distressed that it is proposed to do away with whipping even in the Industrial School, and I must confess that when that idea is known I fear what it will tend to. I said yesterday in regard to another Bill that Government is not well advised to bring this legislation at the present time.

Mr. DEBIDIN: I heartily endorse the sentiments expressed by the last speaker. I had opposed a measure similar to this one which engaged the attention of the Council yesterday. We are not taking the right step forward. We are far from having properly established in this Colony institutions which are well known to those who have made the subject a study, such as the Borstal Institution, in the interest of young offenders and probationers. We have not yet reached that stage in this Colony where we can say there has been sufficient advance in Social Welfare work that we have no fear of any backwardness on the part of our youthful offenders or of their relapsing after a short term of imprisonment or detention at the Onderneeming School. Therefore we are very apprehensive of the removal of measures which have a salutary effect upon would-be youthful criminals of this Colony. I am saying without reservation that within recent times, in Georgetown particularly, there has been an outbreak of hooliganism and I largely blame the economic position of our Colony for such an aspect of things. There is no doubt about it. I also blame the fact that our Social Welfare work in this Colony is not sufficiently active to keep pace with the various improvements which one would like to see in the hooliganistic tendencies of the youth.

I agree with the hon. Member when he said "To spare the rod is to spoil the child". I have also heard "A stitch in time saves nine", and I feel sure that where whipping is a penalty — take for instance in Chapter 192 where it is merely an alternative and not a substantive

penalty, it says clearly in the section "if a male, with or without whipping" — that gives a discretion to those who can impose a whipping to forego such action, but it is felt that is something to be removed because it is harsh in itself and will inflict a lot of injury. There is hardly any need for fear when it is an alternative and the persons in charge of the Industrial School have ample discretion and are expected to exercise that discretion in a proper way. I would like to inform hon. Members that where children and young persons are concerned it is a special form of whip and not the same as that used on an adult. That is clearly borne out in Archbold's Criminal Pleadings, 31st Edition. Speaking of whipping it says:

> "In the case of an offender whose age does not exceed 16 years, the number of strokes for such whipping shall not exceed 25 and the instrument used shall be a birch rod."

In other words, not only the strokes are restricted in number, but also the type of instrument to be used, not such things as the cat-o'-nine-tails which medical men describe as something woeful to look at. I would like to make this point, and it has been referred to by the hon. Nominated Member, Mr. Roth, the Secretary of State suddenly wakes up and finds that some puritanical view should be taken of whipping.

The ATTORNEY-GENERAL: From what I said yesterday I do not think the hon. Member should use the word "suddenly". I said, this matter has been going on for some time, not suddenly!

Mr. DEBIDIN: I assume he has suddenly waken up because so far as whipping and flogging are concerned, whether it was considered for a long time or not, they are in the Laws of England and now it is being sought to give the Colonies something to remove whipping and flogging when there are other measures which will tend to help this Colony in a way which, I say, will be a preventative. Why should we look today to the results of crime rather than to the prevention of crime? I feel that if anything should exercise the mind of the Secretary of State, and that very strongly, is the extending to these Colonies of such measures, as they have done to a very large extent already through the Colonial Development and Welfare body, to remove such things as economic conditions, sociological evils, and so prevent young people from falling into the hands of those who will have to resort to whipping them.

There is another view I want to take, and that is this: Why should we be so much concerned about whipping and flogging young offenders and children when we know that those who go to the Industrial Institutions are those who have been given several chances probably by their parents and probably by the Magistrates before whom they appeared from time to time? A child is not sent to an institution until it has been given the fullest chance and its parents also given the fullest chance of showing improvement. The worst type of children is sent to the institutions, and there you must need, I respectfully suggest, measures which can be adopted to curb them. Imagine removing from the Industrial School the right to whip a child. I am afraid then that no one will be able to slap that child or to give him a whack. All that can be done to him is to imprison him, give him solitary confinement. I am afraid you are removing one of the things whereby after trying the other measures provided in the Ordinance one is able to say "Give him a few strokes; that will help that fellow; he will not try to escape from that institution again." The next thing is, if Members are so sensitive about this idea of flogging and whipping, I am afraid they should go around the town and see the way in which parents brutalize the children. But that is not what I would like to refer to.

I would like to refer to this: How many parents have not to resort to a bit of caning of their children? Are we going to say that parents are considered barbaric because whipping in a place where whipping should be given is being slated as barbaric. I respectfully submit we are not looking at this matter from the right angle. Reformations are good. I am in favour of reformations, but they must be reformations which will bring about a great amount of good. I say, there is no good that this reformation

will bring since we are not getting down to the root of the evil, we are not getting down to the prevention of crime. The removal of whipping which is being sought now is going to be a retrograde step so far as our laws are concerned and so far as the needs and protection of society and the betterment of the youth of this Colony are concerned.

There is one other point I would like to make. This is common knowledge to those Members of this Council who are legal practitioners, and I am going to ask Members of Council to consider this very carefully before debating this Bill. In the Magistrates' Court very often the Magistrate is loathed to inflict a fine as the parents of that child have to bear the burden of that fine. Moreover it is something that would be harmful to the child if the Magistrate imposes imprisonment, because we always contend it is starting the child on a career of crime by sending it to prison, as you thereby harden its nature. There is one alternative left, and we even at times implore the Magistrate to do it, and that is to let the boy have a few strokes inflicted by the Sergeant of the Police Station. Very often that is done at the request of the parents apart from the frequent requests of the lawyers engaged. Usually it never exceeds six strokes, and I know it has its effect. I have seen the rod, a few fine switches put together. I am asking Members of the Council not to take a step which would take us backwards. I am opposing the Bill and I am asking Members to do so also.

Dr. NICHOLSON: In whatever way we view corporal punishment it must be regarded as a very degrading form of punishment. Are we going to bring a child up to believe that it must be flogged in order that it should obey? We have to advance with the times and follow modern trends. After all the mind is higher than the body; let us make an appeal to the mind. I know of many boys whose parents have administered a sound thrashing because they remained out after school. A father awaits the return of his son to administer a flogging, but the mother comes along and speaks to the boy, appealing to his mind, the highest sense, and he obeys. Corporal punishment is degrading, and the sooner we abolish it from our schools and institutions the better it would be for the moral tone of the people of this country. I cannot see why a Member of this Council should advocate as strongly as the hon. Member for Eastern Demerara (Mr. Debidin) has done, the retention of corporal punishment. School children grow up nurturing a grievance against their schoolmasters who do not spare the rod. I was not one of those schoolmasters who flogged children very much, yet I have heard children say that I gave them a sound hiding. They recall those incidents with a sense of revulsion, and the sooner we get rid of that form of punishment the better. I cannot subscribe to the retention of corporal punishment.

Mr. ROTH: Hon. Members will probably remember the late Mr. Sharples who was a terror with the cane, but 99 per cent. of those creoles who attended his school and were properly flogged have done very well in life.

Mr. SEAFORD: In view of what the hon. Member for Georgetown North (Dr. Nicholson) has said I would like to tell this Council that only two days ago I read in an English newspaper of a meeting of headmasters of schools in the United Kingdom who were unanimous in their opinion that the abolition of whipping in schools would have a most serious effect on the maintenance of discipline in the schools. I cannot agree that children should not be whipped when they do wrong. It is the whipping that a boy gets at school when he has done wrong that prevents him from deserving the cat when he gets older. I agree with the remark made by the hon. Mr. Roth. I think that this cotton-wool upbringing of children is responsible for a great deal of the crime that is occurring all over the world today. If we study the criminal statistics we will realise that crime is increasing, and I agree that this cotton-wool treatment of children is chiefly responsible for it. As the hon. Member for Eastern Demerara (Mr. Debidin) has said, we all know that parents have asked Magistrates and the Police to give their children a whipping, and I think it would be a great pity if we dispensed with flogging entirely.

Mr. E. M. GONSALVES: I am one of those who favour the use of the rod. As a father, if my boy committed an offence and went before a Magistrate I would much prefer that he was ordered to receive six good strokes with the birch than to be sent to Onderneeming for six months which would certainly prove his undoing. There is no doubt about it that when boys get together at Onderneeming they have plenty of time to think of more crime. The same thing applies to adults who often come out of prison confirmed criminals. A stroke or two in the early stages would certainly do a boy good. I speak from experience, because I was scared of the rod myself. I will vote against this Bill.

Mr. THOMPSON: I certainly support the retention of flogging. If we are to abolish flogging we must first make sure that we have other means of keeping a child in order. The mere fact that flogging is regarded as degrading would cause a child to avoid it. I have been brought up under strict supervision and it has done me no harm. When our social welfare work has been more advanced we may find it possible to abolish corporal punishment. Some boys have left Onderneeming better while others have come out worse. I am sorry to say that the conduct of children in both the City and the country districts today calls for the severest handling. To let them know that they cannot be whipped in school would undermine the discipline of the schools. The cane is not there to be administered all the time, but so long as the children know that it is there they would try to avoid it.

Mr. PETERS: I speak both as a parent and as an erstwhile schoolmaster. I am in favour of corporal punishment in the home, in the school, at the Essequibo Boys' School, and in prison, but I am loth to move one inch in support of corporal punishment as ordered by a Magistrate or a Judge. As I said yesterday, where corporal punishment is inflicted by a person whose authority has been impeached or flouted there is a purpose in that punishment to bring home to the offender a realisation that he has offended authority and that he rightly deserves the punishment being inflicted. But when a Judge or a Magistrate orders a flogging it is administered by a person who has had no connection with the crime. That is where we miss the full virtue of the punishment that is being inflicted, and that is where I draw the line.

Dr. JAGAN: I am in agreement with this Bill which seeks to remove whipping and flogging of children and young persons. I have listened to several speakers and the trend of their argument seems to be that whipping has not done them any harm. I want to know whether it has done them any good.

I would like to look at this matter from another point of view. In this Colony people are not allowed to vote until they have reached the age of 21 years. In other words we have told those under 21 years that they are not capable of electing representatives to the Legislature, but on the other hand we are saying that they are responsible for all their acts and therefore they must be bludgeoned and beaten.

Mr. DEBIDIN: I hate to correct my friend, but we are not seeking to bludgeon everybody. It is only when a child has committed a crime that it is whipped.

Dr. JAGAN: If a child or young person below 17 years commits an offence correction should be administered and not punishment. I do not think any Member has established that flogging is a good thing. I believe that in many cases where a child commits an offence against discipline in school it is the result of improper handling by the teachers. If teachers are not properly trained psychologically to take care of children the tendency is to resort to flogging, but I do not think that is the solution. In my opinion the first essential for proper discipline in a school is that the teachers should be properly trained in child psychology. My experience in the United States of America is that flogging is not carried on in the schools, and I think the time has come when we could safely adopt that course and endeavour to get better trained teachers.

Dr. SINGH: I am supporting this

Bill. I do not think anyone but a parent should be allowed to flog a child. In Dutch Guiana where learned men have been produced, some of whom have become professors, there is no flogging in the schools. Quite recently a boy came to me for treatment. He had been badly beaten in school, and there were indications of blood appearing under his skin. The parents had taken him to the Director of Education and he was sent on to me.

Mr. DEBIDIN: I rise to a point of correction. We are not discussing the question of whipping in school in this Bill but the question of whipping in prison where a recalcitrant prisoner breaks out. We may, however, draw an analogy.

Dr. SINGH: I have quoted an incident. I am making a general statement on the principle of the Bill. I think when persons exceed their power and inflict severe corporal punishment they should be charged with assault.

Capt. COGHLAN: I have listened to the arguments for and against this Bill. The idea in chastising a child is not merely to give pain because it would be foolish to do so merely for that purpose. Unless punishment is given swiftly it is of little or no use, because the child will have forgotten what it is being punished for.

With regard to the speaker's remarks about whipping I recall an incident in my college days. We had a very able University professor in English who used the cane very freely when it came to examination time. Those students who took English at the examination were the pride of the institution, and he referred to them as the "cream of the College," but someone remarked "Yes, but whipped cream". I remember an incident which occurred here some years ago which I will relate to illustrate my point. A couple of youngsters entered a clergyman's garden and climbed a fruit tree. They refused to come down and remained there for some hours before he got them down. He gave them a pretty good hiding and the police summoned the clergyman for assault. He was convicted by the Magistrate and fined. I was sorry to see such a thing happen because a similar case came before me, but I not only dismissed it but I said it should never have been brought. There is an old saying "spare the rod and spoil the child," but what we must always consider is that a child should not be given a flogging out of all proportion to the offence he has committed. Of course there should never be any reason why parents should not correct their children, and I do not see why schoolmasters should not correct their pupils. The question is: has anyone ever benefited by a flogging? I am sure that hon. Members have benefited by it just as much as I have.

The ATTORNEY-GENERAL: Having regard to the views which were expressed yesterday on this question of corporal punishment I would have imagined that it was not neccessary to have a prolonged discussion with regard to this Bill because, as I understood it at the time, the majority of Members felt, or expressed the view, that corporal punishment should be abolished in relation to the Bill which we were discussing yesterday, and which really dealt with adults. Now, if it is agreed or it is conceded or accepted that that was the point of view with regard to adults, then I should imagine that when we came to children who are still in the plastic and impressionable stage, and those who are not very far from the stage of children, the argument would have been stronger. The question is whether we are only thinking in terms of what we ourselves suffered in the days of our innocent or wicked youth. What I wish to emphasise is that we are creatures of environment, and we tend to look at things purely from the point of view of environment and experience. Because we got a good hiding and some of us have turned out reasonably successful, that is advanced as an argument in favour of the retention of corporal punishment.

In the old days — and perhaps the medical Members of this Council would tell us — members of the Medical Profession approached the treatment of their patients from an entirely different point of view than in this 20th century era. Even in this year — 1948 — medical science continues to advance in its treatment of disease. As the world

moves on and there is sociological and scientific consideration of the treatment of human beings, we have to move along with it. I would suggest to hon. Members that the approach to this whole problem is how are we and how is society dealing with what used to be regarded and is still regarded as the criminal. The hon. Member for Eastern Demerara says that the Secretary of State woke up one morning, so to speak, and sent us this recommendation, but I would like to refer to a dispatch dated May 26, 1897, and then, perhaps, he would realise what is at the back of the minds of those who are endeavouring to keep pace with advanced thought in relation to matters of this kind. I am not saying that there are not arguments the other way but, at the same time we must have an approach —and perhaps a larger approach—to the whole question and not only in terms of our criminal problems — how far would they affect our society and things of that sort.

In the dispatch to which I have referred the late Mr. Joseph Chamberlain who is the author said:—

> "The question of flogging, as a punishment for crime and more especially as a punishment for prison offences, has been a fruitful subject for discussion and correspondence in this country and in the Colonies, but my attention has been somewhat specially drawn to the matter by observing that the punishment is much more freely resorted to in the Crown Colonies than in the United Kingdom, and that there has been in some instances perhaps a tendency rather to widen than to contract the scope of its application.
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> "2. I am aware that on this subject, as on many others, it does not necessarily follow that what experience has shown to be right and expedient in this country, is right and expedient all the world over, but where the question is one of inflicting pain on human beings by way of punishment, it becomes a duty to scrutinise very carefully any deviations from the lines which public criticism and expert advice have combined to lay down in England as being reasonable, and such as most right-minded men would approve.
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> "3. In England the punishment of flogging for prison offences — and I now confine myself to prison offences only—is rare. It is considered to be a serious and exceptional punishment to be employed only in the most special cases. In many of the Crown Colonies the facts are widely different. Flogging is an everyday occurrence and freely administered.
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> "4. Now, is is true of nearly all of these Colonies that they are not so fully equipped with modern appliances for maintaining prison discipline as is the United Kingdom. Very often there are not funds to pay for an adequate prison building, and complete separation is, therefore, impossible; or the prison staff — largely composed of natives — is not satisfactory, and discipline suffers in consequence. There is, therefore, a natural tendency to invoke the aid of the cat and the birch, in order to make good defects of construction or personnel.
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> "5. But, on the other hand, if flogging becomes the rule and not the exception, there is apt to grow up a perverted public opinion satisfied with keeping order by the lash, as being apparently an effective and inexpensive method of enforcing discipline, as opposed to sounder and healthier views as to deterrence and reform."

I quote that because the hon. Member seems to be labouring under the impression that this matter has only recently been engaging the attention of the Secretary of State, but it goes far back, and I would make the same suggestion to hon. Members as was made yesterday. I am not denying the fact that there is argument to be adduced in support of the retention of this type of punishment, but the moment you go a litle further and think in terms of human life and the desire to rehabilitate human lives and human beings, then such a measure as this becomes inevitable. I would suggest to hon. Members not to think in terms of the "cotton wool" or soft handling which is given to children only, and I think they would realise that it is because of very bad examples being set to those children by grown-ups to whom we cannot apply anything. If punishment is to be applied it should be applied to those who have grown older. One hon. Member said that there was a great crying need for discipline, but I would suggest that that comment cannot be restricted only to the children but should go very much further afield — to those who are older and, I think, wiser.

I think hon. Members would agree that if any whipping is to be applied at all, it would have to be applied to those who are very much older. I am talking about example—example is better than precept, no doubt, and I am talking about those who have criticised the actions and the unsatisfactory conduct of the children of today. This lack of discipline and good conduct has often been the result of bad example and the environment in which children find themselves. Children are imitative and they imitate the bad more quickly than the good, and it is very often through the grown-ups with their lack of responsibility and their don't-careish attitude that children pick things up and we get this lack of discipline in the schools and in the streets. I would suggest to hon. Members that when this question is approached from the higher and the larger point of view, if we are endeavouring to eliminate this question of corporal punishment these are the ones to be dealt with first. In view of the expressions of opinion I heard yesterday I think this should come in for a larger meausure of support than the Bill which has gone to a Select Committee.

The DEPUTY PRESEDENT: I would suggest that the Council give its support to the second reading after which the Bill would be submitted or sent to the same Select Committee as was appointed yesterday. I would suggest that course in relation to all of the Bills dealing with corporal punishment.

Mr. DEBIDIN: If I am permitted to speak I would say that this particular Bill should be put to the vote for the second reading and the next Bill which relates to appeals should be sent to a Committee.

Motion put, the Council dividing and voting as follows:—

For: Dr. Jagan, Mr. Fernandes, Dr. Nicholson, Dr. Singh, the Colonial Treasurer, the Attorney General and the Colonial Secretary—7.

Against: Messrs. Gonsalves, Phang, Peters, Kendall, Debidin, Captain Coghlan, Farnum, Thompson, Roth and Seaford—10.

Motion lost.

The ATTORNEY-GENERAL: In view of that I do not propose to deal with the two other Bills dealing with the same matter of corporal punishment. Further, I am not in a position to proceed with any more Bills this afternoon, Sir

HYDRO-ELECTRIC SURVEYS.

The DEPUTY PRESIDENT: The next item on the Order Paper is the motion by the Colonial Treasurer.

The COLONIAL TREASURER: The motion is at Order No. 9. This, Sir, is a very important motion, and I feel sure that it would commend itself to hon. Members of this Council and receive their strong support. For many years we in this Colony have had a vision of the possibilities of developing the hydro-electric potentialities of our waterfalls; for many years we have talked about it rather emotionally, but we have done nothing whatever to translate that vision into reality. Indeed, I am forcibly reminded of the biblical quotation which the hon. Reverend gentleman (the hon. Member for Western Berbice) would, I am sure, recall. It reads something like this:—"Your old men shall dream dreams and your young men shall see visions". That, Sir, is as far as we have gone. There was a time — in 1919 — when we might have taken the opportunity to do something practical. At that time Mr. S. X. Comber, an expert engineer from the United States of America, came to this Colony and wrote a report on hydro-electric development, and in that report he emphasized the need for installing automatic gauges at certain falls in order to check the flow of the water and to have the necessary data available. He went so far as to say that whether Government contemplated installing a plant in 5 years or even in 50 years, that data should be collected. Well, sir, nearly 30 years have gone by since Mr. Comber wrote his report and if I may again use a biblical quotation, we might say that those are "the years which the locust hath eaten;" and we must not let this opportunity slip by.

The Governor's Message sets out very comprehensively the circumstances leading up to the present position and therefore I will not go into them in any great

detail, but I will content myself by saying that the position at the moment is that the Demerara Bauxite Company has applied for permission to instal gauging meters at four falls in this Colony; firstly, at the Aruwai Falls in the Upper Mazaruni River; secondly, at the Kaieteur Falls in the Potaro River; thirdly, at the Great Falls in the Essequibo River; and fourthly, at Malali Falls in the Demerara River. After careful consideration, Government is prepared to grant permission in accordance with a licence,, a draft of which has been attached to the Governor's Message. I think it would be well for hon. Members to peruse that licence carefully because it really contains the meat of what is being done subject, of course, to the approval of this Council.

The first clause of the licence provides that the Company will establish these metering stations within one year of the licence being granted. Certain provisions occur in the clause by which if there are special circumstances or unusual climatic conditions the company will be allowed further time. The metering period is to be five years from the date of the licence.

Hon. Members will see from clause 4 that during the metering period the Company will be obliged to report in detail to Government through the Commissioner of Lands and Mines each half year, all the information which they may acquire by reason of this metering.. In clause 5 it is provided that any report which the Company may obtain from any of their engineers is to be transmitted to the Government. It follows, therefore, that Government will be put in complete possession of all the information which will be obtained by the Company through the use of these meters and from all their experts who will be placed in charge of them. In clause 6 the Commissioner of Lands is given power to inspect the meters in company with representatives of the Comapny. Clause 7 protects the rights of Aboriginals in respect of these areas. I need not go into details; hon. Members know that Aboriginals have certain rights as regards freedom of use of Crown Lands and their rights have to be protected. Clause 8 is the penalty clause and provides for compensation against the Company in case of non-fulfilment or contravention of any of the terms of the licence.

Clause 9 is the most important clause in the whole of the licence, and because of its importance I should like to deal with it in detail. It says:—

"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....."

That is the main point. The licensees the Demerara Bauxite Company — would have a right, when they obtain the necessary information, to apply for development rights. If, however, Government is disposed to grant development rights to some other person, or if the Government decides to undertake hydro-electric development at any of these four Falls on its own account, then and then only will the Company be entitled to claim reimbursement of the amount expended on these installations with interest at 3½ per cent. per annum. Of course, should Government decide to grant part of these rights to some other concessionaire there is no doubt that Government would require that other person to reimburse Government with the amount which it has to pay. What I would like hon. Members to realise fully is that these licensees — the Demerara Bauxite Company—would not be able to tie up or lock up any of these Falls in

any way whatever. Government would have the right to grant concession rights to any person or to use any of the Falls themselves, but in that case the Company would obtain reimbursement of the money spent. There is one point in clause 10 which is germane to this question and that is, if Government considers granting development rights at any one of these Falls to any other person, then Government would be obliged to notify the Demerara Bauxite Company, and they are allowed a reasonable period in which to make up their minds as to whether they would themselves apply for development rights at that Fall.

Clause II gives power to Government to extend the 5-year metering period in case of abnormal climatic or other conditions beyond the control of the lincensees. Clause 12 is merely formal. It indicates acceptance of the Licence by the Company as an agreement that these are the terms and conditions under which this Colony would have these four Falls metered at the expense of the Demerara Bauxite Company.

The Message deals with another point and that is, that Government is also anxious to have three other Falls metered. Those Falls are the Kamaria in the Cuyuni River, the Tumatumari in the Potaro River. and the Great Falls in the Demerara River. Members may recall that steps have actually been taken to start metering at the first two of these Falls, funds for this work having been granted by the Development and Welfare Organisation. There was a grant of £3,000 in 1945 and out of that work has been started. The position now is that Government wish the Company to undertake, as agents of the Government, the continuation of the metering of these three Falls. As hon. Members will have seen from the Message, the sub-Committee of the Main Development Committee which considered this matter actually prepared an estimate of the cost, and that is given in a statement attached to the Message as $75,000 for five years. As I have already stated, Government will negotiate with the Demerara Bauxite Company for the carying out of this work and, of course, it will be appreciated that this is a much more convenient method than doing it directly under Government supervision, because the Company would have experts to look after their own work. That is the gist of this motion. I need hardly say that this is only part of the recommendations of the appropriate sub-Committee of the Main Development Committee and that in the normal course those projects will come up in connection with the Development Plan itself for the consideration of the Council, but in view of the urgency of this matter Government has decided to ask the Council to approve of this project at once. I will conclude, Sir, by just reading the motion itself because it is very clearly put. It reads:—

> "That with reference to His Excellency the Governor's Message No. 9 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 surveys on behalf of the Government."

I beg to move that motion.

The COLONIAL SECRETARY seconded.

Mr. ROTH: I am confident that every Member of this Council will agree and be glad to see this is coming into practical politics — hydro-electric development of the Colony. There is just one amendment, and a very important one, I want to propose, and that is the deletion of "Kaieteur" from the Licence and the substitution of any other Fall. The first important reason is that any hydro-electric installation at Kaieteur will actually interfere with the beauty of the Falls. We are told that even Niagra has been affected by hydro-electric installation. What then will be the result of such an installation on our comparatively narrow Kaieteur? The first reply to the

suggestion that we must place utility in priority to the aesthetic value is, are there not mentioned better and more accessible alternative sites than Kaieteur? For instance, Kaieteur is rather over 165 miles from Mackenzie, and the nearest of the four falls mentioned is Mallali which is only 45 miles away. The first one, Aruwai, is more than 165 miles from Kaieteur and the Great Falls of the Essequibo River is 175 to 200 miles from Mackenzie. Why I substitute "Kamaria" is that it is only 45 miles away and is in a river which is three or four times the width of the Potaro and, according to the Consulting Engineer, has in the wet season a horse power of 450,000.

Mr. SEAFORD: I think Kamaria is included in the places it is proposed to carry out the recommendation of Government.

Mr. ROTH: Thank you! I am suggesting that "Kamaria" be substituted for "Kaieteur". Even with a mean of 200 horse power, it is enough for any development power in the distant future. This is based on the suggestion of the engineers. It does not seem to be realized that Kaieteur is within the National Park, a park set up about a quarter-century ago for this very purpose of protecting it against any impairing of its natural features. That park was set up under a National Park Ordinance. I admit I cannot find it in the latest index of the Laws, but if my memory does not fail me it does come within such a law. Apart from that, I ask that for these reasons, especially in view of the fact there are alternatives — more accessible and better sites — Kaieteur be eliminated from the Licence. Do not trouble the old man, Kaieteur.

Mr. DEBIDIN: I do not know if at this stage I can move an adjournment of this Council for two reasons. One is, that most Members did not anticipate the Council getting down to this particular motion today in view of the number of items which preceded it on the Order Paper. Secondly, I think, most of us legal practitioners who are Members of the Council would like to attend the funeral of one who has died, a well respected and loved member of our profession, Mr. Sampson.

The COLONIAL TREASURER: I will not object to an adjournment, but I take it that no Member is going to oppose this motion at all. It is quite straightforward. The matter has been very carefully considered by the Development Sub-Committee and approved and sponsored by the Main Development Committee, and I hardly think there can be any opposition. I would like to answer the hon. Nominated Member who has just spoken.

Mr. DEBIDIN: I consider there may be one or two controversial points, particularly about Kaieteur and the question of the exclusive control of certain areas. I would like to say something on it. I see that several Members have left, and I had been told by two of them that they were leaving to prepare for the funeral. On that score I am particularly asking for an adjournment.

The DEPUTY PRESIDENT: It is a matter entirely for the Council. I do not know if it is the desire of the Council to adjourn now.

Mr. GONSALVES: I think this is a very important matter, and we should not have many adjournments. I view it from the angle that it will be of very great benefit to the Colony. I do not know what objections the hon. Member is trying to tell us about. The hon. Nominated Member, Mr. Roth, told us about the substitution of another fall for Kaieteur. I would like to hear more about that. It is true that Kaieteur is a natural tourist resort. I think we have been hanging on to these beauty spots too long. We are lacking so badly in cheap power, and this power station will supply the need of many many industries which depend on cheap power for development.

The DEPUTY PRESIDENT: Are you speaking on the motion or the adjournment?

Mr. GONSALVES: I do not like an adjournment unless there is very good reason for it.

The DEPUTY PRESIDENT: I think we should put ourselves in order in moving the adjournment.

Mr. DEBIDIN: I move that the Council be adjourned.

Dr. JAGAN: I second it.

Question put, and not agreed to.

The DEPUTY PRESIDENT: We will proceed to the debate!

Mr. PHANG: Sir, I say here in regard to this motion that I congratulate Government on having brought it forward. I think it is long overdue, but what I want to mention is this: I see the Demerara River, the Cuyuni River and the Mazaruni River are mentioned but nothing about the rivers of the North-West District. I would like to know what is the policy of Government towards the North-West District. Is it considered a part of Venezuela or a part of this Colony?

Mr. SEAFORD: I do not propose to keep the Council at any length at all. As I have said, the harnessing and production of power from our waterfalls is very very long overdue. One of the very great difficulties in this Colony for development and progress is the lack of cheap power. Our power here, when you take the cost of fuel, is extremely high compared with other parts of the world where you have development taking place, industrialisation started and carried out. For industrialisation you must have cheap power, and for that reason I am entirely in agreement with the motion. As far I see, Government is amply safeguarded by this Licence because it has the right to go in at any time during the gauging or after that and take over the work and harness the Falls itself, paying the actual cost of the experimental work done.

The hon. Nominated Member, Mr. Roth, spoke about spoiling Kaieteur, but I am sure there is no one here who will not agree to Kaieteur being spoiled if we find that is the only means of getting cheap power in this Colony. I say by all means let it be spoiled. But that is a matter we will not have to decide for actually 10 years. The actual gauging of the fall is not going to ruin it, it is only when it is harnessed and that will be from the aesthetic point of view. There is no harm in gauging the fall and, if you find that other falls are suitable, that is all well and good and we can then leave it out. But that is a matter for consideration in years to come.

The only other point is that about Kamaria. The hon. Member mentioned that in wet weather it has 400,000 horse power and in the mean 200,000, but in dealing with water power you cannot take the mean. You have to base your calculation and power on the very lowest mean of power to be developed there, because it is in the dry weather that the power is affected. It is for that reason you take a long time in gauging. You have to get the power for the very dry weather and for the wet season before you can form any idea whatever of its suitability.

The other point by the hon. Member for North-Western District is a very good point, but there is one objection. Although harnessing of the falls up there may be practical, the cost of conveying that power to any central industrial point is against it, unless you are going to have many sawmills in that district to utilize it. If we are going to have development of hydro-electric power, it means we must have hundreds of thousands of horse power to make it pay. We will want thousands of those before we can develop water power for industrialisation. You have to remember it costs very much to convey the current to the centre where the current is to be used. It is not only finding the falls which we can harness and develop power, but where the power is most accessible and requires less distribution than in the case of those in the interior.

Mr. ROTH: To a point of explanation! The Aruwai Falls, one of the four mentioned in the Message, is 165 miles from Mackenzie, and the largest fall in the North-West District is the Barama Falls, just about the same distance away.

Mr SEAFORD: I dispute that. I am not talking of Mackenzie. I do not

think there is the centre of development and progress by any means. We have to think of the whole area. Mackenzie only requires a small proportion of the development if the power can be of any use at all. I am talking of the centre of industries which may be developed in the Colony.

Mr. DEBIDIN: It seems as if I am forced to say something this afternoon. As I have said, I have not had the opportunity of perusing this document enough. I always believe that we should have a full House to discuss these matters. There is not only the one reason of the funeral for an adjournment, but the other reason is we are taken by surprise by coming so quickly to this item on the Order Paper. I want to move an adjournment.

The DEPUTY PRESIDENT: It has been already moved and defeated.

Mr. DEBIDIN: Such a motion one can move at any time, as long as you want it, in the progress of a debate.

The DEPUTY PRESIDENT: You can every five minutes or every minute, but it has been defeated only about five minutes ago. I do not think hon. Members' minds have changed.

Mr. SEAFORD: The hon. Member is thinking of the procedure we have here of saying "The question be now put".

Mr. DEBIDIN: I do not; but hon. Members will not do that. May I then make my contribution to the debate and leave without waiting for whatever may be the result of the motion? I am certainly one of those who believe in the development of this Colony and that hydro-electricity should be generated through the natural resources of our Colony. The natural facilities for doing so with the many powerful falls we have will make a wonderful contribution to our progress and development. I will support this motion save for one or two reservations which I will make at the end. The time has come, and I do subscribe to what has been said by the hon. the Colonial Secretary, when we should strike out and, if the Colony is financially unable to do so and there are private companies and bodies which are willing to do so, I feel they should have our support and good wishes in the effort which we will pass on to them. If the Demerara Bauxite Company are willing to undertake this gauging of the water flow of the falls, we should be very happy to know that they would do it. The conditions in the Agreement for so doing are to my mind very favourable both to Government and to them. There is, however, one point to which I must refer in respect of those conditions, and that is this: There is no doubt whatever that Government will be somewhat obligated to the Demerara Bauxite Company in granting them a licence for the establishment of a station at any one of the falls they gauge. The Agreement may be so construed. Government is almost morally bound to do so, although there is provision that Government has the right to grant permission to any outside company. It is true, there is ample provision protecting Government in the case of not granting a licence in respect of these falls by repaying the expenses, etc., but I would like to refer to clause 8 (2) of the Draft Licence to be granted to the Demerara Bauxite Company.

The first thing I would like to do is to move as an amendment to that clause that the words "may be forfeited" in the last line should be "shall be forfeited". So that subclause should read:

> "(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 shall be forfeited."

Future legislators should not have to discuss the question as to whether they have to pay a part back. I think that amount should be forfeited, and I so move. In respect of clause 9 there can be no doubt that with the introduction of clause 10 (b) that obligation, I referred to, is on the part of Government granting a licence to the Demerara Bauxite Company. If they apply for such licence Government is somewhat bound to give

it. That clause seems to point to that. It says clearly in (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."

Government gets out of it, however, by stating further :

> "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."

It is true, but we who are accustomed to construe agreements and documents do see that while Government is not bound by that clause yet in actual practice in a Court of Law where is considered cause and effect, it is so. I am sure by the wording of (b) without the proviso, it is a reversal of 10 which gives them the right to say whether they want it or not. They are to be given the right to say within eighteen months "I want it", although someone also is willing to apply. So I do express the hope here that hanging on this Agreement there will be no "dog in the manger" policy on the part of the Demerara Bauxite Company after having been given the right to gauge the falls and not being able to set up hydro-electric plants, and that anyone else will be able to get a licence to establish a plant at any of those falls. That is the view I take of it.

As to the point made by the hon. Nominated Member, Mr. Roth, I would like to support him wholeheartedly. I reserve this point last because I want to speak on it most. I have been always, since I came here, speaking of the beauty of Kaieteur and the development of the Bartica Triangle.

The COLONIAL TREASURER : May I interrupt the hon. Member by saying that the licence and the main intention is that Kaieteur be measured, not harnessed? Some hon. Member said it will take ten years before we can even decide what to do. Let us find out whether there is the possibility of harnessing Kaieteur.

Mr. DEBIDIN : I think what is mentioned now is equally strong as what has been said by some speakers, because another Committee decided certain things we should accept it here without any comment. I think both that and the point just made are just begging the question. If the gauging of the fall is done it is for one thing, the harnessing of it. There can be no doubt that the obligation is there to establish a plant, otherwise the Government will have to repay a huge sum of money. Surely the hon. the Colonial Treasurer should not try to put one across like that. Certainly if he is saying that because it is only for gauging therefore we should offer no objection to it, he is forgetting altogether the effect and the condition of the Agreement. The fall is gauged for the purpose of establishing a plant, and that at the end of the gauging period, or within ten years after, they can apply to have a plant established. If we refuse them, then we have to repay them every cent that they have spent. Why is it gauged? I am saying we should not.

I was proceeding with the point, Sir, that I am in favour and I will always advocate the Bartica Triangle as being one of the best sites in this Colony. If ever we were to establish a tourist trade in this Colony, it is going to be one of the points of attraction, and it is going to be the most imposing centre of tourist attraction in this Colony. It is the jumping-off ground to see the great fall we boast of, Kaieteur. If there is no Kaieteur so far as tourists are concerned Bartica would be cut down by one half of its attraction to tourists. I am now advocating very strongly that Kaieteur be not affected at all. I will be willing to accept the statement of the hon. Nominated Member, Mr. Roth, that there are other falls capable of generating water power, as will be required by any company operating in this Colony, to give enough electricity to supply the whole country in so far as its industrial undertakings are concerned. There is the Mallali Falls near to Mackenzie. Certainly I have never heard of the Demerara River ever being diminished even in the worst dry weather in its volume of water or ever having had a stoppage of its flow of

water. I cannot presume that the Mallali Falls will not give the almost required supply of water power for generating electricity. I am not an expert on that, and others may be able to say whether I am right or not. There are about seven great falls in this Colony, and if six of them are gauged I think we have explored all the possibilities that we require for hydro-electricity in this Colony. I understand there are more falls yet to be charted, and I believe we may get further. I have no doubt that Kaieteur is a very excellent fall for harnessing for the purpose of generating electric power. There should be no attempt at all to diminish the attraction to British Guiana in Kaieteur. I am fully optimistic of the day when we will have hydro-electrically operated light railways serving factories and industrial operations in the interior of this Colony. Is the Agreement subject to amendment?

The DEPUTY PRESIDENT: The Agreement would be if the first part of the motion is accepted.

Mr. DEBIDIN: I beg to move an amendment to Appendix "A" —

The COLONIAL TREASURER: I am not a lawyer, but may I suggest that the hon. Member does not move an amendment of paragraph (2) (ii) of the Draft Licence. If he wishes to exclude one of the falls mentioned he should make it three falls instead of four, and name them.

Mr. DEBIDIN: As the Deputy President has pointed out, the first part of the motion reads:

> (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;

Appendix "A" is therefore part of the motion.

The DEPUTY PRESIDENT: I have ruled that that is so. If you wish to change the whole Draft Licence you could substitute a new one, but what the Colonial Treasurer is suggesting is that you might amend the number of falls mentioned in paragraph (a).

Mr. DEBIDIN: I would like to substitute the word "shall" for the word "may" in paragraph 8 (2) of the Draft Licence, and substitute "Kamaria" for "Kaieteur" in par. (a) (ii).

The COLONIAL TREASURER: There must be a form of words applicable to this motion. You cannot just move that the Agreement be amended; your motion must have some connection with the motion before the Council.

Mr. DEBIDIN: My amendment is really twofold.

The DEPUTY PRESIDENT: May I suggest that in par. (a) where the Draft Licence sets out the purpose of the Licence, the words "Kaieteur Fall, Potaro River," be deleted and the words "Kamaria Fall" be substituted?

Mr. DEBIDIN: Yes, I accept that amendment.

The DEPUTY PRESIDENT: You also suggest the substitution of the word "shall" for the word "may" in line 6 of par. 8 (2) of the Draft Licence.

Mr. DEBIDIN: Yes, I beg to move that amendment.

Mr. ROTH seconded.

Mr. GONSALVES: There may be some Members in favour of one amendment and not the other. I therefore suggest that you put them separately.

The DEPUTY PRESIDENT: I propose to put them separately.

Mr. GONSALVES: I see that reference is made to the Great Falls, Essequibo River. I do not think there are Great Falls in the Essequibo, but on the Demerara River above Monkey Jump. I do not know if the Colonial Treasurer can inform us on the point.

The last speaker remarked that Government would not be protected if the Company failed in its undertakings. but I

obligation on the Government to grant to the licensees power development rights at such falls, I nevertheless feel that Government would be more or less obligated to give the Demerara Bauxite Co. prior right to harness the falls. What I am afraid of is that in future the Company might in some way monopolise the supply of power in this Colony and shut out other industrial organisations. For that reason I would much prefer to see Government carry out these surveys.

The DEPUTY PRESIDENT: With regard to the amendment to substitute the words "shall" for the word "may", it seems to me that the insertion of the word "shall" would make it imperative, and would allow no discretion on the part of Government. In other words, there might be a mere slip in some small detail, and as a result of that slip the whole licence would be forfeited. There might be some error on the part of the clerk responsible for serving a notice on the licensees, and the word "shall" would mean that the licence would have to be scotched and a new one issued. We often complain in this Council that we are hidebound by imperative law, while in another breath we suggest that we should be still more hidebound. The word "may" is certainly more appropriate.

Mr. GONSALVES: I do not think that a slight slip would affect the licence because sub-clause (2) says:

> "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..."

So the Governor in Council has power to extend the period.

The DEPUTY PRESIDENT: I only suggested about the notice as something that could happen — just a mere detail. I do not think the Government would sit idly by. After all we are visualising 20 years ahead. Some of us may not be here, as I doubt whether we will see hydro-electric power within the next 15 years.

Mr. DEBIDIN: The word "forfeited" really bears relation to the question of the improvements in the lands occupied. That is why we want that part of it to be forfeited completely. I can hardly think that the extension of time could be in respect of something done already.

The COLONIAL SECRETARY: Government is very often accused by members of the community of holding up the progress of the country, and now that Government has introduced a motion which, if its object is successful, can only bring progress, I would ask hon. Members to bear in mind that it has taken many months of the time of Government, particularly the time of the mover, to prepare this motion for this Council. It is the result of prolonged and difficult negotiations with the Company. There are not many Members here this afternoon, but if those Members amend the licence in any material way I believe it would be necessary to go back to the Company and start all over again. I am just asking hon. Members to bear that in mind. It seems to me that if Members really want to have hydro-electric power in this Colony, even if they do not agree **in toto** with all the terms of the Agreement, they should take a big view. I would ask the hon. Nominated Member, Mr. Roth, who first introduced the question of Kaieteur, to look at the matter from a big point of view. Firstly, what harm can we do if we measure Kaieteur, and secondly, does he really want, as Chairman of the Interior Development Committee, to throw this motion out or amend it in such a way that Government is obliged to go back to the Bauxite Co? Honestly I think it would be a mistake.

Mr. DEBIDIN: May I ask whether the hon. the Colonial Secretary is insinuating that any Member who has spoken here has done so in a strain which tended to retard the progress of this Colony?

The COLONIAL SECRETARY: I never insinuated that. I tried to point out to hon. Members in simple language that they should not amend the Agreement in such a manner as to hold up the whole proposal for a number of months.

Mr. DEBIDIN: Is the Bauxite Co. sitting so well over the Government that we cannot treat with them or come to

terms with them on any point which this Council desires to amend ?

The COLONIAL SECRETARY: Of course the hon. Member is correct — we can come to terms with the Bauxite Co. He has misunderstood me. What I said is that the motion we have brought here is the result of prolonged negotiations, and if the Agreement is amended Government would be bound to go back to the Company and say that the Council has suggested certain amendments. That would mean that the negotiations would have to be re-opened with the Company. I do not say they would not be successful, but I am asking Members to appreciate the position. I am anxious that they should not make any amendment of this motion without appreciating the position.

Dr. JAGAN: To a point of order. I cannot agree with what the hon. the Colonial Secretary has said. —

Mr. SEAFORD: The hon. Member is out of order.

The ATTORNEY-GENERAL: We have had the explanation which has been given by the hon. the Colonial Treasurer, and also what has just been said by the hon. the Colonial Secretary with regard to the negotiations, as to whether we should interfere with this clause at all. In matters of this kind Government reserves to itself the right to forfeit. The other party agrees to it and it is left to Government to exercise its discretion having regard to the circumstances which may arise.

The hon. Member comes along and says he wants it hide-bound, absolutely fixed—that it shall be forfeited. When a matter of this nature is being conducted all sorts of things may arise which, if you are not careful, would probably defeat the ends we are aiming at. You are telling the people just before they start out on their plans that "where the licensees fail to comply with such notice 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."

The hon. Member is saying that there must be no discretion left in the Governor at all and that the Governor would have to go on extending and extending **ad infinitum.** I do not think the hon. Member's point would be met by a continued series of extensions of time. This is only to give one party the right to say that the matter can be forfeited, and I venture to say that in matters of this kind it is not often that one would find a forfeiture taking place. Here, the Demerara Bauxite Company, in the interest of the Colony and in its own interest, has set out to do certain things which we all feel would result in benefit to the Colony as a whole. I think hon. Members should accept that and leave this question of forfeiture to the discretion of the Governor, having regard to all the circumstances. We cannot sit here now and envisage something that might not take place until 1950 or later.

Mr. PHANG: In view of the fact that there are so few Members of the Council present, I move that the Council be adjourned.

The COLONIAL TREASURER: May I just say this: The additional Members present at the next meeting will not have heard my remarks and the speeches of the other Members today. Then again, who is going to initiate the discussion ?

Mr. ROTH: I move that the question be now put.

The DEPUTY PRESIDENT: The motion for the adjournment has not been seconded.

Dr. JAGAN: I beg to second it, Sir.

Motion for adjournment put, the Council dividing and voting as follows:—

For: Messrs. Phang, Dr. Jagan and Debidin—3.

Against: Messrs. Gonsalves, Kendall, Fernandes, Roth, Dr. Nicholson, Dr. Singh, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—10.

Motion for adjournment lost.

The DEPUTY PRESIDENT: The debate on the motion will proceed. There being no other Member who desires to speak, I call on the hon. the Colonial Treasurer to reply.

The COLONIAL TREASURER: I must say I am a little surprised at the reception of this motion. I am grateful to the hon. the Colonial Secretary for having made an important point. This Message came before the Council only a few days ago and Members may not have studied it. In paragraph 3 it says:—

> "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."

Now, sir, that body, as the Colonial Secretary indicated, went very carefully and thoroughly into this draft licence and undertook the preliminary negotiations with the Company in order to arrive at an agreement as to its terms. Not only that, but after the draft had been agreed upon between that Sub-Committee and the Company, it was submitted to the Governor in Council and there it was subjected to further scrutiny and certain amendments were proposed which were communicated to the Company, discussed, and finally agreed upon. I do not want to imply for a moment that this Council is not competent to make amendments to this draft licence, but I do want to suggest that if any amendments are made it is quite obvious that this matter would have to be re-opened with the Company and I shall not be able to bring a motion of this sort again under six months time. I do suggest that the Council should be very chary in making any substantial amendment to this draft which has been already subject to so much negotiation and discussion and has been agreed between the parties. The first suggestion as regards an amendment came from the hon. Nominated Member, Mr. Roth, with respect to the omission of Kaieteur and I cannot say I thank him for it because I believe it induced some of the criticism in this respect made by the hon. Member for Central Demerara. I know perfectly well about the National Park idea. In 1929 this Council passed an Ordinance with the curious title Kaieteur National Park Ordinance and in the Schedule to that Ordinance there is set out the boundaries of an area in which certain things should not be done.

In other words, the Council in 1929 considered that that portion of the Colony should be tied up and not be subject to development and industrial use. Certain things could however be done under Rules made by the Governor in Council. Now, sir, those Rules were to be drafted but, like all Attorneys General, the Attorney-General of that day was very very busy and said we had better defer the National Park to a later date. Consequently, no Rules were made. I believe that if this motion is passed the Attorney-General of today (who, I believe, is also busy), would have to set about preparing Rules so as to permit the gauging of Kaieteur Falls. But I think the hydro-electric development of Kaieteur Falls could not legally be withdrawn unless the 1929 Ordinance is repealed by this Council. Here is Kaieteur which is supposed to be the highest waterfall in the world and one which has hydro-electric potentialities. It has, of course, great scenic beauty, but we surely have to weigh the one thing against the other. All we are about to do now is to ascertain whether or not there are in fact hydro-electric possibilities at Kaieteur, and why should we not do that. Are we to say that Kaieteur should remain forever a scenic beauty and that we should not even investigate its possibilities to enable us to decide whether it should remain solely as a scenic beauty or whether it would be better for our people to use it for hydro-electric development? I have heard people say that Niagara has lost some of its beauty because it has been harnessed.

I have been very fortunate in that I have been to Niagara and I have also seen the Shipshaw power development and in America, he Grand Coutre on the Colum-

bia River, and I would say that hydro-electric development does not always despoil the scenic beauty of a Fall. Shipshaw, for instance, have so arranged their development that the scenic beauty is almost enhanced. The architecture of the buildings is so designed as to harmonize with the surrounding countryside, and you can take it from me that that particular spot is not despoiled. I do not want to say that Kaieteur would not be despoiled if there is hydro-electric development there, because the nature of the Fall is such that if it is developed the course of the water would probably be diverted. But it seems to me that it is wise to meter the Fall and see whether it has these hydro-electric potentialities and if that is found to be so we can afterwards decide whether the Fall should be kept wholly as a scenic beauty or whether there should be hydro-electric development there. The hon. Member for Central Demerara wanted to be quite sure whether Government would not be morally obliged to give the Demerara Bauxite Company development rights. That is a very curious kind of suggestion.

One might ask why is the Demerara Bauxite Company undertaking this project at all? It is because they are the largest industrial undertaking operating in this Colony and they foresee that they might require hydro-electric power for the future development of their operations here. They are on the spot, and no one else wants to do it. They themselves realise that they may require hydro-electric power and, therefore, they are carrying out this metering project. Why is Government so anxious that they should do it? It is, of course, firstly because the Company has the technical skill and the staff which Government has not got. Secondly, the two parties are of the same mind; Government wants these Falls gauged, and the Company wants them gauged because they foresee that they may have to use them. Clause 10 of the draft licence recognised that point, because it says that if during this period someone else applies to the Government for rights at any of these Falls the Government shall notify the Company so that they may get a chance to put in their claim also, and that is only fair because the Company is gauging these Falls for just that purpose and they do not want anyone to come in behind them and get away with development rights. The proviso which the hon. Member read is quite clear, and I fail to see why we should read into these words any other meaning but that of the language used. It says:—

> "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."

Nothing could be clearer than that. There is no legal obligation on Government to grant rights to the Company in preference to anyone else. The Deputy President has dealt very fully with the suggestion for the substitution of the word "shall" for the word "may" in the last line of Clause 8 (2) of the draft Licence. Just that one simple alteration which is really of no value, may have the effect of prolonging the negotiations with the Company for a year. Is it worth that? I do not think so. I do not think I have anything more to say but to request this Council to pass the motion unanimously.

Mr. DEBIDIN: May I ask the Colonial Treasurer this: There is a limit of $150,000 to be repaid as expenses if the Company is not granted any licence. If they choose to develop the other Falls and leave out Kaieteur would we still have to pay?

The COLONIAL TREASURER: I am not quite sure I have followed the point. Does the hon. Member mean if the Company applies for Kaieteur and is refused?

Mr. DEBIDIN: I am referring to clause 9 (3) of the draft licence which says:—

> "(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."

There are seven Falls being metered and that is an average of roughly $21,000 each.

The COLONIAL TREASURER: There are only four Falls.

Mr. DEBIDIN: Would the amount refundable be one quarter of the $150,000?

The DEPUTY PRESIDENT: The Colonial Treasurer has stated that he cannot follow the question. I am putting the original motion; those Members who want to vote for the amendment must vote against the question I am putting. If the motion is carried then the amendment goes.

The COLONIAL SECRETARY: You are putting the motion, sir, and those who say "aye" are in favour of it, while those who say "no" are in favour of the amendment.

Motion put, the Council dividing and voting as follows:—

For: Messrs. Gonsalves, Phang, Kendall, Fernandes, Dr. Nicholson, Dr. Singh, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—10.

Against: Dr. Jagan, Messrs. Debidin and Roth—3.

Motion carried.

The DEPUTY PRESIDENT: There is no need to put the amendment. I do not think we can proceed any further today owing to the time. I adjourn Council until Thursday next, June 3, at 2 p.m.