LEGISLATIVE COUNCIL.

Wednesday, 2nd September, 1942.

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT.

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

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

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

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

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

The Hon. E. F. Mc David, C.B.E., Colonial Treasurer.

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

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

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

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

The Hon. G. O. Case, Consulting Engineer.

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

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

The Hon. J. Eleazar (Berbice River).

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. A. G. King (Demerara River).

The Hon. J. W. Jackson (Nominated Unofficial Member).

The Hon. C. V. Wight (Western Essequebo).

The Clerk read prayers.

MINUTES.

The minutes of the meeting of the Council held on 20th August, 1942, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

DEATH OF H.R.H. THE DUKE OF KENT.

THE PRESIDENT: Hon. Members of Council, I think it is proper if in opening this meeting of the Council I make reference to the tragic loss by His Majesty the King of his youngest brother, the Duke of Kent, in an accident on active service. I have sent in the name of the people and Government of this Colony a message of sympathy and regret to His Majesty in this sad event. I feel sure that I have the support of the Council in doing so.

This Colony was not one of those visited by His late Royal Highness, if I remember correctly, but I have every day brought to my notice in Government House a very old photograph of sixty years ago, taken on the occasion of the visit of His Majesty King George the Fifth, the present King's father. He was then a young man and, I observe the remarkable facial resemblance to his youngest son who is now so prematurely and so tragically deceased.

NEW COMPOSITION OF THE COUNCIL.

Since our last meeting of Council, I have had further correspondence with the Secretary of State on the question of the Order in Council providing for the new composition of this Legislative Council. Hon. Members will remember I said a fortnight ago, that I had asked that only immediate amendments be made merely for the immediate objects in hand in order not to further delay the completion of the Order. I had said that there were a number of verbal amendments in several Articles, necessary corrections, owing to out of date phraseology or titles, and so on. In two particular Articles of some importance the Secretary of State has pointed out to me the need of certain amendments, which I had to consider last week. The first of these touches the precedence of Members in this Council. In the original draft sent me the draughtsman, following the general Colonial usage, had completly turned upside down the seniority existing today in this Council, with the result that my friend, the hon. Member for New Amsterdam (Mr. Woolford), who told us his experience of this Council dates back to the eighties, would be right down to the end of the list as the result of having his name beginning with the letter "W." I asked for the *status quo* to be preserved, and the Secretary of State has accepted that recommendation. That will stand in the new Order with one exceptional change only, which will give the Colonial Treasurer, as one of the three Official Members, equal status with the other two, the Colonial Secretary and the Attorney-General. This is proper in itself. The three Members of the Executive Council, who are formally affected, have been good enough to raise no objection to what is a proper and natural step.

The other Article is that touching the reserve powers. The draughtsman had again, in following Colonial usage and precedence in other Colonies, omitted reference to the consultation with the Executive Council which is laid down in the existing Article. I immediately took that up with the Secretary of State and said that I saw no good reason for any change and, probably, it was not intended. The existing expression "With consultation of the Executive Council" was necessary in the Order and was entirely acceptable to me, and I agreed that not only it was the existing practice but a natural one and was in fact definitely desirable. I feel sure that I will have the support of Members in my attitude for its remaining on the present Order in Council. The Secretary of State has accepted that recommendation with reference to requiring consultation with the Executive Council before or at any time when the Governor may consider the use of reserve powers. The expression of them follows the usual form in such Colonial Orders in Council.

OIL SUPPLY FOR INDUSTRIAL USE.

I know of nothing else I need announce except, perhaps, the question of oil. What threatened difficulty that faced us in the shortage of oil for industrial use is now for the time being, subject to our getting supplies, halfway met. I would like to take this opportunity to thank the hon. Member for Georgetown North (Mr. Seaford) for his services and the able way in which he put the case for this Colony to the persons concerned in Washington. As the matter now stands, there is no reason to fear a shortage of oil for essential industries, drainage and irrigation operations and the rice industry. We have had to give an undertaking that we shall cut down our consumption of oil. That means, as we don't want to starve industrial essentials, a drastic reduction and cut in the use of gasolene.

BENEFICIAL MINOR SCHEMES.

I am able to report and place on record here, that since our last meeting of Council there have been several use-

ful minor schemes put forward by the Comptroller of Development and Welfare, which have gone through since those announced a fortnight ago and which should be beneficial to this Colony in common with others in this part of the world. The fish-producing potentialities of the Colony are now under examination by an expert now in the Colony who has been sent by the Comptroller. The National Association of Britain, which is active in the war against tuberculosis, has agreed to send a special representative throughout these Colonies to study and advise on the best form of future development and assistance. There is a proposal again for a Home for Delinquent Girls.—a grant of money for that. I have myself put forward a despatch asking for a Veterinary Officer for the Rupununi District. An Economic Adviser appointed to the Comptroller's staff is visiting this Colony very shortly, and I hope his visit will assist us in planning out the defects of the financial implications of our vast drainage and irrigation problems that face us. There is a proposal for a Forestry Research throughout the British and American Colonies in this part of the world with a very small expenditure asked for, something like $150. That will come up in due course before Council.

CONTROL OF FLOUR DISTRIBUTION.

I should, perhaps, intimate to Council that yesterday the Executive Council advised the Controller of Commodities to introduce a system of Government Control of the distribution of flour. It appears that a conflict of opinion had led to this step being deferred but in the opinion of Government, which is supported by the Executive Council, in the present circumstances that step is very necessary and will be brought into effect.

DRAINAGE AND IRRIGATION SCHEMES.

Turning to the business of this Council, we have a certain number of items, financial provisions, which will come forward later and, I think, a convenient opportunity will be to put them before the Unofficial Members of Council at a meeting of the Finance Committee, particularly as I want to have a round table conference with Unofficial Members, as I said a fortnight ago, touching the general financial policy of our drainage and irrigation schemes with a view, I hope, of getting some immediate beginning with constructive schemes apart from the reconditioning now going on. Before we come to the adjournment I shall consult Members as to a convenient date and hour. We will now proceed to the business of to-day's meeting.

PAPERS LAID.

THE COLONIAL SECRETARY (Mr. G. D. Owen) laid on the table the following report and document:—

Report on the Post Office Savings Bank for the year 1941.

The Defence (Georgetown Emergency Precautions) (Practice) Regulations, 1942.

GOVERNMENT NOTICES.

INTRODUCTION OF BILLS.

THE ATTORNEY-GENERAL (Mr. Pretheroe) gave notice of the introduction and first reading of the following Bills—

The Interpretation (Amendment) Bill, 1942.

The Mining (Consolidation) (Amendment) Bill, 1942.

ORDER OF THE DAY.

GRANTS IN AID OF AGRICULTURAL ASSOCIATIONS, ETC.

The Council resumed the debate on the following motion:—

THAT, with reference to Governor's Message No. 12 dated 15th August, 1942, this Council approves of additional expenditure of $2,000 from sub-head 11—"Grants in aid of Agricultural Associations, Exhibitions and Competi-

tions" of Head III.—Agriculture—in the 1942 estimates, being included in a schedule of additional provision for the current year to cover the cost of posters, leaflets and other forms of propaganda for the carrying out of agricultural competitions in the various districts of the Colony in order to encourage production of agricultural products and livestock by the award of prizes.

Mr. ELEAZAR: I have no desire to oppose this motion and I have very little desire to speak on it for fear that I prolong the debate, but owing to circumstances which occurred at the last meeting and some remarks that fell from my hon. friend on my right (Mr. Peer Bacchus) I cannot allow the opportunity to pass. I see by this motion, the amount is required for the purpose of propaganda work in order to encourage the production of agricultural products and livestock. I see that is to be by means of exhibitions and competitions. These exhibitions and competitions are nothing new in this country. They are not the creation either of the Board or of the Department, and if they had been allowed to continue and to be carried on in the way they were instituted by the persons who instituted them, we would have had very little need to-day to try to arouse the farmers in the various districts. These exhibitions and competitions were inaugurated by the farmers themselves, and for a considerable time they were carried out successfully by the farmers themselves with the aid of the Sugar Planters living in the vicinity where the shows were held and by public donations. It was some time after they had been in progress that the Board of Agriculture was induced to go in and give assistance. Those shows used to be held biennially, (every two years), and that went on for some considerable time. Later it was thought necessary to give a helping hand with competitions so as to keep up interest all the time. A show would be held one year and a competition the next year, so that the farmers who had contributed to the show the one year would have their farmers' competition amongst themselves the next year so as to sustain interest in their farms until they were ready for the following year's show.

But later on the Board undertook to discourage the farmers, as a matter of fact. The Board could not assist a show this year and would not have a competition the next year, and I must say that I lay it at the door of the Board for killing out of existence the shows which were created by the farmers themselves with the view of helping themselves. I mention that more particularly because early in 1939 or later, in 1940, the Berbice Chamber of Commerce, to my certain knowledge, decided to hold a show under the patronage of the Board. The Director was communicated with. At first he demurred but later he consented. But no sooner the matter was put on foot than a wet blanket was put on it, and when enquiry was made it was learnt that the Board considered it unnecessary. I do not know who are the members of the Board and I do not wish to know, but from some remarks dropped by the hon. Member on my right, at the last meeting, it seems to me that the Board is absolutely out of touch with the farmers and their exhibitions and competitions. For a member of the Board of Agriculture to stand here and say that exhibitions will induce the individual to look after two or three head of cattle, perhaps, or half a dozen roots of cassava—

Mr. PEER BACCHUS: To a point of correction! I never made that statement. What I said was that exhibitions will detract from bulk production so as to have prize plants.

Mr. ELEAZAR: How is it possible for a man to neglect his farm so as to get two bunches of plantains for a show? A man will have to get a farm with hundreds of bunches of plantains to obtain those prize bunches. For a Member to state here that it is possible for a man to look at two prize plants for a show and neglect his farm,

it shows he does not understand the subject at all. How can a man plant just three sticks of cassava and hope to get something worth showing? He must have a field of cassava and he may have to reap sixty before he finds two that he thinks good enough for a show, and yet he may leave the best in the field unless he reaps the whole field. I can understand the reason why the Board undertook to discourage the holding of exhibitions, if that is the kind of idea held by the members of the Board. Those who have that opinion have no opinion at all. The way to increase bulk production is to have exhibitions, because a man will have to get a quantity before he can find something that will catch the eye of the judge at an exhibition. It is the same with preserves. Those who have to manufacture or make them make the quantity required, but there again several exhibitors take exhibits to the show and the Judges determine the best. The producer of of the best will get the prize but the others will observe wherein that one is excellent above the other exhibits, and they will have something to guide them in their production. There will be general education in the whole thing.

For example, Your Excellency has never had the opportunity of seeing one of our shows, but if you do, you would see several things this country can produce which you have not the slightest conception can be produced here. That was one of the things the Berbice Chamber of Commerce had in mind when the exhibition was mooted. A new-comer to the Colony would have seen the agricultural possibilities of the country. No one carries a ton of jam or jelly to a show but in small quantities, but those are the things which can be produced in bulk if not for export for local consumption. What is the alternative? You cannot get strawberry jam from abroad but you can get guava jelly produced here. It was something of that kind that possessed the minds of the members of the Berbice Chamber of Commerce when the proposal to hold an exhibition was made, but it was turned down because it would have affected the production by the people growing prize plants. You do not grow things in buckets for agricultural shows. They used to have rose plants in buckets at flower shows but those shows are long past. In these days people take to shows things worthy of prizes—things that can be useful—and others see and try to emulate. If those exhibitions and competitions had been encouraged in the way they were conceived and were being carried on instead of being killed your task to-day, sir, would have been a much more pleasant one than it is in this crisis.

I do not intend to prolong the debate, nor do I wish to oppose this motion. The money will be spent and, I hope, some fruit will be borne, although I doubt very much it will be done. I must say the sooner we get back to the beaten tract and have biennial shows and competitions in between so as to keep up interest, the better the farmers will be encouraged to go on with their work and we will not have to worry—war or no war—to have to plant on account of insufficient local products to supply the local market.

Mr. DEAGUIAR: I regret I was not present when the hon. mover spoke on this motion on the last occasion, but I rather gathered his main point was that the object of this expenditure was to encourage the farmers to produce. With that view I must confess at once that I do not agree. No more do I subscribe to the views expressed by my hon. friend on my left (Mr. Eleazar). I think I have said before, and I repeat again, that I consider this money this Council is being asked to vote to-day is of much value to the farmers as if it were thrown into the sea. I do not think it is enough to say it is only a paltry sum of $2,000 and should be spent in order to encourage the farmers

to produce agricultural products and live-stock. I have seen exhibitions abroad, and I have always understood that exhibitions and shows of this kind were indicative of the articles intended to be produced. But what do we find in this Colony? Just exactly what the hon. Member on my left said. A man produces an acre of cassava and in the whole of that acre he can only find one or two roots that can be put on show in order to obtain a prize. That cannot be said to be indicative of what this country can produce. What I would like to see is this: If we can put up some sort of exhibition that would produce the educational results in the farms which, I think, we also desire. Then if it requires not $2,000 but $10,000 or twice $10,000, I say that money will be well spent. But if we are merely going to come from time to time for small sums of $2,000 without results I am not in favour.

We know there had been exhibitions in the past. I know we certainly had no results from the exhibitions of the past. I can speak particularly of quite a few items that I know were specially prepared for those exhibitions. Rice is one of them. It was specially milled in order to obtain a prize, but it was never indicative of the sample of rice that we can produce. I have seen some excellent samples of rice on show, but I must confess that I have never seen anything like those samples in the trade. I have seen very much worse, and so it naturally follows that if we are going to put up money in this form without getting value for it, it seems to me we are travelling on the wrong premises. I do hope that something more attractive would be put forward if we want to encourage the farmers. I believe in encouraging them. I believe it is the proper thing to do, but I certainly cannot admit that this is a form we can look forward to as an encouragement to them. As far as I am concerned, I regret exceedingly I am unable to support the motion.

Mr. SEAFORD: I regret I was not here to hear the arguments for and against the motion, but what I have read to-day leads me to believe that there is a certain amount of misunderstanding in the matter. The exhibitions referred to here do not mean the exhibitions as held in the past—the showing of a bunch of plantains, a stick of cassava and a bag of rice. I understand that the exhibitions and the prizes are to be with respect to the way a farmer maintains his cultivation, where his drainage is right and the tillage is correct, taking the plot as a whole. I would be dead against giving prizes only for exhibits. I know two persons who got prizes under different names for products exhibited which came from the same farm. If my interpretation of it is correct that it is for work done on the farm, then I am definitely in favour of it. Lest there be no exhibition, I am not against any exhibition as it tends to encourage people. This is a different thing entirely to the exhibitions held in the past, as I gather from reading it, and I therefore beg to support the proposal.

Dr. SINGH: I also rise to support the motion. I think the farmers should be encouraged. It is regrettable that the old agricultural shows were discontinued. We are now trying to restore it and, I think, it is a very good gesture indeed. Prizes should be given on the general outlook of the farm, the drainage and the different types of things grown. I heartily support this motion.

Mr. JACKSON: The view I have taken of this matter is that it is not intended that the show should be conducted on the old lines. I take it that the whole provision farm of an individual entering the competition will be examined or inspected from time to time and the prizes will ultimately be given on the general condition of the farm. I do not think that the ordinary exhibition of plantains and other vegetables is intended, but that the competi-

tion should include farms properly conducted and the produce of those farms. Any amount spent under those conditions will be money well spent. We have been saying a good deal about the campaign to grow more food and, I believe, it is being taken up by a large number of people in various parts of the Colony. I think it would be a very good encouragement to those who endeavour to produce the food necessary to let them compete one with the other regarding their farms, the appearance of those farms and the produce. I do not think a motion of this kind, intending to benefit the farmers generally and also to increase production, should not be supported. I support it wholeheartedly and I hope the Council will carry the motion to-day.

Mr. WOOLFORD : May I say a word to the hon. Member for Berbice River (Mr. Eleazar) with respect to the representations made by the Berbice Chamber of Commerce on the subject of agricultural exhibitions. This vote is not intended to supplant the annual exhibitions that he wants held. They were only suspended because of the inability of the Colony to finance such exhibitions. This is only intended as a stimulus for immediate production. If you look at the item of expenditure you would see that it is a grant-in-aid for three purposes—agricultural assoeiations, exhibitions and competitions. In the main, this is to stimulate competition among the agricultural farmers in regard to local production in various places, and it must not be confused with the idea, so far as I understand, that the Department of Agriculture has entirely abandoned the idea of having competitions and exhibitions from time to time.

Mr. JACOB : I am sorry that owing to unavoidable circumstances it was not possible for me to listen to the hon. mover of the motion at the previous sitting of this Council, so I am at a little disadvantage. But having heard the various hon. Members who have spoken to-day, I am still of the opinion that this amount should not be voted. When the Circular in respect of it went round, I think, I recorded my disapproval of this vote. After listening to all that has been said and after reading the very excellent sentiments expressed by Your Excellency in Message No. 12, I still feel that this money can be spent in another direction to far better advantage. I feel that these exhibitions and competitions are a waste of energy, if not misdirected energy, and I think that energy and time can be utilised to far better advantage otherwise.

I have been comparing our production for some time, and I am sorry to say that in spite of the continual activities of the Department of Agriculture the production of various articles, particularly up to the end of last year, has been very much less. It has been growing lesser and lesser during the last few years, in spite of the fact that from Government's point of view everything is being done to grow more food. In order to substantiate my statement as regards the production being less during the last few years, I would like to compare the figures of 1941 with those of 1940 in respect of a few items, particularly those relating to this motion. For instance, cattle: the total exported last year was less than the previous year's and the previous year's, I think, was less than the year 1939. The exports of cattle, coconut, copra, coffee, pigs, coconut oil and rice were less in 1941 than in 1940. Only in respect of three items in 1941 were the exports more than in 1940, and those articles are balata, rum and sugar. This is the list of exports of certain local products as recorded in the *Commercial Review*. In 1942 the position up to the end of July is even worse. Except rice, every other article was less but, of course, it may be argued in respect of this year that owing to decrease in imports and difficulties in regard to transport

the position cannot be well compared with last year's. But, sir, while that argument may be put forward, if we look around at the present time we would see that the production of various articles—and I want to stress this point—particularly those referred to in this motion, is very much less even now.

All agricultural products, small farmers' crops, are being sold to-day at prices 200, 300 and 400 per cent., higher than during last year and the early part of this year. I am wondering what has been done and is being done in regard to this grow more food campaign. By offering prizes will not help, I am definitely satisfied, and this Council is only misleading itself if it thinks that by the expenditure of this $2,000 production will be stimulated. What I would like to suggest is that definite steps be taken to irrigate certain tracts of land that are easily accessible. I think that energy should be directed there and directed with haste. At the present time if the producers of particularly quick crops are encouraged with irrigation water, and there is plenty of it, I think the position would be far better within a few months.

The people are already complaining that they cannot get water to irrigate their small crops. Rather than have Agricultural Officers going around and seeing who is doing the right thing on his farm, it will be far better to spend the money in the direction I have indicated. I should like at this juncture to recommend for Government's perusal the excellent Land Settlement Committee's Report—Legislative Council Paper No. 2 of 1939—in which the Commissioner of Local Government, the hon. Mr. Laing, as Chairman urged that steps should be taken to carry out the recommendations contained in that report. I think everything should be done to carry out those recommendations, and the $2,000 rather than being spent in this way should be used in the way I have intimated. I am sorry I cannot support this motion.

Professor DASH : Sir, I did not anticipate such a long debate on this motion. It seemed to have developed as we went along. My two hon. friends on my left (Messrs. Woolford and Seaford) have removed the one or two misapprehensions which have arisen during the course of the debate. The hon. Member for Berbice River (Mr. Eleazar) selected the Head to which it is proposed to charge this expenditure for his remarks rather than the actual motion itself. As had been pointed out, it is merely a Head that has been carried on our Estimates for many years now. No one can argue against the benefits of exhibitions. Certainly those, who have seen them and know something about them, realize their advantages and the stimulus they can give to production, and certainly it is not my idea to oppose exhibitions in any shape or form. Since I have been here, I make bold to say that these exhibitions were all of a high order, but through financial stringency we were unable to secure adequate sums of money for that purpose. In respect of agricultural competitions, I am positive there has been scarcely a year since I have been here that we had not field competitions of some sort. The development of our pure line padi work has been built up mainly on field competitions, and with my experience here and in other countries I am positive that field competitions are one of the best aids for instruction among farmers and education work generally that you can possibly find. We have had these field competitions every year. As I have said, practically all our pure line padi work was built up on that foundation. We have also had field competitions for other crops.

But this year the Food Production Committee and the Board of Agriculture feel that field competitions on a big Colony scale constitute an effective

stimulus to the project. We are all of that mind, and that is why this proposal has been brought forward. It was brought forward some time ago and I took the trouble to put up a note on it, and the views of those recommending it were duly circulated, but it is unfortunate the facts put forward in that note were not followed, and new matter was introduced. I can say this, that the money Government has expended on marketing and the expenditure which is being made in other ways especially for marketing and the giving of better prices is a far better incentive to production in the present war-time crisis than any exhibition one can stage. It is a far better thing to ensure the farmers against glut and to give them good prices and to spend money on the distribution of such products than to spend it on exhibitions, but field competition in my opinion, is one of the best aids to rural education and instruction.

Prizes are not given for one or two plants but for definite and specific areas of, in some cases, one acre and in others a half acre. The whole range of crops come within the purview of this. It is going to mean a lot of work but I believe the work is worthwhile, as you are educating the farmer on his own farm. That is where he should be educated, not in an empty room nor in places where people gather together merely to talk shop. I feel that the Food Production Committee, the Board of Agriculture and the Department concerned are on good ground in their defence of a motion of this sort. I hope the Council will support it.

There are a few amendments which I have already intimated. In the original printing of the motion the award of prizes comes at the very end and it looks as if we are voting money for posters, leaflets, etc., whereas in reality, only a minor part will be used for that purpose. With the Council's permission I would like to amend the motion as printed on the Order Paper, and with these remarks I beg to move the motion.

THE PRESIDENT: The Director desires to make some amendments in the wording of the motion. May I initially ask the consent of hon. Members to the amendment of the motion as indicated on the Order Paper. It does not affect the principle of the motion at all. I take it, I can take the motion as read with the amendments as proposed. I therefore have to put the question "That this motion standing in the name of the Director with the amendments inserted be adopted by this Council."

Question put, and agreed to.

Motion as amended carried.

WEST INDIAN TRADE COMMISSIONER'S SERVICE.

The Council resumed the debate on the following motion :—

THAT, with reference to Governor's Message No. 11 dated 15th August, 1942 this Council approves of this Colony rejoining the West Indian Trade Commissioner's Service with an annual contribution of £300 per annum and of the payment of a sum of £150 in respect of the remainder of this year.

THE PRESIDENT: Since the last debate, I have circulated a note on certain points which may be of interest to Members in this connection. Does any Member of Council desire to address the Council on this question any further ?

Mr. SEAFORD: When this question came up more than three years ago, I would admit, I was then opposed to this Colony voting any money for the Trade Commissioner's Service because I felt at that time there was very little to be got out of it. But since that time conditions throughout the world have changed considerably. There have been developments and the War has made things very much more difficult for all of us and has opened the eyes

of a good many of us to things we did not anticipate. I do feel that is so very well expressed in Your Excellency's memorandum :—

> It is felt very probable that economic developments after the war may well be on the lines of the zoning of the countries of the world in order to ensure the economic arrangements for inter-territorial trade channels, and that the importance of Canada to this Colony, both as a market for sale of products and for securing essential supplies, is very likely to be greater than before. It is felt that action should not be deferred but taken now in common with the other British Colonies.

I beg to endorse that feeling. I am quite satisfied that the future trade of this Colony, both import and export, would lay in a northerly and southerly direction. That is not only due to the War, but our present needs and in the future are going to lay afield beyond the narrow limits which existed before. Then the very great expansion of air travel and air traffic is going to affect the markets in this part of the world, and there again that tends to direct trade in a northerly and southerly direction. But further than that, the days of proud isolation are gone. We cannot hope to stand alone to-day. We all realize now that the British Colonies in this part of the world should stand together, pull together, and shout together, and that it is much better to do that through one voice. That one voice to-day and in time to come is going to be our representative in the northern country. It is essential for us to get the very best representation we can. I feel that we should at the present moment be represented, that we should not stand aside and let the work be done by the other Colonies. I feel that the work is going to develop. It may be necessary for us to get very much stronger representation. Not that Mr. Stollmeyer is not doing excellent work, but I do feel that his office is bound to grow more important than it is to-day, and it will not be wise for this Colony to stand out until the day when we feel we want something more than we are getting now and then say we are now prepared to come in. The feeling is that we do not want it now, but I feel we do need representation especially in the marketing of our produce. We should have someone on the spot to represent our case. For that reason I am definitely in favour of the motion before the Council.

May I ask if the hon. mover has mentioned the various ways in which we have been helped at the present time by this Commissioner's Service ?

THE COLONIAL SECRETARY: They are set out in Your Excellency's second Message from which, I think, the hon. Member was quoting. If hon. Members turn to page 2, the third paragraph from the end, they would see that Your Excellency has set out the various duties which are now being performed by Mr. Stollmeyer, although this Colony is making no contribution to that Service. There is one point I want to make. One hon. Member had asked if he would be allowed to speak again to-day and Your Excellency said "Yes." I do not know if he wants to speak now.

THE PRESIDENT: If hon. Members who spoke at the last meeting care to speak again I would allow that.

THE COLONIAL SECRETARY: It was the hon. Member for Central Demerara (Mr. deAguiar).

Mr. DEAGUIAR: I did ask, but I have no desire to continue the debate.

The COLONIAL SECRETARY: There is nothing more I can usefully add to the Message circulated to hon. Members. No further work is being performed by Mr. Stollmeyer beyond what is recorded in the third paragraph of that Message.

THE PRESIDENT: Before I put the question, I have no desire to add to the note I addressed to Members of Council except as an example to mention a paper which came to me

yesterday asking me to send a telegram to London. It affects the recruitment of people for the armed forces of Canada. That was shut down by the Canadian Government because they could not manage it. It was proposed to reopen the arrangement, but on the understanding that before any particular individual leaves the Colony his recruitment should be the subject of provisional agreement between the Canadian Government and the Government of this Colony. I have two cases of young men who expect to enlist in Canada, but on account of that ruling we cannot let them go until we have that arrangement completed with the Canadian Government. The convenient machinery is the Trade Commissioner who has been approached by the High Commissioner in London. I was placed in a dilemma whether to address the Secretary of State or to address the United Kingdom Trade Commissioner at Ottawa, both far too heavy artillery for minor details, or as an alternative, the West Indian Trade Commissioner. But if we don't employ him formally I feel some compunction in doing so. If we join the service I would do so this afternoon. I therefore put the question "That the motion relating to the West Indian Trade Commissioner's Service as printed be adopted by Council."

Question put, and agreed to.

Motion carried.

URGENT SEA DEFENCE WORKS.

Mr. CASE (Consulting Engineer): I beg to move the following motion :—

THAT, with reference to Governor's Message No. 10 dated 11th August, 1942, this Council approves of supplementary provision in the 1942 estimates of expenditure of $20,000 to enable the execution in the current year of certain urgent sea defence works.

As it has not been possible to print and circulate a comprehensive report on the Sea Defences referred to in the Message, I think I should say a few words before formally moving this motion. Although the report has not been printed I have a number of plans and documents showing where erosion has taken place and, if any hon. Member wishes to see them, I would be pleased to show them to him. Take the case of the East Coast Demerara : There has been during the last year or so, quite a considerable amount of erosion between Mahaicony and Beterverwagting and very serious erosion in the neighbourhood of Plaisance down to Kitty Groyne. I am glad to say, however, that the survey which has just been completed shows that there is some sign of improvement. But it is very essential that the work at Plaisance should be carried on as quickly as possible.

Those recommendations referred to in the Message were considered at a special meeting of the Sea Defences Board and were unanimously approved. The largest item of expenditure is to be on the Corentyne Coast, a sum of nearly $35,000. Most of that money is required for work in front of No. 78 Village. In the last four or five months there had been very severe erosion taking place there, and there is a narrow width between the land and the road. In many cases the outhouses in that village are entirely washed away. In my opinion, it is essential that the work be carried out. There may be necessary work at No. 71 Village, where there has been very considerable erosion, but it has not been possible to get out an estimate for the moment. On the island of Leguan there has been very considerable erosion at Canefield. That has been going on for a very long time and it has been thought that the cost of temporary work is very heavy. The last item referred to in the Message is in respect of Essequebo. There has been considerable erosion in front of La Belle Alliance. That has been going on for some time and it has not been possible to reinforce or do anything

owing to shortage of material. It is hoped to be able to start work soon.

The policy of the Sea Defences Board is "A stitch in time saves nine". During the past year it has been very difficult to carry out that policy owing to shortage of timber, cement and steel. It is very difficult to get those articles, but I hope that condition will soon improve. It has certainly improved in regard to timber.

Mr. ELEAZAR: I do not think any Member will oppose a motion of this sort because we all realize that it would be a blessing to this country if we could keep the sea water from the land, and without sea defences we cannot possibly keep the sea in its proper place. What I would like Government to realize in this matter is that it resorted to a highly technical expression in order to differentiate between water from the sea which floods the land by means of a river, and when the sea itself washes the land away. In my constituency there are two prosperous villages in imminent danger of being washed away by sea water which finds its way in through the river, but Government differentiates between sea defence and river defence. I am appealing to Government to be a little more practical.

The village of Enfield has gone completely for that reason, when a smaller sum than that required now would have saved it. The excuse was that it was not sea defence but river defence. I think we should protect the land whether it is threatened by the sea or by a river. It is all water and does the same damage. Government has spent thousands of dollars to provide against the ravages of the sea, but for the sake of a few dollars it has allowed rivers to damage the land. I support the motion, but I am asking Government to do away with technicalities and get down to brass tacks.

Mr. CASE: With reference to the remarks of the hon. Member I do not think it is quite true to say that Government has taken no notice whatever of the matter of river defences. Government has spent a lot of money in making surveys, and plans and estimates have been prepared which are now before Government.

THE PRESIDENT: I have listened with very great sympathy to the remarks of the hon. Member, but I observed a smile on the face of the mover when the hon. Member said that for the lack of a few dollars Government was not carrying out river defences. In one area visited by myself, the sum to be expended is about $239,000, over half of which will be devoted to river defence, and if the hon. Member attends the informal meeting I propose to hold with the Unofficial Members, we will go into the matter further.

Motion put, and agreed to.

SUMMARY JURISDICTION (APPEALS) (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Summary Jurisdiction (Appeals) Ordinance by extending the power of the Full Court of the Supreme Court to include the substitution of more severe sentences" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

PRISONS (AMENDMENT) BILL, 1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Prisons Ordinance by making provision for the appointment of prison visitors; and for purposes connected therewith" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

MARRIAGE VALIDATION (GEORGETOWN AND EAST BANK, DEMERARA DISTRICT) BILL, 1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to validate all marriages solmenized and all acts performed under the Marriage Ordinance by the District Commissioners of the Georgetown and East Bank, Demerara District, between the eighth day of March, 1939, and the first day of August, 1942" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

SUPPLEMENTARY APPROPRIATION (1941) BILL.

Mr. McDAVID: I move that "A Bill intituled an Ordinance to allow and confirm certain additional expenditure incurred in the year ended the thirty-first day of December, 1941" be read the first time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the first time.

DRAINAGE AND IRRIGATION (AMENDMENT) BILL, 1942.

Mr. McDAVID: I move that "A Bill intituled an Ordinance to amend the Drainage and Irrigation Ordinance., 1940, with regard to the granting of certain loans to the Drainage and Irrigation Board and to the repayment thereof" be read the first time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the first time

DAYLIGHT SAVING.

Mr. HUMPHRYS: I beg to move:—

Be it Resolved—That this Council respectfully requests Government to take all necessary steps as early as possible in order to effect daylight saving to the extent of one hour every day.

While I have no doubt whatever that there will be opposition to this motion I feel sure that hon. Members on consideration will come to the conclusion that it is really the best thing possible for this Colony, at the present time especially, to try to save daylight. It is unquestionable that the very best hours for work are the morning hours. If we rise early and have more of the cool hours of the morning for work we achieve two objects; we are able to do better work in the morning and have more time in the afternoon for any form of recreation. I know it was tried in the Colony in 1924, and I am told it was not a success. I do not remember that it was not a success. As far as I can remember it was a success. We would have to burn a certain amount of light in the morning but it would be infinitesimal, and it would be saved in the evening. There is daylight saving all over the world. In England I believe it is two hours, and it also obtains in Barbados and Trinidad. I am now informed that it has been given up in those islands, but of that I am not certain. The hon. Member on my right (Mr. King) says it still exists in Barbados.

I think hon. Members should approach the question very carefully. I am not moving the motion on account of any whim or fancy of my own, or to benefit any particular class in the community. I feel that it would be in the best interest of the farming industries and agriculture generally that we should try to save an hour of daylight every day. The farmer might experience some difficulty in the first few days but eventually he would appreciate it. Some years ago, between 1930 and 1939, I moved a similar motion in this Council but the debate was adjourned. The Governor said at the time that he was definitely of the opinion that Government officials as a whole were in favour of it, but the majority of

the Members of the Council were not in favour of it, although their reasons were never heard. As the result of that Government voted against the motion.

I think that at the present time we should resort to daylight saving, and I am willing to hear any specific argument against it. Some hon. Members suggest three-quarters of an hour and others half an hour, so that we might be exactly three hours behind Greenwich Time. I would be in favour of that suggestion. I feel that at least half an hour should be saved if not a whole hour. I am asking the Council to consider the advisability of putting the clock forward one hour.

Mr. DIAS seconded.

THE PRESIDENT: The hon. Member has asked for the support of Government. The motion is entirely free and open to Government Members. I personally propose to support it although I am not conversant with conditions throughout the Colony to take a more active part in the arguments for or against it. It is, however, open to Government Members to support the motion as they wish.

Mr. ELEAZAR: If any of them lived in New Amsterdam they would agree with me that we do not want it. If I have to catch the Berbice ferry boat at a quarter to seven in the morning I have to wake at a certain time. When I get up it looks dark, and if I delay a little I would have to run in order to catch the boat. Now that I cannot run it is worse. If the clock was put forward one hour it would look like midnight when I get up, and I might not get up at all (laughter). Although it is a little dark in the morning now we know it is 5 o'clock. In the evening people do not go to sleep just because it is 6 o'clock. As long as there is sunlight they continue their games. We cannot disturb the whole business of the community for that reason at all. Let things go on as they are and people enjoy their games later in the afternoon when the sun is down. The saving of an hour's daylight is infinitesimal; it would not compensate for the inconvenience it would cause.

Mr. C. V. WIGHT: Some little time ago I made the suggestion myself to the Colonial Secretary, but he said that there was information which Government was in possession of indicating that the working classes suggested that they would be inconvenienced. He also said that it had been tried previously for a few months but had been more or less discarded. I do not know if the Colonial Secretary has the petitions which were sent to Government on that occasion. It might assist the Council somewhat if we heard the reasons for that decision, and as to whether it should be given a second trial.

Mr. SEAFORD: I was disappointed when I did not hear the seconder say something either for or against the motion, and I wondered why? Had he much to say in favour of it he would have come out straight away and supported it. The mere fact that he said nothing suggests that he considers it a very weak case. I am inclined to agree with the hon. Member for Berbice River (Mr. Eleazar) that the majority of the people in this Colony do not work by the clock at all. They get up at a certain time by the sun and go to bed when it gets dark. The advancing of the clock would not affect them in the slightest degree. It would be very nice for those who get up at 7 or 8 o'clock in the morning; they would get an extra hour, but for the average labourer I feel it would be a very great disadvantage.

As regards Barbados, I find that it has been adopted in Bridgetown but not in the country districts, so that they have one time in the City and another in the country, which leads to complications. I am informed that it

is the same in Canada. The agricultural people have turned it down everywhere, and as this is mainly an agricultural country we should consider the majority. It would be a retrograde step to adopt it here.

Mr. JACOB : I am inclined to agree wholly with the last speaker. I think the mover has not made out a case at all. I was hoping that he would have been able to make out a case. It seems to me that the proposal in the motion suits the sportsman but is definitely against the working man.

THE ATTORNEY-GENERAL: Daylight saving had a very long and difficult struggle in England. In fact, the person responsible for its introduction never lived to see it introduced. In spite of all that, it has been a very great success in Great Britain, but of course the conditions in Great Britain differ materially from those in this Colony. The main reason why it was introduced there was because of the extreme difference between the length of day in mid-summer and the length of day in mid-winter. Of course, those conditions do not apply here. In England all those connected with industry voted in favour of it because it meant that they would get an hour in the evening, but throughout the whole of its passage in the House of Commons it was bitterly opposed by all the agricultural elements.

In this Colony the position is reversed. We have a large agricultural population and a very small or practically non-existent industrial population. The conditions are very different in the two countries. The reason for its introduction in one does not exist in the other. It does not follow that there may not be good reasons why it should not be introduced here. One particular disadvantage at the moment is that we have in our midst a fairly large population from the U.S.A. armed forces, and whatever this Council does in regard to time they are bound to retain their present time, for the simple reason that they are under their own jurisdiction in this Colony. I have had one practical experience of the difficulty of working by American time. When the Air Navigation Order was made regarding aircraft approaching the base it will be noticed that it came into force at a certain time and said that after a certain time aircraft approaching would do so and so. At that time correspondence was going on between the American authorities and each of the Colonies concerned, but we got so hopelessly tied up that in the end it was carried on in Greenwich time. If our Militia, for example, have to keep their present time, whereas the Police are working by Summer time, surely we are going to have chaos.

I, personally, have no feeling one way or the other. I shall work precisely the same time I do now, but I would ask hon. Members not to overlook the fact that if we alter our time here and the U.S.A. forces do not alter their time it is bound to lead to chaos.

THE COLONIAL SECRETARY : In view of what the hon. Member for Western Essequebo (Mr. C. V. Wight) has said I would like to say that he did ask me several months ago whether the question had been considered in the past, and I looked at the correspondence and found that it was considered in 1924. I personally would welcome the change, but I think it is only right to bring to the notice of the Council what was done in 1924-25, and the representations which were then submitted to the Governor at the time. The life of the change was less than two months.

In November, 1924, Government decided to write the Chamber of Commerce and the Sugar Producers Association and ask them what their views were on the question of advancing the clock by one hour. The Sugar Producers Association replied stating that they saw no objection to

it, but suggested that instead of one hour it should be a half-hour advance. The Chamber of Commerce replied that they, too, saw no objection to it, but suggested half an hour, and for a portion of the year only, from the 1st October to the 1st March. In view of those replies Government decided that as from the 21st December the clock should be advanced by 30 minutes. The Time Ball was changed, and all Government clocks were advanced by 30 minutes on December 21, 1924. Notice of the change was given in the Press. A letter was then received from a gentleman (Mr. Strickland) who was at that time a Member of the Combined Court, dated 20th January, 1925, forwarding a petition which he said had been signed by 2,000 persons. It is a very long list but I would like to indicate the objections raised by the petitioners. In his letter, Mr. Strickland stated :—

" The thousands of work-people of Georgetown have now to rise at half-past four in utter darkness, the early coffee and dressing by lamp light is an expense the poor can ill afford, and for this reason the early meal and the morning bath are now frequently dispensed with, causing discomfort and leading to ill-health.

I am informed that domestic servants in addition to the earlier half hour have now to work later in the evening, many of the larger houses having now decided to dine later.

Viewed from an economic standpoint this Order is a vexatious failure. Our gaols, Police Depts., Hospitals and other Government institutions, all report against this Order.

The nurses and attendants of Hospitals suffer especially, and I believe the fines for lateness have materially increased. Our sugar estates have been compelled to ignore it altogether.

The foundries and factories with their entire staff of skilled workmen all realize the hardship and inconvenience caused by the change.

The heads of all our business firms with the clerks and porters engaged by them have also protested.

The Chamber of Commerce representing the employer, has condemned this Order.

The Labour Union, with its many lodges and branches, representing the workers of the Colony, has also expressed its dissent in very strong terms.

The foregoing proves beyond question that the entire community is opposed to this Order, denounce it and pray for its immediate withdrawal."

I thought it only right to put those points before the Council. I do not think it would be right to introduce it again in view of the representations made to Government on the previous occasion. The Order was cancelled as from the 1st February, 1925.

Mr. KING : I am in favour of the motion but, personally, I think half an hour would be ideal. It is true as the Colonial Secretary has stated, that on the previous occasion it was introduced in this Colony it was opposed by a certain number of people, but I am quite sure that without any great effort I could get a petition signed by over 2,000 persons supporting the proposal. It would not mean that that petition had the support of everybody who signed it. In this Colony people sign petitions without realizing what they have signed. That has happened quite recently in the profession to which I belong. It has been said that in Barbados daylight saving time only applies to Bridgetown, but I am aware that in Barbados the clock has been advanced one hour, and people with whom I have spoken recently say it has been a success. I cannot imagine in this world of ours, with the variety of opinions we are endowed with—some cursed with and others blessed with—it would be possible to have unanimity on any subject.

It would require more than a human being to convince everybody that a particular idea was the right thing to adopt. Therefore we are bound to have opposition. Some people are against any form of motion or idea, especially when it does not emanate from themselves. Personally, I think any opposition to this particular motion would just be personal, and perhaps made without any consideration of the matter whatever.

I do not know if hon. Members are in the habit of waking at 5 or 5.30 in the morning. I am sure that very few are in the habit of rising before 6 o'clock but, unfortunately, in the last two or three weeks I have been waking rather early, although I do not get out of bed before 6.30. So far as I can

make out, it would not make the slightest difference as regards the amount of daylight that we would get. I am not prepared to accept the statement made in any petition that the average labourer wakes up at 4.30 in the morning. I am quite certain that no labourer gets up before 5.30 or 6 o'clock.

There has been a considerable change as regards labour conditions in the Colony since 1924. There is no place in this City which opens its doors before 7 o'clock. I do not understand the statement made in the letter that the Order was a "vexatious failure." The objection raised then by those 2,000 persons is not one that this Government or this Council should seriously consider 18 years after. We have progressed, I hope, in this Colony in 18 years beyond the views and ideas of the objectionists who signed that petition, and I hope we have progressed sufficiently far to realize that what might have appeared to be a failure in 1924 would not necessarily be a failure in 1942.

I think Government should give this motion some chance of succeeding, because I am certain that in these enlightened days of 1942 the inhabitants of this Colony would not oppose the idea in this motion. It would certainly give us longer daylight hours and reduce the necessity for artificial lighting. I honestly believe that while there are bound to be objectionists to some extent, their objection would be overruled by the success which this motion would eventually achieve, and in the end the objectionists themselves would admit that their opposition was not well-founded. All they have to do is to wake up at 5.30 one morning and see what difference there would be. I think the climate in this Colony can stand an annual advance of half an hour rather than having it jumping around as in other countries which are not blessed with the eternal sunshine we have here.

With regard to the objection raised by the Attorney-General, I do not think we should concern ourselves too much with our American visitors. People who come here must adapt themselves to conditions that pertain to the Colony. It is true that all laws cause some personal inconvenience, but they are made for the better dealings between man and man. I feel sure that the very people who, it is felt, might be affected by the motion would be the very ones to admit that they are quite prepared to fall into line with the way of living in the Colony, and if they were asked to advance their clocks they would have no serious objection to doing so. As far as the military forces are concerned, the difficulties that appear to exist would disappear, and in time there would be no serious difficulty in arranging matters by means of Greenwich or some other standard time. I feel that that is not a serious objection to any proposal Government might be prepared to accept as regards this motion which, I am sure, would benefit the inhabitants of the Colony. I heartily support the motion subject to the amendment I have suggested: that it should be half an hour instead of one hour.

Mr. McDAVID: The mover stated in the course of his remarks that he had not heard any substantial reasons advanced in opposition to it. I have not heard any substantial reasons in support of it. Some have been given by the last speaker but I did not hear from the mover what were his reasons for proposing it. If he had proved to the Council that a large proportion of the working population were wasting daylight hours I could have understood that there was some reason for it, but we all know that the agriculturist works by the sun and not by the clock at all, and whatever we may do with regard to the clock he would most probably get up just before dawn and cease work when the sun goes down. So far as

the majority of the working population is concerned, there can be no reason whatever for the change. With regard to the industrial people the position is different, and in 1924 we did inflict a burden on them by compelling them to get up in the dark in order to prepare for work.

There is another class in the community which has not been mentioned at all, and that is the domestic servants. When the change was made they felt the burden most of all. It benefited the sporting and social elements of the community who could afford to employ servants who were compelled to get up earlier in the morning in order to prepare their own meals and then go to their work-places and prepare the meals of their employers. The result was that in the afternoon the sportsman found that he had an hour more daylight and decided to dine an hour later, and so he added one hour more to the time of the domestic servant. That would happen again. I was here in 1924 when the change was made, and it was vexatious. I would be sorry to see it introduced again. We are living on the Equator and have no reason to go in for daylight saving. No country in the Tropics has any reason for changing the clock in the way it is done in England.

Mr. WOOLFORD: The hon. Member for Demerara River (Mr. King) had better resume his habit of sleeping a little longer. I think it would be more beneficial if, instead of paying so frequent visits to Trinidad, he would remember some of the habits of the people among whom he lives. He has evidently lost touch with the conditions in some portions of his own constituency. We all know that the agricultural worker has by force of habit and example risen very early in the morning, and I am not aware that there is on any sugar estate any change in the habits of the people in that direction. It is well-known that all orders are given effect to before 5 o'olock in the morning, and that on the larger estates most of the people are on their way to work at the very hour which the hon. mover would concede to them.

The Treasurer is very largely right. We have to approach this subject in the light of people's habits. The sporting community is divided into many sections. Those who play football—and that is the most popular game in this Colony—are not going to start play at 4 o'clock simply because the Legislature has made it 5 o'clock. It is too hot, and they have a limited time in which to play. I do not think their play would be improved by submitting to legislation made by us. In all matters of personal habits, legislative enactments have no force in effect. In other games in which I indulge I am not aware that the tempers of the people who indulge in them would be improved by longer daylight hours. We all regulate our habits by time and opportunity. I am not aware that if this Council said that games of Bridge could start legally at 4 o'clock that they would start any earlier, nor do I think it would improve the skill of the players.

I am not quite aware of all the circumstances that led to the legislation in 1924, but some attention was paid to the representations of Mr. Strickland, a former Financial Representative for Georgetown, and a very respected Member of this House. He was very careful about his language, and the words " vexatious failure " mean that the legislation was a failure, and that it was vexatious in its results. There is no contradiction in terms in what the Financial Representative said, and he expressed the opinion of the community. He expressed the opinion of the community to-day. Conditions have not changed at all, and I do not believe that either the agricultural worker or the domestic servant, on whose behalf the hon. Member has spoken, would welcome this change.

The Time Ball is a matter of history.

The Colonial Secretary does not appear to know of its existence. It was the ball that was run up on the flagstaff each day at 12 o'clock. People have got used to certain things like the 8 o'clock gun. Those are habits which people do not change very easily, and to compel them to change them would lead to confusion. I do not know that legislation can improve the hours of our twilight, which is an important consideration in respect of the change in England. The tide would remain the same and the farmers who bring their produce to Georgetown would have to take advantage of it. The markets which supply the wants of the community would observe their fixed hours. The Municipalities control their own legislation. This Bill cannot alter the Municipal Ordinance, nor would it apply to places in New Amsterdam.

I would suggest to the hon. Member, who has given no indication as to what he means by the suggested change, or any reason for bringing his motion forward, that he would not achieve any benefit either to those for whom he speaks or to himself. I believe he is a frequent visitor to the Abary river. I cannot conceive that the habits of sportsmen, footballers, tennis players or card players, are going to be improved.

Mr. HUMPHRYS: I was accused just now by the Treasurer of not having advanced any particular reason why there should be a change. I am sorry he has left his seat, but what I would like to point out to him is that anything which is so obviously for the benefit of the Colony does not require any reasons to be advanced in its favour. I should have thought that the benefit of this motion would have been so obvious as not to require any reason. The reason for it is perfectly clear. I feel convinced that it would benefit the agriculturist. Despite the reasons given by the hon. Member for Georgetown North (Mr. Seaford) I think it would be in favour of the labourer and not against him.

As regards the remarks made by the hon. Member for North-Western District (Mr. Jacob) about the sportsman, I do not say that the change would not benefit him, but if it would not benefit the working man it certainly would not do him any harm. So far as the labouring classes are concerned I think it would be a distinct benefit to them. I fail to see how it could do otherwise than benefit the agricultural labourers on estates. Many of them live some distance from their work and they would have the cool of the morning to walk to work or go by train. They would also have longer evenings to work if they care to, and they would be able to return home in daylight instead of in the dark.

It has been suggested by the hon. Attorney-General, for whose views I have the greatest respect, that it might be inconvenient to the American forces. They are here and they must try to conform to what is best for the Colony. I have not found any great difficulty in dealing with them.

With regard to the suggestion that it would be hard on domestic servants I regret that when it was tried in 1924 the Treasurer thought it fit to have his dinner an hour later in order to keep his servants longer. That was not my experience or the experience of most people. If domestic servants made a fuss about it they were right; he should not have done it.

If it is the feeling of the Council that it should only be half an hour instead of an hour I am quite agreeable to an amendment of my motion to that effect, but I am appealing to the Council to accept the motion. I feel sure that if hon. Members do not pass the motion now they will do so in a short time, and I will live to be in the position to say "I told you so." They will do it next year, therefore why not do it at once? If the hon. Member on my right (Mr. King) cares to move an amendment to make it half an

hour I would be quite agreeable to that, but I am appealing to every Member to be reasonable and not just think of his own selfish desire not to get out of bed earlier or to leave home before a certain hour.

As regards the remarks made by the hon. Member for New Amsterdam (Mr. Woolford), I did not hear more than one-third of what he said. We never do on this side of the table. I heard him mention something about the Abary river. If he lived on the Abary and got up at 4.30 or 5 in the morning he would find how delightful it was.

Mr. WOOLFORD : I rise to a point of correction ! I am one of the earliest risers in this Colony. I have my coffee before six.

Mr. HUMPHRYS : The hon. Member would have a better breakfast at 7 o'clock. The hon. Member seems to think that this involves something in the nature of a radical change. All it means is advancing the hand of the clock for half an hour. It is very simple and is not going to make much difference. If hon. Members think the motion is moved just for the benefit of a few particular people in this Colony, by all means vote against it. It is being done solely for the purpose of getting more daylight to do more useful work. If you don't accept that view vote against it, but in a short time you are going to come back and vote for this very motion.

Mr. C. V. WIGHT: To a point of information ! Is it for an hour or half an hour ?

THE PRESIDENT : With the consent of the seconder the hon. Member can amend it to half an hour. I propose to put the question with the amendment from one hour to half an hour with the consent of the seconder.

With the consent of the Council the motion was amended by the substitution of the words " half an " for the word " one " appearing before the word " hour " in the last line thereof.

Motion as amended put, and the Council divided, the voting being as follows :—

For : Messrs. Jackson, King, Humphrys, Case and Dias.—5.

Against : Messrs. C. V. Wight, Jacob, Eleazar, Percy C. Wight, Crease, Laing, D'Andrade, Austin, Seaford, McDavid, Woolford, Dr. Singh, Professor Dash, the Attorney-General and the Colonial Secretary.—15.

Did not vote : Mr. Peer Bacchus.—1.

Motion lost.

THE PRESIDENT : The hon. Mover of the motion has threatened us that in the future we will have to change our view. We have had an interesting debate and, I am sure, the question has been usefully ventilated.

We have made good progress to-day and, I think, the Council is in general agreement that we may proceed with the suspension of the Standing Orders to make further progress with the Bills and so validate those marriages as soon as possible. With the consent of the Council I would ask the hon. Attorney-General to move the suspension of the Standing Orders so as to proceed to the second and third readings of the Bills to-day.

SUSPENSION OF STANDING RULES AND ORDERS.

THE ATTORNEY-GENERAL : I move that the Standing Rules and Orders of the Council be suspended to enable the Bills standing in my name and which had been read a first time to be taken through their remaining stages.

Professor DASH seconded.

Question put, and agreed to.

Standing Rules and Orders suspended.

MARRIAGE VALIDATION (GEORGETOWN AND EAST BANK, DEMERARA DISTRICT) BILL, 1942.

THE ATTORNEY-GENERAL: I move that the following Bill be read a second time :—

A Bill intituled an Ordinance to validate all marriages solemnised and all acts performed under the Marriage Ordinance by the District Commissioners of the Georgetown and East Bank Demerara District between the eighth day of March, 1939, and the first day of August, 1942.

In doing so I think very little explanation is required because hon. Members know the actual conditions when the difficulties arose. Hon. Members all know that away back in 1937 the present Georgetown and East Bank Demerara Administrative District, or most of it, was in what was then known as the West Demerara Administrative District. On the 11th December of that year a list of Superintendent Registrars for all the marriage districts in the Colony was published and, as far as the present Georgetown and East Bank Demerara District was concerned, two and a half registration districts were in it.--The Georgetown District, the Peter's Hall District, and the western sub-division of the Plaisance District. On the 3rd March, 1939, a proclamation was published which came into effect on the 8th March of that year, whereby the Georgetown and East Bank Demerara District was severed from the West Demerara District and became a separate Administrative District.

In all Marriage Districts where there is no special appointment made, the District Commissioner is District Superintendent Registrar of Marriages, and apparently since that date of severance it has been overlooked that no special appointment has been made for the three marriage districts in the Georgetown and East Bank Demerara, Administrative District. That is to say, the District Commissioner of the West Demerara Administrative District had been specifically appointed in that list of Superintendent Registrars published on the 11th December, 1937, for the marriage districts mentioned. Overlooking that fact, ever since the 8th March, 1939, the District Commissioner of the Georgetown and East Bank Demerara District has in effect performed all the functions of a Superintendent Registrar of Marriages.

The object of this Bill is to validate all marriages performed by those officers who successively held that post of District Commissioner of the Georgetown and East Bank Demerara District, and to validate every action performed by them as such Registrars during those years. I beg to move that the Bill be read a second time.

Professor DASH seconded.

THE PRESIDENT: Does any hon. Member desire to address the Council on the principle of the Bill ?

Mr. HUMPHRYS: On the general principle of the Bill I would like the hon. Attorney-General to tell us whether he knows of a similar Bill having been passed at any time in England. What appeals to me very forcibly is whether those contracting parties in marriage had been asked whether they liked it or not (laughter) There may be many of those contracting parties in marriages who may not like to have their marriages validated. It should be mutual on both sides. I think we should not do this without consulting all the parties concerned, whoever they may be.

Mr. C. V. WIGHT: The hon. Member anticipated what I had in my mind. I go further. What about the issue of such marriages ? Perhaps the hon. Attorney-General would give us some idea as to whether the Validation Ordinance would apply in such a case.

Mr. ELEAZAR: There seems to be some difficulty. It is only fair that

those people who had been married by mistake in that way and are still living together should have their marriages validated, but what about those who had been separated since then? Many have got married in that way and only lived together for a few months. Although they have separated since then, are you going now to make them married people? It seems to me that much difficulty may arise, as it will not be fair to keep those people married. You are validating the marriages of some people who do not want it. I do not know how we can provide against that—where it will be hard on those who have since found that they have made a mistake and will like now to remain unmarried. It will still be a hardship, however, on those who are willing to comply. They will have to be considered. While I do not oppose the Bill and I do know that the law can make black white and white black, I do not know if the hon. Attorney-General can do anything like that. I did not think of the difficulties which would arise and all along when the Bill was published I said "Here is a good thing which should never have occurred" How can we remedy the defect? I am wondering whether it will not go against somebody.

Mr. SEAFORD: After what the hon. Member for Berbice River (Mr. Eleazar) has said, I do not think many people would go to him to get legal advice in the matter. I have great doubts in view of what I have heard that it would be wise for the Council to pass the third reading of the Bill to-day.

Mr. ELEAZAR: I do not profess to give advice on all questions, relevant and irrelevant as well.

THE ATTORNEY-GENERAL: The hon. Member for Eastern Demerara (Mr. Humphrys) has asked if I know of any precedent in England. No, I don't. If there has been one in England it is not on the Statute Book, but there are several in the Colonies and Dominions and they are all worded in this form. I know and appreciate the point the hon. Member is getting at without actually referring to it. Some anonymous person telephoned me and asked the same question. He said he was one person who was so married and in the meantime had taken out a decree of divorce, so he desired to know if he would have to pay twice over for that. The answer to this is that the Bill is so worded that those marriages are validated from the time of solemnization to the extent as they would have been validated had the Superintendents the powers they imagined they had. You validate the day of solemnization, and after that everything is carried on as usual as if the marriages were regular in every respect.

Question put, and agreed to.

Bill read the second time.

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

Clause 3—Validation of all marriages solemnised by the District Commissioners, Georgetown and East Bank Demerara District, during the specified period. Cap. 142.

Mr. HUMPHRYS: May I ask if Government has any information as to the number of those marriages?

THE ATTORNEY-GENERAL: I cannot give an exact answer to that. I asked for it myself and, I think, the reply came to my chambers. If the hon. Member would be good enough to ask me tomorrow I can tell him. I know there are not very many.

THE CHAIRMAN: Something like 22 or 23.

Mr. HUMPHRYS: I am again subject to correction. You are not doing this at the request of the contracting

parties, but because an officer had mistaken his powers and duties and done things he had no power to do and as a result there had been marriages which were not legal, you just step in and say "We are going to make them legal." I have very great doubts about it. I really do not think it is the correct thing in passing this Ordinance, though I have not given it much consideration. The officer has made a mistake. Let it stay at that. I have very great doubts that we are adopting the correct course. The Council, however, must be guided by the Law Officers.

THE CHAIRMAN: There was a contract. At the time the parties were willing to go through with it, but that contract required certain registration. There was a fault in the registration which is now being validated. The contract as between the contracting parties is a genuine one up to to-day.

Mr. JACOB: As a layman I think this Council is being asked to do the proper thing now—to validate something that is found to be somewhat irregular, and I have no doubt that when the parties who contracted the several marriages went about it they had every reason to believe they were doing the right thing. If by chance it is now discovered that the proper officer did not contract the marriages and they want to take advantage of that I consider the action of those persons highly immoral. If there was not this legal technicality they would have had nothing to say, but now that Government has brought forward a Bill to validate something which has been found to be invalid and irregular certain clever people are seeking to take advantage of the opportunity to ask that it should not be done. I wonder if the representations which are now being made are in the interest of the Colony as a whole or are on behalf of one or two individuals only.

Mr. HUMPHRYS: The hon. Member is always thinking that there is something hidden in anything other Members say. He does not know better. The remarks I make refer to no one in particular. I have no idea of anyone having been married by the Commissioners. I am dealing with the matter purely from a legal point of view in asking whether what we are doing is the correct thing. I quite agree, it is immoral after two persons had gone before a Commissioner to contract a marriage which he had no power to perform, that they should try to get out of the contract as a result of that error. But what is the legal position? They are not married. We now want to say they are married. I have never spoken to any of the parties. The hon. Member for North-Western District can disabuse his mind on that point. I am concerned with the legal aspect of the matter. If it is considered perfectly right and legal then pass the Bill, but I do not think so.

I would like to add that unless Government has been approached by the parties themselves or even by two of the parties it should not be done. The hon. Attorney-General himself has said that one man had telephoned him protesting against it.

THE ATTORNEY-GENERAL: I need only say that on the legal side there is not a shadow of doubt that the Bill is in perfect order. I had taken the trouble of looking it up and had followed the models which were enacted in other Colonies and the Dominions. There has been no query or doubt expressed by the parties or the Judiciary and, to the best of my knowledge, it is on a firm legal foundation.

Bill passed without amendment.

The Council resumed.

THE PRESIDENT: It is proposed to go forward with the third reading, with the consent of hon. Members.

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

Professsor DASH seconded.

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

Bill read the third time.

SUMMARY JURISDICTION (APPEALS) (AMENDMENT) BILL, 1942.

THE ATTORNEY-GENERAL: I move that the following Bill be read the second time:—

A Bill intituled an Ordinance to amend the Summary Jurisdiction (Appeals) Ordinance by extending the power of the Full Court of the Supreme Court to include the substitution of more severe sentences.

In moving the second reading of this Bill, I need only say a few words. In the first place the recommendation for this amendment was made by the late Chief Justice, Sir Maurice Camacho, who recommended it very strongly as the result of his personal experience in the Appeal Court of this Colony. On his arrival here he was surprised to learn that the Court was not invested with the power it is now sought to confer upon it. When delivering judgment in a recent appeal, he made mention of the fact that he would recommend that a Bill on the lines of this Bill should be introduced into this Council. Unfortunately before action could be taken on that recommendation, Sir Maurice died and action was then suspended pending the arrival of the new Chief Justice in order that his views on the subject could be ascertained. As hon. Members are aware, the present Chief Justice is in the Colony now. The Bill was submitted to him and it has his hearty support. He is in complete agreement both with the provisions of the Bill and with the necessity for having it on the Statute Book.

There is one particular reason for the Bill, and one only. It is this: An appeal from a summary conviction is to the Full Court of Appeal, and that Court has no power to increase a sentence, however much it may think a sentence should be increased, as being disproportionate to the crime It is a power, as I may explain, which is vested in the majority of Appeal Courts in the Empire. The material part of the Bill is to be found in the brackets—"(whether more or less severe)." That is the only change sought to be made in the law.

Professor DASH seconded.

Mr. ELEAZAR: From my experience this is the most outrageous attack on the liberty of His Majesty's subjects in these parts. First of all, from what the hon. Attorney-General has said it seems to me that a Judge makes the law. That is to say, instead of the maxim "A Judge should interpret the law and not make it," a Judge here is attempting to make the law. It must be bad law, even without reading the reasons and knowing the conditions. The late Sir Maurice Camacho of revered memory in this Colony may certainly have adopted the idea and made himself one of the testators in this legal atrocity which is left to the Colony, but I happen to know that the idea did not originate with him, because the originator of this idea had discussed it with me personally more than once and had actually cited the case referred to when he conceived the idea that this power should be given.

In this very Council on more than one occasion motions have been brought forward for a Court of Criminal Appeal, and if ever there was the necessity for a Court of Civil Appeal as we have now there had been greater reason for a Court of Criminal Appeal, but it was never granted. At one time we had not the full complement of Judges, and at another time we had no money to institute that tribunal. But

here we are being asked, though denied a Court of Criminal Appeal, to confer on the Supreme Court here powers which have only been granted to the Criminal Court of Appeal about 1907. The Court of Criminal Appeal in England is a Court to which an appellant goes on the facts of his case, but in British Guiana you can only appeal on the law. But a Judge who comes to this country from a country where the legal judiciary is different from ours,—that is to say, where the powers of the Magistrates, who in most cases are laymen, are limited and nearly in every case their decision has to be revised by the Chief Justice or the Judges of the Supreme Court—conceives the idea that here where things are so different, where the Magistrate stands in a different position altogether, the Supreme Court should have the power to interfere with the discretion given to the Magistrate by law. It may not surprise you to know that in this Colony if an appellant goes to the Court of Appeal on the facts, the Judge promptly tells him "We cannot interfere with the Magistrate's dicretions on the facts; he has had the benefit of seeing the witnesses, hearing them and seeing their demeanour, and that cannot be conveyed to us by reading the statements here and therefore the Court cannot interfere with the Magistrate in the exercise of his discretion." This Bill seeks to reverse that and to give the Judge the right to reverse the Magistrate's discretion without having that knowledge or reason of the Magistrate which cannot be conveyed to him by the statements before him.

I would give an illustration of one of the cases referred to. I happen to know it, as the Judge discussed the matter with me. It is a case in which a Magistrate sentenced three men for assaulting a policeman. That policeman had been charged previously by two of the three men for assaulting them. The Magistrate on that occasion dismissed the cases on both sides. The policeman had his own feeling against those men and baited them for a considerable time until the clash came when the three men assaulted him. They went back before the Magistrate, who knowing all the parties and the circumstances, knew what had occurred and feeling no doubt that he should not allow disorderly conduct like that to continue in his district, thought that peremptory imprisonment should be inflicted on those men so as to stop the feud going on with the policeman spoiling for a fight with those men. While he sent the men to prison he gave short periods of imprisonment. Those men knew what had transpired and felt that even in the Magistrate's leniency in regard to the terms, peremptory imprisonment was an infliction. They appealed and the case went before the Supreme Court. The learned judge felt very strongly that the Magistrate had no right to have done as he did, but should have sentenced the men to six months' imprisonment each, and thereafter sought to bring in this Bill.

He discussed it more than once with me. I could not convince him as to what was in the Magistrate's mind because I did not know it myself. He desired to disturb the Magistrate in the use of his discretion and so conceived the idea of getting this Bill here. I have no doubt that the same as he discussed it with me he did so with the late Sir Maurice. I am astounded at Sir Maurice's reason for supporting that individual. He is supppsed to have said that there are too many frivolous appeals coming up before the Court. Because a man feels aggrieved and goes to the Appeal Cou t and the Judges feel it is frivolous, is that a reason to increase the penalty? There you have a Judge saying that he supported the idea of a Magistrate's findings being increased—a man should be subjected to a penalty greater than that inflicted—because there were too many frivolous appeals coming up be-

fore the Court. But where is the justification for disturbing the Magistrate's discretion? The Magistrate is an independent person in his own jurisdiction, and so is the Judge. I cannot conceive what right has a Judge to say "If I were that fellow I would have given you six months, but as he did not I would give you it." That is against what is being done in England. As you have no Court of Criminal Appeal here, which is purely a means to appeal on facts, it can be conceived that you are doing us in the eye here.

The hon. Attorney-General with his usual candour said it was given to the Criminal Court of Appeal in England since 1907, but the Criminal Law of England was being administered in this Colony ever since it was conceded to Great Britain over 100 years ago. During all that time while the Common Law was the Roman-Dutch Law, the Criminal Law of England was the Criminal Law in British Guiana, and you have had Judges—Sir David Patrick Chalmers, Sir Henry Alexander Bovell—who laid down the Criminal Law of this Colony in no mistaken manner, but they did not think they should have the right to disturb the Magistrate in the exercise of his discretion. I saw a little time ago in the report of an appeal before the Supreme Court a remark made by the Judges that the Magistrate should have done so and so. That seems to me an insult to the Magistrate, his ability and everything given to him by law. His ability is questioned by a Judge, who did not have the facts before him such as I have mentioned, who did not see the witnesses nor their demeanour. The Magistrate had all that with equal legal learning and, perhaps, longer experience to assist him in the exercise of his discretion, but because an appellant did not agree with him and should go to the higher Tribunal the Judge can say "Although I did not have all the reasons I think the Magistrate should have given you six months' imprisonment instead of three or four months, and, therefore, I increase it to six months." Who is this Jeroboam to say "He chastised you with whips but I chastise you with scorpions."

It is not conceivable that a Judge can sit in his elevated position there and so forget himself as to send to this Legislature and say "I want such a law because I think I should have such power." It is not the business of a Judge to make law. He is to interpret the law as he finds it. How can a Judge come to the conclusion that a Magistrate's discretion should be reviewed? When a Judge can find no proposition of law in an appeal he has been saying all the time "We cannot hear you. We cannot disturb the Magistrate's discretion in the matter on the facts." I am speaking on this Bill at length, in spite of personal inconvenience because I feel strongly in this matter. It was discussed with me by this particular gentleman and his idea seems to have been coloured very much by his experience in another Colony. In Africa, the Magistrates are usually laymen and certain matters they are not allowed to try and a Judge has the right to review the whole matter tried by any of them. It is not so in British Guiana or in the West Indies. Throughout the West Indies and in British Guiana the Criminal Law of England is being administered as in England itself, and I can see no reason why something should be done in these places only for the purpose of adding punishment to subject races. The idea was not conceived in England for all these years until 1907, and certain privileges an appellant has there he does not get here as they are denied him.

Apart from the fact that this motion comes now to an almost dying Council and apart from the fact that it comes before a depleted Council having regard to the attendance to-day, Government

should not with its cast-iron majority bring up a matter of this nature. When a country calls for a particular law then the Legislature enacts it. I am told that the present Chief Justice heartily supports this idea. We happen to know the Chief Justice as he has been here before. He is a christian gentleman but he is not going to be here forever. Chief Justices and Judges are only men, and if the power is not going to be used why is it then required? I think it is a dangerous thing to do. I think it is an outrage on the liberty of the people. Everyone of our Magistrates is competent. We have qualified Barristers, men of experience on the Magisterial Bench in this Colony and, when those men give a decision on the facts after viewing all the circumstances of the case, no Judge can do it better. I cannot see how a Judge feeling piqued because he sees in black and white a penalty which he thought should not have been, should have the power to say that the Magistrate who had heard the case did not give the penalty he would have given. I would like to tell the hon. Attorney-General, that until we have a Court of Criminal Appeal here no Judge or no body of Judges should have any right to disturb the Magistrate in the exercise of his discretion, and this Legislature should not help in such a case. All this is said to be in the administration of justice, but I cannot understand that the administration of justice is to tie a man's hands behind his back and flog him.

I am asking Your Excellency not to allow the Tribunal of this Colony to be disgraced by this Bill. I am asking Your Excellency to say to them " Wait for another century " or at least until you are gone, and not spoil your regime by bringing here laws calculated for black men and coolies because these form the majority of the population of the Colony. We know the conception and the ideas of the gentlemen who unfortunately come from that part of the world where such things are done. They cannot help it. A man's idea about colour is guided by environment, and when we get this thing coming from a gentleman with peculiar proclivity, with certain motions, it ought not to be done. He was intolerant of every view but his own. The law of the country gives the Magistrate, who could have given a term of six months' imprisonment, power to use his discretion and give three or four months, and the same law gives a Judge power to vary that sentence only by decreasing it. I think the Legislature was right in doing so. Seeing where the idea originated and taking the history of the originator in wanting it in this country, that is sufficient reason why this Bill should not find a place on the Statute Books of the Colony.

I do ask Your Excellency not to allow this second reading of the Bill to go through. I do not know how the lay Members of the Council will take this Bill, but I cannot conceive, as one of the oldest Members of this Legislature in point of time and as a Solicitor of long standing, of its passing in this manner. I do ask legal Members to give their unbiassed views on this legislation in the absence of a Criminal Court of Appeal. I do ask the laymen for once to consider well before accepting that as what is being done in other parts of the British Empire including England. We know of no case where the discretion of the Magistrate given him by the law has been abused one way or another, that we are going to have a Judge from a benighted country, where the poor benighted people have to be protected, to come here and put us on any other plane and treat the Magistrates as if they were clerks. I am very serious, Your Excellency. Do not let this legislation pass in your time.

Mr. C. V. WIGHT: The hon. Member will receive the full support of legal Members of this Council. It appears that the Council passed the

Summary Jurisdiction (Appeals) Ordinance in 1929. At that time the Council was no doubt aware of the Criminal Appeal Act of 1907. Has there been any valid reason advanced why thirteen years after this Council should now alter the decision which it arrived at in 1929? One has to remember that the method of appeal in England is not analogous to that obtaining in this Colony. In view of the depleted Council I am asking that the Bill be deferred, and I would suggest to the Attorney-General that he might get the opinions of legal practitioners before the Bill is proceeded with. There are several matters which this Council will have to decide before this Bill can receive my support, such as the question of the establishment of a Criminal Court of Appeal, a Legal Practitioners' Association, the appointment of Official Reporters and several other matters of that nature.

Legal practitioners do not indulge in giving notice of appeal merely out of pique. The hon. Member, Mr. Dias, has told me that he has not gone to the Appeal Court more than two or three times during his long practice. If this Bill became law, practitioners would be very chary about appealing in cases in which they thought there was some chance of success, or in which they felt that their clients had not been rightly convicted. It is the duty of a lawyer to see that his client is convicted according to law, not necessarily to get his client off.

I am suggesting that if the Attorney-General took the opinions of legal practitioners, he would find that the consensus of opinion would be against this Bill. I will draw his attention to a case in which I was engaged. In order that the Court of Appeal might be seized with the whole circumstances of the case, it was necessary to produce a certified copy of the evidence taken in a matter between the parties. The Appeal Court refused my application. The production of that document having been refused by the Court it supported the finding of the Magistrate who had imposed a sentence of three months on my client. If that document had been admitted I have no hesitation in saying that the Appeal Court would have found that the Magistrate should not have come to the conclusions he did. It was a case in which a man had sworn definitely that my client had inflicted a dozen lashes on another, but the doctor's certificate showed that he had only received three or four lashes. The man was unable to swear positively whether he had received three or four lashes, but the Magistrate having found that the defendant had imposed six lashes, the Court of Appeal accepted that finding and refused to alter the sentence imposed.

If this Bill goes through or is forced through this Council, I would suggest that provision be made whereby the Court of Appeal would have the right to rehear a case. I attribute no blame to the Magistrate who has to take notes of the evidence, but lawyers know that sometimes bits of evidence are left out. I suggest that the hon. Attorney-General discuss the matter with legal practitioners and ascertain the views of the majority of them as represented by the Association which has been formed.

Mr. KING: The only ground, I can find for the proposed amendment of the Ordinance, is that it exists in England by virtue of the Criminal Appeal Act of 1907. That is stated in the Objects and Reasons for the Bill. The hon. Attorney-General has not given any other reasons why this Council should, thirteen years after it had passed the Appeals Ordinance, pass this amendment. If those reasons exist I should certainly like to hear them. The only reason I can find for this amendment is that in England the Court of Criminal Appeal is given power which, so far as I am aware, no other Appeal Court in England is

given. To take one of the powers of the highest Appeal Court in England and ask this Council to insert it in the Appeals Ordinance in this Colony is, I submit, not a sufficient reason for asking this Council to sit in appeal from its own decision of 1929.

I am asking Your Excellency to defer this Bill for consideration by the new Council which will shortly be in existence in this Colony, and not ask the present Council to alter its own decision. Personally I am not in favour of sitting in appeal on the decision which was made by this Council in 1929, without any reason whatever being given for an amendment of that decision. I presume that the Council in its wisdom in 1929 exercised a discretion which it thought fit and did not think it advisable to give the Supreme Court the right to increase the sentence of Magistrates. Until and unless I am convinced that this amendment is essential in the interest of justice in this Colony, I will not vote in favour of the amendment.

In 1929 the Council was aware of the Criminal Appeal Act of 1907, but did not think it fit to give the Supreme Court the power now sought to be given it. The King's Bench Division sitting in Appeal Court has not even the power to vary an order of the Justices. I am speaking subject to correction. The only Court in England which has the power to increase a sentence is the Criminal Court of Appeal which hears appeals from juries, not from Magistrates. Furthermore, it practically rehears the cases. In this Colony no such power is given to the Court of Appeal; it is bound hand and foot by the decision of the Magistrate on the evidence. I am quite certain that many of the decisions upheld by the Appeal Court would have been reversed, had the Court the power to re-hear the cases and make its own decisions.

We are all men of the world and we have the highest respect for the Judges in this Colony and some of the Judges who have been in the Colony. Unfortunately, that respect has been tinged by some unfortunate occurrences in recent times, but can it be said that the Judges of the Supreme Court are in touch with what is going on in the City among the roughs and toughs as the Magistrates are who sit in the Police Courts? I say "No," and I am quite certain the Judges themselves would agree. If a Magistrate feels that he should exercise some leniency towards a rough who goes before him, is it fair that the Appeal Court, without the knowledge of the Magistrate of the conditions that exist, should be able to decide that the Magistrate was far too lenient and that the convicted rough should be given six months instead of six weeks? Would that be fair to the Magistrate or to the individual? I submit not, and I further submit that is one of the reasons why this Council in 1929 did not give the Appeal Court the power it is now sought to give it. I am appealing to Your Excellency in all earnestness to allow this Bill to stand over for consideration by the new Council.

Mr. JACOB: Speaking as a layman who has been asked to say a few words in connection with this matter, I move that the Bill be deferred to this date six months hence. The hon. Member for Berbice River (Mr. Eleazar) has dealt very exhaustively with it, and very little more can be added to what he has said. The other two Members who have spoken have condemned the Bill which, I think, interferes with the liberty of the subject and is a reflection on the Magistrates who are the best judges of character in the Police Courts. I think there is something wrong. I do not know why the Supreme Court should be given power to increase sentences.

I am afraid I did not quite understand the explanation given by the hon. Attorney-General in regard to the Criminal Appeal Act of 1907, and particularly the amendment that is

now proposed. So far as I am aware the Judges have the right to reduce sentences at the present time. This, Bill seeks to give them the right to increase sentences. It has been pointed out by the hon. Members who have spoken that that is not done in England by inferior Courts, and in view of all the circumstances, I think Government should withdraw the Bill or defer it for consideration by the new Council.

Mr. PEER BACCHUS: Having heard what has been said by the legal Members of the Council, I feel that I should also oppose this Bill. If the Appeal Court is asked to decide on certain facts it should not introduce new issues. In effect the Bill seeks to give the Appeal Court the power to treat an appeal by a convicted person as an appeal by the other side and increase the penalty imposed by the Magistrate, It may be said by the public at large that the intention of Government is to discourage appeals from Magistrates' decisions. That is a serious allegation so far as the liberty of the subject is concerned, and if for no other reason I feel that this Government would not allow the subject races to feel that they are not being governed justly, or that there is any bar to their seeking redress from any unfair decision. I join in asking Your Excellency not only to defer the Bill but to decide definitely that, until such time as the Colony can afford to establish a Court of Criminal Appeal, this Bill should not be considered.

Mr. HUMPHRYS: Most of the points have been covered already, but I would like to say that I was a Member of the Council when the Appeals Ordinance was passed in 1929, and there was very considerable discussion on that Bill which had been in the making for a long time by the then Attorney-General before it was brought before the Council. I have no doubt that the question, as to whether or not it was advisable to give the Court of Appeal power to increase sentences, was fully considered by the then Attorney-General and he must have thought it desirable not to do so, otherwise such a provision would have been inserted in that Bill.

I think, I know one reason why this amendment has been put forward. Owing to a series of unfortunate circumstances during the last two years the Court of Appeal has had to dispose of 100 appeals on the list, none of which has been heard. It transpired that those appeals had been heaping up over a long number of months, but owing to the congestion of the Court they could not be heard. Finally they did come up for hearing and they were dealt with in a most remarkable manner. I would not compare the method of dealing with them with that of a sausage machine, but it was something similar. A great many of the appeals were frivolous. They took a considerable amount of time, and I am aware that the late Sir Maurice Camacho was of the opinion that the Court of Appeal should have the same powers to increase sentences as the Appeal Courts in Trinidad and Jamaica. I was privileged to read the Jamaica Ordinance which makes that provision. We do not know the reason why it was done in Trinidad and Jamaica, and we are not concerned with them at all. We can only look at things as we find them here and deal with them accordingly. One would have to make a very close study of the Jamaica and Trinidad Ordinances to be able to say whether they are on all fours with ours.

One thing is perfectly certain and that is, unless the Court of Appeal has the power to rehear a case it is unfair and unjust to give that Court the power to increase a sentence. The Court of Criminal Appeal in England sits only on appeals from verdicts of juries at the Assizes and that Court rehears the cases. Witnesses do not appear before the Court of Appeal but it hears the case on the records before it, and it can reverse the verdict of a

jury on the facts. The Court of Appeal in this Colony cannot overrule the finding of a Magistrate on the facts of a case, however slender may be the facts on which he has found. The result is that you get a Magistrate convicting on very slight evidence and instead of imposing a penalty of six months, he gives the individual one month. The convicted man feels that an injustice has been done him and goes to appeal. As things stand now, the Appeal Court will say that it cannot interfere with the finding of the Magistrate on the facts, but if we give the Appeal Court power to increase sentences it will be able to consider that sentence too lenient and impose a sentence of six months. That obviously will not be just. The Court has no power to go into the records at all; it is bound by the Magistrate's findings on the facts. The Court of Appeal should be given the right to go into the facts of a case before it is given the power to increase sentences.

I think Government should allow the Bill to stand over until the new Council is in session. If Government intends to force this Bill through and to give the Court of Appeal power to increase sentences, then as a necessary corollary a person should be given the right to appeal from a decision of a Magistrate on a question of fact. In other words it should be a ground of appeal that the decision of a Magistrate is against the weight of evidence. If Government decides to proceed with the Bill I shall move in Committee an amendment to that effect.

I think there is no power in Quarter Sessions in England to increase sentences of appeals from Magistrates. Recently there was even no power to vary a fine imposed by a Magistrate. If there is such a provision in Jamaica it is due to faulty legislation. While no doubt every member of the profession had the greatest regard for the late Sir Maurice Camacho and has the same regard for our present Chief Justice, we cannot say that we have had the same regard for every Judge who has graced our Bench. I feel that we cannot depend on having that calibre of Judges on the Bench. At any time a Judge may be sent here who may not warrant us safely leaving in the hands of the Court of Appeal the question whether a sentence imposed by a Magistrate should be increased. I think the Magistrate who hears the case is the best judge of what the sentence should be, and to take the power out of his hand and give it to the Supreme Court is going much too far and is jeopardizing the liberty of the subject too considerably. Legislation cannot be framed in that off-hand manner. I appeal to Your Excellency to defer consideration of this Bill until the new Council is in session.

Mr. WOOLFORD: I have really risen to remark that members of the legal profession have justified their claim to be Members of the Legislature on this occasion. The reasons given have been most excellent and, I may single out for special compliment the reasoning of the hon. Member for Demerara River (Mr. King)—I hope he will allow me to say so—although he is only a solicitor. I have been a practising Barrister for 44 years, and only on two occasions have I ever heard or read an expression of opinion from the Bench that if it had the power it would increase a sentence, and those instances have only occurred within the last five or perhaps three years. If that can be said in justification of this Legislature amending its own enactment, I am sorry to have to differ from any such reasoning. If there was ever an occasion upon which the lay Members of this Council should submit their decision to that of those who are competent to judge, it is this one. No lay Member of this Council can determine with anything like accuracy or judgment the way in which he ought to vote.

In the Island of Barbados, where lit-

igants often appear in person to conduct their own cases and in a variety of cases give notice of appeal, notices of appeal are given very frequently and almost in Court. In that curiously interesting island a person gives notice of appeal even if he or she is only fined five shillings, and within one hour the Court of Appeal hears and reviews that decision. It is situated a few yards away from the Court of original jurisdiction, and a person who wishes to appeal only has to find one shilling and go over to the Appeal Court. I have witnessed it myself. In the wisdom of those distinguished judicial minds in Barbados they have never by legislation or otherwise imposed their view on the community that they should have the power to increase sentences. It would cause a civil revolution in Barbados. It may be the practice in Trinidad or Jamaica, but although the appeals are frivolous in Barbados such power is not given the Court of Appeal there.

Let us review other reasons which, in my judgment, apart from those given should be the governing factors for the amendment of this particular enactment. There are many cases where legislation is proposed and enacted as the result of a judge-made recommendation, and I venture to suggest that those are cases in which matters occur in the civil jurisdiction of the Court. The distinction between the civil and criminal jurisdiction is a very important matter. A civil case does not involve the liberty of the subject or the discretion of a Magistrate who has a wealth of experience which is not always attained by a Judge. Supposing a man is a first offender and he is sentenced by the Magistrate to imprisonment for one month. The Court of Appeal, without any record of his previous conviction or past history (it does not form part of the record of the appeal)— I understand from the hon. Attorney-General that accompanying the records of the Court of Appeal is a list of previous convictios.

THE ATTORNEY-GENERAL: The hon. Member says what I did not say. What I did say was that in every appeal where the appellant has a previous conviction and the Court asks for the record it is produced.

Mr. WOOLFORD: I am speaking of the records. The point I am making is this: Embodied in the records of appeal there is no record of a previous conviction, therefore I cannot understand at what point of time the Court of Appeal looks at such a record. Under present conditions if an appeal of a criminal nature is taken to the Court of Appeal, that Court has no knowledge of the previous history of the appellant. That is an important matter for this reason: In imposing sentence a Magistrate has the history of every individual before him and, it seems to me, if he imposes a sentence of one month he has done so having regard not only to the facts of the case but the previous history of the defendant. Is it to be said that the Court of Appeal, without that accompanying document, should *ex facie* on the facts before it have the power to increase a sentence?

I cannot understand the hon. Attorney General's intervention. I know that in a Criminal Court, after the verdict of the Jury the Judge asks for the record of previous convictions, but that is not done in the case of appeals. This Bill seeks to give the Court of Appeal *ab initio* the power to increase a sentence without having the previous history of the appellant. In other words a first offender is in danger of having his sentence increased for his first offence.

Members of the legal profession can tell of numerous instances in which Judges sitting on the civil side of the Supreme Court have expressed the view that cer ain legislation ought to be altered in order to give effect to this, that, or the other. Why has no response been made to those suggestions? There is no necessity for this measure, and I

agree that it is a most unhappy Bill. In most matters on which legal Members give their opinions in this Council it is often suggested that they have a personal interest in doing so. In this particular Bill no such charge can be laid against any of us, for the reason that it is a matter in which only members of the public are concerned. A man charged with an offence is a member of the public, and it is our duty to see that a man placed in that position who is advised by counsel to go to the Appeal Court should not take the risk of not only having his conviction maintained but his sentence increased. That would be entirely contrary to what has been the legal practice in this Colony.

THE PRESIDENT : I will ask the hon. Attorney-General to deal with some of the points which have been raised, after which I will decide what action I should take.

THE ATTORNEY-GENERAL : I have listened to the hon. Member for New Amsterdam (Mr. Woolford) explaining that lawyers have no interest in this matter, but among the lay Members it may well be said that this Bill will reduce the number of appeals. I think the point about lawyers having no interest in the matter can therefore be pushed too far. We have had a lot of talk about the Ordinance of 1929. The really curious thing about that Ordinance is this: Everybody at the time it was passed apparently thought that it gave the Court the power, as the Ordinance was worded, to increase sentences. It was not until some time afterwards that the first doubt arose in the matter. If hon. Members will read the section they will see that it does at first sight appear as if the power exists.

It has been said that in this Colony one reason why the Appeal Court should not have this power is because there is no Court of Criminal Appeal as in England. The constitution of the Full Court of the Supreme Court in this Colony is comparable with that of the Court of Criminal Appeal in England which consists of three Judges of the King's Bench Division. Here the Appeal Court, which hears appeals from Magistrates, is constituted by three Judges of the Supreme Court, though the Court may function with two Judges if the Chief Justice considers it necessary. There is thus very little difference in the composition of the two Courts.

The next point mentioned concerned section 9 of the Ordinance. That point, I confess I had not thought of or realized, and for that reason I shall ask at a later stage that I may be given time to consider the question of the amendment suggested.

The hon. Member for Berbice River (Mr. Eleazar) and also the hon. Member for the North-Western District (Mr. Jacob) had a great deal to say about the liberty of the subject. Now please consider the facts under consideration. Before the Court considers the severity of any sentence, they will obviously have already decided to disallow the appeal against the conviction. Any question regarding the appellant's liberty has already been decided against him, therefore and consequently, any discussion regarding the liberty of the subject is irrelevant to the present debate. We are told that for the Appeal Court to increase a sentence imposed by a Magistrate is to interfere with the discretion of the Magistrate. Is a Magistrate the only person competent to form a right conclusion in this matter ? If a Magistrate can commit an error on one side surely it is logical to hold that he can make an error on the other side. When a man appeals from the decision of a Magistrate, he either asks the Court of Appeal to say that the Magistrate erred in finding him guilty or that he imposed too stiff a sentence. In other words, he invites the Court of Appeal to substitute its opinion for that of the

Magistrate. The appellant himself asks the Court to upset the Magistrate's discretion, either by saying that he was wrongly convicted or that he was given too stiff a sentence. How then can he be heard to complain that in one case only the Magistrate's discretion is overruled?

I have already mentioned that the Criminal Appeal Act gave that power in England in 1907. The Attorney-General dealing with that particular clause, quite rightly said "If you appeal to Caesar you must abide by Caesar's judgment." In other words, if you yourself appeal and put yourself in the hands of another Court you must abide by the finding of that Court. The principle was accepted in England and what has been the experience? Since 1907 there have been proportionately very few cases in which sentences have been increased. This particular provision in English law was copied from the jurisprudence of several other nations which have had it for the best part of a century. I refer especially to certain continental Courts. It seems to me that if in England they are satisfied with 35 years' practical experience of that provision—and many foreign countries are quite satisfied also—and they have not complained that the Appeal Court interferes with the liberty of anybody or takes away the discretion of anybody, surely we are not so very different in this Colony that we should come to a different conclusion?

A very great deal was said about the fact that Sir Maurice Camacho thought it would have the effect of reducing the number of appeals. Well, that was the result in England: it did have that effect. If it would have the same effect in this Colony, I honestly think it would be a good thing. It will not prevent anybody bringing an appeal, but the only people who will think twice about appealing will be those who know they have been very lucky in not getting a heavy sentence. In other words, if you are given one month and you feel that you deserve six months you would not run the risk of an appeal. The Court of Appeal does not consider whether a sentence is too severe or too light. The Court really considers what is a just sentence, and a just sentence is that which human society requires for its own protection.

The hon. Member for New Amsterdam (Mr. Woolford) asked how is the Court of Appeal to know whether a man has a blameless past or has previous convictions? No Court will impose an increased sentence until it sees the man's criminal record. In England and in other Colonies counsel who appears for the Crown takes with him a signed certificate of the appellant's previous convictions, and after the conviction has been upheld the Court asks for the record of previous convictions and it is produced.

Mr. ELEAZAR: That never happens here; the Judge never knows. In the Court below the Magistrate looks at the list of previous convictions which is produced by the Police and then hands it back.

Mr. WOOLFORD: The hon. Attorney General is confusing what is the practice in Criminal Courts. We are speaking of appeals from the decisions of Magistrates under this Ordinance, and I say positively that the Court of Appeal has no record of the previous convictions of a person and under present conditions it does not enquire into that. It either upholds the appeal or it does not. This Bill will have the effect of enabling the Court of Appeal to increase sentences, and unless we are going to vary the practice and furnish the Court with a record of previous convictions as the Magistrates have it will be a danger. That is my point.

THE ATTORNEY-GENERAL: I was endeavouring to show that in

England and other places the procedure we are now trying to introduce here is in practice now, and that counsel who represents the Crown produces a certificate of previous convictions. I do not say it happens in this Colony. In actual practice, even in this Colony, counsel appearing on behalf of the Crown does have it with him in his pocket.

The hon. Member for New Amsterdam (Mr. Wooiford) asked, why take up one point made by a Judge or two Judges and amend the Criminal law when similar recommendations were made by the Judges to amend the civil law? As far as has been brought to my knowledge, no recommendation to amend the Civil Law Appeals Ordinance has been made by the Judges, but several amending Bills were actually inspired by remarks made in Court from time to time. I have not had an opportunity to see the amendment to section 9 suggested by the hon. Member for Eastern Demerara (Mr. Humphrys) and, as I would like to see it, I now suggest that the debate be adjourned at this stage.

THE PRESIDENT: The point that appeals to Government is the clarification desired rather than an attempt to introduce a new principle, but in view of the numerous points raised by hon. Members I shall not press the second reading of the Bill to a division at this moment. I therefore adjourn the Council until noon to-morrow when we will proceed with the other Bills.

The Council adjourned accordingly.