

## LEGISLATIVE COUNCIL.

*Tuesday, 3rd September, 1940.*

The Council met at 11 a.m. pursuant to adjournment, His Excellency the Governor, SIR WILFRID JACKSON, 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.

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

The Hon. F. A. Luckhoo, O.B.E., (Eastern Berbice).

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

The Hon. E. F. McDavid, M.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, Comptroller of Customs.

The Hon. N. M. MacLennan, Director of Medical Services.

The Hon. M. B. Iaing, O.B.E., Commissioner of Labour and Local Government.

The Hon. G. O. Case, Director of Public Works and Sea Defences.

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

The Hon. B. R. Wood, Conservator of Forests.

The Hon. L. D. Cleare, Director of Agriculture, (Acting).

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. Peer Bacchus (Western Berbice).

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

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

The Hon. C. V. Wight (Western-Essequibo).

The Hon. T. Lee (Essequibo River).

## MINUTES.

The minutes of the meeting of the Council held on the 30th day of August, 1940, as printed and circulated, were confirmed.

## ORDER OF THE DAY.

## STOCKDALE PENSION BILL, 1940.

THE COLONIAL SECRETARY (Mr. G. D. Owen): I move that the following Bill be read the second time:—

A Bill intituled "An Ordinance to make special provision for the payment of a pension to Sir Frank Arthur Stockdale in respect of his service in the Colony."

By a resolution passed by this Council in February, 1929, it was resolved that Sir Frank (then Mr.) Stockdale should be paid a pension at the rate he would have received had he retired from the Colonial Service on the ground of ill-health on the date he assumed duty as Assistant Agricultural Adviser to the Secretary of State for the Colonies. Clause 2 provides the date on which he shall be regarded as having retired. This Bill gives effect to the resolution I have mentioned.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed,

THE COLONIAL SECRETARY gave notice that at the next or a subsequent meeting of the Council he would move that the Bill be read a third time and passed.

SUPPLEMENTARY (APPROPRIATION) (1939)  
BILL, 1940.

Mr. McDAVID (Colonial Treasurer): 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, 1939" be read a third time and passed.

Mr. AUSTIN seconded.

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

Bill read the third time.

MOTOR VEHICLES AND ROAD TRAFFIC  
BILL, 1940.

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

A Bill intituled "An Ordinance to make provision for the licensing, regulation and use of motor vehicles, the regulation of traffic on roads and otherwise with respect to roads and vehicles thereon.

Clause 6:—Road Service Licences.

THE ATTORNEY-GENERAL (Mr. E. O. Pretheroe): As was decided at the last meeting of Council this is left to the free vote of this Council and there is nothing I propose to say on the merits or otherwise of it as I have less experience of traffic in this Colony than any other hon. Member of Council. I only wish to make two remarks. The system embodied in this Bill is new as far as this Colony is concerned, but has been found practicable in other places. As I see it, this Council can adopt one of three courses, viz., accept it subject to any minor amendments considered necessary, or accept it subject to the same condition but insert a clause to make it operative as from some future date, or reject it. If hon. Members decide to delete the clause from the Bill I will move the necessary consequential amendments.

Mr. DE AGUIAR: When the Council was considering this clause last week I endeavoured to point out several hardships which would arise as the result of the operation of the clause. Following upon what the hon. Attorney-General has stated, we are all agreed that a clause of this kind is desirable, but perhaps it is too early to bring it into force. If that is the general view of the Council, I am going to suggest in order to open discussion on the clause that the words in subclause (1) "on and after the first day of January, 1941." be deleted and the words "on the day to be appointed" be substituted. The subclause will then read: "On the day appointed no person shall operate a motor bus unless he is the holder of a road service licence." That will give power to the Governor in Council at a later date, or perhaps never, to bring it into force.

THE CHAIRMAN: What is wanted is a clause deleting that whole part of the Bill so as to give effect to what you want—that it should be brought into effect on a subsequent prescribed date or one fixed by proclamation or order. I am doubtful that what you suggest will give effect to what you want.

Mr. DE AGUIAR: My idea is to defer its operation for some time so that the people will be able to put themselves in order to comply with the several requirements. My view is that they cannot comply with them at present. We are making legislation that is not only going to increase the difficulties of the people but put Government in some difficulty also. I imagine that some of these services will cease altogether, and that will create a hardship on the travelling public or the people who use these services. If that view is acceptable and it is found practicable to put another subclause to this Bill which will defer its operation, I am going to suggest that no date be fixed, but that it be done as I have just mentioned by using the term "An appointed day." Probably it may never be put into operation at all, or at least not for some time to come.

THE CHAIRMAN: You still have to provide some method of appointing the day.

Mr. PEER BACCHUS: I do not think that this part of the Bill should have been in it at all. If I remember correctly, there

are similar provisions in the existing Ordinances but they are only for the monopoly of routes by any organisation or company. In the Bill before the Council it is sought to bring under such restrictions, people who are allowed to operate as they do to day. It should be put into force where one has the monopoly to run a bus service. I see that provision has been made that those buses which have been running for the past five months are to be granted licences. I do not think that is sufficient. Such a provision is all right where the service is operated by one company on time schedule and the fares are fixed by Government. I do not think such restrictions should be imposed on the people who are running their own buses, whether the business is paying or not.

Mr SEAFORD: I do not think I should go as far as the hon. Member for Central Demerara (Mr. De Aguiar) in this matter. I would suggest that the wording of subclause (1) should remain, as I do not see any harm in it, and also subclause (2) (a). I think Government should take cognizance of the types of vehicles to be used for the comfort and safety of passengers. I agree with the hon. Member for Western Berbice (Mr. Peer Bacchus) that the other regulations, if they may be called so, are more suited for services that have a monopoly of any special route. It will be very difficult on our country roads especially to maintain regular scheduled times. I do not think we are sufficiently advanced to grant any monopoly to services in our country districts as yet. At the same time I think Government should have a certain amount of control over all vehicles. I am sorry I was not in the Council when the matter was debated on the last occasion, and so I am not sure as to what actually took place. I think that clause 61 (1) should remain, and an amendment made to (2). That will meet the case.

Mr. C. V. WIGHT: I do not know whether the hon. Attorney-General would concur with the view that provision is embodied in an ordinance—No. 43 of 1932—for the particular purpose of granting a monopolised service under a licence of this sort to any particular body or persons, corporate or otherwise, who desire to run a special service. I do not propose at this stage to go into the ques-

tion of the whole history of the omnibus service of this City. It seems to me a standing disgrace to a City of this nature that for all this time it should be without a decent omnibus service. The old ordinance—No. 43 of 1932—which it is proposed to repeal had in all these clauses, provided the Governor in Council thought fit to grant a particular monopoly to a certain service operating in the City. We had an opportunity some time ago and, I think, it is one of the predecessors of the Colonial Secretary or perhaps an Officer Administering the Government, who balked it for reasons best known to himself, maybe personal or otherwise. We had a fine opportunity to put into operation the general provisions under this part of Ordinance No. 43 of 1932, but it seems to me that to ask the nondescript bus service of this City to comply with those regulations is rather creating a hardship on certain persons or individuals who are attempting to relieve a situation in which Government and the Municipality should never have found themselves placed. The whole of the provisions in that part of Ordinance No. 43 of 1932 relating to this matter should be re-embodied or re-enacted, until such time as a proper service is put into operation and until such time as the desired provisions can be carried out. It seems to me that the alternative is to re-enact the whole of that part of the Ordinance until the unsatisfactory condition of affairs obtaining in the City is remedied.

There is a certain proposal with which several persons are in disagreement. Some think that the service should be operated by the Transport and Harbours Board, some think that the Municipality should do so, and some that it should be run by private enterprise; but nothing has been done up to the present. We have just remained in a nebulous state of apprehension and concern as to when to get things done. These provisions, if studied carefully, will be absolutely abortive because what will happen is that the present service, which is being operated in the City by individuals about whose concern it is very difficult to obtain a kaleidoscopic view, is out of proportion to the object as put here. Whether a date is put in or not does not matter, because what is going to happen is that those operating the present service are not going to be able to comply with half of the provisions.

Mr. LUCKHOO: With respect to this compulsory road service licence, this part of the ordinance has given me much food for thought and, I am afraid, I can see no way out of the difficulty other than by adopting the suggestion made by the last hon. Member, who spoke, to have the provisions of the present ordinance re-enacted in this Bill. There can be no doubt that those people, who are operating a motor car service at present especially in the country districts, are providing a public utility service for the community. I feel sure that this Council does not desire to deprive them of any rights which they enjoy at the present time. They are providing transport facilities for those of the poorer classes who cannot get about except by bus. The Bill, as it stands at the present time, requires that "no person shall operate a motor bus unless he is the holder of a road service licence." That seems to be out of the question entirely. The effect of that, if passed in that form, will be to drive away from the public roads of the Colony all the buses that are operating particularly on the Corentyne Coast. This road service licence is only applicable to places where a service is carried on by one or two proprietors. Take the Corentyne Coast: there are about 20 or 30 owners of buses operating on the same route. In the Canje District we have about ten. Will you provide all of these proprietors with road service licences? What will be the object of it? I agree that the clause is too advanced for conditions existing here at the present time. This is a wholesale copying of laws from other places which are really not desirable in this particular instance at least, and I shall certainly urge the three alternatives suggested by the hon. Attorney-General—either adopt it, or delete it, or pass it subject to such amendments as the Council may deem desirable. I much prefer to adopt the course as suggested by the hon. Member who has last spoken and that is, that we embody the provisions of our present law in this particular Bill. To wait on the appointed day, when will it come? What are we to understand by "the appointed day," if there is no fixed period? You leave them in a state of uncertainty and confusion, if you adopt what is intended to get you out of the difficulty.

These services are run in the country districts, particularly in the Corentyne

and Canje districts where you have no alternative service. It is not like on the East Coast and West Coast Demerara where you have a railway service running alongside the bus service. In Berbice there are no transport facilities other than the bus service run by these people, and the bus service is meeting the wants of the community and affording a public means of getting from one place to another. I do feel that we should go about this matter very cautiously. While it requires straightening out in some directions there does not exist any necessity for this wholesale and drastic measure in order to settle this question of road traffic. We are not sufficiently advanced to warrant the introduction of a road traffic licence fixing the time and place of operation of the service. One has to take into account the state of the roads in some of the country districts. During the last heavy rainfall on the Corentyne Coast considerable difficulty was experienced in getting from one part to the other. Whereas it ordinarily took a motor car two hours to travel between Canje and Skeldon, those travelling to attend Court had to spend three and a half hours going over roads that looked like corrugated zinc sheets. It will serve no useful purpose in fixing the times for taking the people up and dropping them. People who have any knowledge of the countryside will not urge the introduction of such a provision for the country areas. It may suit the town where you have a large population and a good travelling public. In the country districts the people get up at all hours to get to the estates and it will be very inconvenient to have such a provision. It seems to me impracticable and unworkable. While it may be desirable to tighten the Ordinance, I think this provision is applied in the wrong direction. It will curtail the travelling facilities of the people in the country districts, particularly in Berbice where the people are not served by any railway or alternative transport service. Take that into consideration and you would see that as far as the country districts are concerned it is unworkable.

Mr. ELEAZAR: I cannot agree with the system of logic which has been advanced by most of the hon. Members who have spoken. A Bill of this nature is long overdue. When the tramway was withdrawn in Georgetown it was with the

understanding that immediately afterwards a bus service would be instituted. That has not been done. Several years have elapsed—more than ten years—and in its stead we have a lot of ramshackle buses running about the City, which no decent person even in an emergency ought to get into. Some of them are not fit to be on the road at all. Is it not time to give the facility to an individual, or a number of individuals, or a company who will operate the service and put decent vehicles on the road? How long are you going to wait? By this clause I see Government gives them from now to the end of the year to prepare themselves. I quite admit that this provision will have to be amended to meet the needs of the country districts. A road service, as I understand it, is that your vehicles can only run along a certain route. While the route from New Amsterdam to Skeldon can certainly support a decent road service, the East Bank Berbice which I have the honour to represent is neglected and cannot support any service at all. Some time ago when a single bus was running up and down there, what happened? On account of the sparsity of the population the bus-owner was granted permission to carry more than the allotted number of passengers, and another man forthwith got a much larger bus and ran from New Amsterdam to Mara at half the fare rate and on Saturdays he would throw in a free theatre ticket for the people travelling from Mara to the theatre and back. It killed the other bus service but itself could not exist and so both went eventually. In a district like that one individual or a couple of individuals may run a service, but if it is left open all those operating on the Corentyne Coast, who cannot continue as the result of the road service licence, would go there. Government has the right to say if a particular service should be given a licence and if another should not have it. I think the Corentyne is an essential place for the introduction of road service licences.

When the matter first came up I was one of the strongest opponents to it. I felt that with about seventy odd buses running on the Corentyne Coast you had no right to throw them out like that. But what has been the result? They are operating the service "dog" cheap. From Davson's in New Amsterdam to Springlands for which one had to pay ten shillings heretofore it

is now two shillings. It cannot pay anybody, and so those people in town who say they are selling the buses are really only renting them as the buses are dumped on them again owing to the people being unable to pay for them. That is one of the reasons why I voted against third party insurance. Now that it has come into vogue it will help to make the people pay little more for travelling. It is unfortunate. You cannot successfully operate a proper road service from New Amsterdam to Skeldon for a fare of one shilling, but you may for one shilling and sixpence not, however, with comfort and a desired measure of safety. Some of the buses should not be on the road at all, as they are death traps and it is only the skill of the much abused chauffeurs which carry them through. Some of the chauffeurs call themselves qualified mechanics, but they are only glorified grooms. They however manage to acquire a skill in driving that saves many lives. Government must control the thing at some stage or other and cannot wait forever to do so. It is long enough time that Government should bring in a Bill of this nature. Government must direct for which particular route a service will be granted a licence. Government should not allow the present conditions to continue for another five, ten, or fifteen years, as the case may be.

As far as I am concerned I do not see why the road service licence should not apply at once on the East Coast Demerara. Why pay thousands of dollars a year to keep up the roads for these people to break up, only because they are making a living by the running of their buses? You have the railway operating there and the buses are running around and taking away all the traffic which should go to the railway. That should not be. If they are to do that, they must put decent vehicles on the road and pay something decent to compensate to some extent for the damage they do to the roads. Whatever else you may think, if you consider the subject dispassionately, these gentlemen who run these buses and claim to be making a living thereby are not doing so for love or for the benefit of their health but to make money out of the travelling public, and they are making money without giving value for it. To get into one of these buses it is like going into "Jackson's fowl roost." I do not think I can manage it. In the old tramway days on visiting Georgetown

I bought five tickets for one shilling and drove to the Sea Wall and back and to Peter's Hall and back, and when I returned to New Amsterdam I would have one tram ticket still left in my possession. To-day I have to pay a shilling for a drop by motor car to the Sea Wall and another shilling for the return drop; you have to pay one shilling to drive to the Railway Station and another shilling for the return trip. These people are preying on the community. It is no wonder the tourists are shocked at the charges. A decent bus service is necessary. A visitor to Georgetown with not much time to spare desiring to go around sight seeing must be prepared to push his hands deep into his pockets. He cannot think of using the bus at all, but must get a car.

I am asking Government not to postpone this matter any longer. Let it come into operation. The people concerned have until the end of the year to put themselves in order, and Government will then be able to see whether any further extension in respect of certain routes ought to be given. In the meantime Government can obtain information about the several routes on which these buses operate. Let us begin somewhere. We can begin in 1941, and can modify the requirements as we go along to suit local conditions. Those hon. Members who are objecting to-day will see when it is put into operation that it is an advantage. What is there to prevent three, or four, or twelve of the bus owners on the Corentyne Coast forming themselves into a proper company and placing a proper service on the road? The public will not object to paying a little more on their bus fare for greater convenience and comfort. At present the owners of these buses do not consider the comfort of the people travelling on their buses. I am supporting this Bill and hope that whatever you do, you will let this part of the Bill remain.

Mr. JACKSON: While it is certainly desirable that in Georgetown there should be a reliable bus service with specified hours of running, I cannot conceive a service of that kind being established in the country districts. At the present time there are various owners of buses who use their vehicles for the pur-

pose of taking passengers from various places to their destination. It would be impossible indeed for those persons to have a proper time-table.

THE ATTORNEY-GENERAL: If reference is made to clause 62 (2) it would be seen that there is only one thing the Board must do, and that is to prescribe the route. The other things, including the time-tables and stopping-places, the Board may do if they think they are necessary and practicable.

Mr. JACKSON: A service of that kind can only be run by an established company in charge of all the buses, but to bring this into operation now will mean putting out of commission a number of buses plying at the present time. There is no doubt that the buses are competing with the Transport and Harbours Department, and that in some places there are various means of transport each competing with the other. There is no denying the fact that road transport at the present time is, perhaps, considered better than railway. I do want to assure Government that to bring into operation a Bill of this kind at the present time will be to create a great deal of hardship not only on bus owners in the country districts but on the travelling public. The fact that the buses are used shows that their convenience is appreciated by the people who use them, and I advise Government to go slowly in this matter, taking everything into consideration. If the necessity arises for bringing into operation a Bill of this kind, as shown in this clause, let that be applied to an area such as Georgetown or New Amsterdam where prescribed routes can be appointed and the provisions of the Bill carried out. I do not think it will be the best thing to bring it into operation in the country districts.

Mr. AUSTIN: I am of the opinion that the provisions in the clause should be tried out. Government must protect the travelling public in so far as it is possible to do so, especially in such outlying districts as the Corentyne Coast and the East Bank Demerara where there is no competition with the railway or any other service. Do hon. Members know—and I think some must know—how long some of these buses stop outside rumshops when they have passengers on board? It is

frequently done especially on the journeys from Skeldon to New Amsterdam and from Grove to Georgetown, and those unfortunate people of both sexes have to stay on board for half an hour or three quarters of an hour longer before getting to their destination. I think we should endeavour, if possible, to protect these unfortunate travellers who are not very well off and have to travel by this form of conveyance. They never know when they are going to get to their destination, and on the return trip when they are going to arrive at their homes. Another thing is, if it is possible to do so, we ought to check that form of blackmail which is imposed on travellers when a bus breaks down, as they frequently do. The passengers are made to pay double fares by having to join another bus to take them to their destination. I do not think this particular clause is going to impose any hardship on the bus-owners or on the bus-travellers. We want to educate the bus-owners and bus drivers as to their proper duties when carrying passengers, and to my mind this is the time to do it.

Mr. JACOB: It seems to be the general opinion that this clause is going to create a hardship which cannot be borne at the present time by a certain section of the community. The point I wish to make is, that while this clause may be desirable in certain parts of the Colony it is not desirable throughout the Colony, and exception may be made as regards those outlying country places where hardships may be created. I was rather surprised on listening to the remarks of the hon. Member for Berbice River to hear him make a general wholesale condemnation of the buses. If I refer him to his native village of Buxton, he would realize that the buses in that village are a great convenience to the people there although the village has a railway station. That village is over a mile long from North to South and the railway station is about a half mile from both extreme points. The people travel to and from the village at all hours of the day and even at night and find the buses of great convenience in taking them about and dropping them almost at their doors. While it has been pointed out by the hon. Mr. Jackson that it will be unfair and unwise to restrict competition which has always led to improvement in the various services, does the hon. Member for Berbice

River feel that in British Guiana, at least certain parts where the railway is running, there should be no other kind of conveyance?

Mr. PEER BACCHUS: I also would like to remind the hon. Member for Berbice River that there are provisions in the existing ordinance whereby application can be made to the Governor in Council, and on that application the Governor in Council can grant a road service licence. There is therefore no need to create a road service licence for the entire Colony. If we look at Ordinance No. 43 of 1932, it would be seen that section 28 provides that the Governor in Council may grant a road service licence for the county of Demerara including Georgetown. There will be no harm in extending that to the whole Colony, so that the Governor in Council will consider applications with reference to any road where it is necessary in the best interest of the public that a road service licence should be given. I think that Part II of Ordinance No. 43 of 1932 should be incorporated in this Bill. If we look at clause 68 of the present Bill we would find that regulations are to be made for fixing stands and stopping places on the routes. If those routes are being served by several bus-owners, whose responsibility it would be to provide those fixtures when they are going to be used by several bus-owners? Such a condition can only be granted in so far as a road service licence is concerned to an organization and not to several private persons operating on the route. In some cases, as we are told by the hon. Member for Berbice River to be existing on the Corentyne Coast, there are about seventy buses operating on one route. How can the condition be enforced on them?

Mr. ELEAZAR: Some should go out of operation!

Mr. PEER BACCHUS: So far as the ramshackle buses are concerned, I may also remind the hon. Member that there is sufficient provision made in the existing ordinance for the examination of these buses annually as to their fitness. They can be called in at any time before the prescribed annual examination to see whether they are in a fit state to operate on a route. Adequate provision is also made in the present ordinance dealing

with the conduct of bus-drivers—if they are found to be drunk or in a condition not to be able to control their vehicles.

Mr. C. V. WIGHT: I do not quite appreciate the hon. Member's position—whether he is supporting my suggestion, or accepting part of my suggestion, or adopting it as an alternative or better suggestion. He suggested the incorporation of Part II of Ordinance No. 43 of 1932 in the Bill, and I am suggesting the incorporation of Parts II and III. I quite appreciate and do agree with Government's policy in respect of the question of road service licences and I do not think it should be eliminated. If the hon. Member approach it from an analytical point of view he would find the difference. There is a penalty provided for drunkenness. If a driver is found drunk, he is charged and on conviction his licence is usually taken away and he is liable to penalties of imprisonment. I would suggest that clause 61 be taken in conjunction with Part III of Ordinance No. 43 of 1932.

Mr. AUSTIN: With your permission, sir, I would like to correct the inference made by the last two speakers. I did not suggest there was any drunkenness at all. Very often the passengers themselves stopped the bus and went and received hospitality at those roadside houses. It is not a question of the driver being drunk but a question of the passengers being detained on the journey.

Mr. ELEAZAR: As I understand a road service licence, it is a licence to permit certain buses to run over a particular route. If that is the case, I do not see how anybody can say it should apply over the whole Colony. I cannot conceive how any hon. Member can see a hardship in it. You are trying to give comfort to the travelling public, those who must use these vehicles. The time must come when a stop should be put to these ramshackle buses operating on the road and this Bill, as far as I can see, has all the safeguards in the giving of all facilities to the travelling public. I see in clause 62 that the Authority will give due consideration to the needs of the district in deciding whether a road service licence should be granted or otherwise. That is plain, unless hon. Members living in Georgetown do not understand what is happening in the country districts

Mr. SEAFORD: I am not suggesting that there should be no road service licence. The hon. Member was not paying attention at the time. My point is that the condition of the roads makes it quite impossible to maintain any fixed schedule.

Mr. ELEAZAR: The hon. Attorney-General has said that consideration will be given to that. I do not see how you can have a fixed schedule for the Corentyne where you travel four or five miles along the road without meeting a residential area. If an individual meets a bus on the way why should he not be able to take it anywhere? All these things can be gone into and modified to suit conditions, but they will not interfere with the framework of the Bill which is long overdue, much the same as a proper bus service in Georgetown.

Mr. WOOLFORD: I gather from the remarks of several hon. Members of Council that they are labouring under some misapprehension as to the procedure to be adopted in making application for a road licence. That application is governed, so far as I see, by clause 61. That is to say, anyone who wishes to operate a road service whether in Georgetown or in the country districts has in the first place to apply for a road service licence. If hon. Members would look at the provision they would see that it enjoins on the applicant the necessity of making an application and embodying what is required in sub clause (2). There are at the end of sub-clause (d) of sub-clause (2) some words that rather indicate that even when that application is being made the Prescribed Authority may do something. I think those words are unnecessary. Sub clause (d) is the contentious provision referred to by hon. Members and it reads:

Every person who applies for a road service licence shall submit with his application to the Prescribed Authority in any case such particulars as to the frequency of the services and the times to be taken on the journeys included in those services, as the Prescribed Authority may require.

The applicant cannot know beforehand what the Prescribed Authority may require. I suggest that those words "as the Prescribed Authority may require" be eliminated. I say so, because when the application has been made to the Authority the provisions of clause 62, as the hon



Attorney-General pointed out, will then govern the application. Let us examine it for a moment and see what possible objection there can be. It is only when you come to the consideration of the effect of clause 62 (2) that you can apply a very clear mind to what is intended. Those words are very important. The sub-clause reads :

Subject to the provisions of this section and to any Regulations the Prescribed Authority shall specify by endorsement on the licence the routes on which the motor bus may ply or stand for hire and may attach to a road service licence such conditions as it may think fit with respect to the matters to which it is required to have regard under the preceding subsection, and in particular for securing that—(passing over the question of fares, etc.)

(d) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points.

It is being supposed that the licensee for the Corentyne Coast is going to be told: "You cannot stop at the Canje Bridge, you may not stop at Albion, and you may not stop at Whim." Surely hon. Members must realize that the Prescribed Authority, constituted as it should be by men who have some experience of the particular district, is not going to impose such irksome conditions on the licensee of the particular district; nor for the benefit of the hon. Member for Western Berbice (Mr. Peer Bacchus) can you suggest that the Prescribed Authority is going to say if you must stop at Fort Wellington or at Weldaad or at Bath. These things do not happen at all, not even in Georgetown. We are a backward people, but let us get on with something.

THE CHAIRMAN: The Authority need not impose anything!

Mr. WOOLFORD: I think I have made that quite plain by my interpretation. Having made application it goes to the Prescribed Authority, and that Authority may do several things. Unless you are going to presuppose the Authority is going to do stupid and foolish things, why anticipate the Authority is going to impose on a licensee such things as I have heard hon. Members say may happen? We must give the Prescribed Authority the benefit of the same reasoning powers and the same discretion in anything that they have to do that we will show. Some hon. Members here may be on the Prescribed

Authority. Give the Governor in Council an opportunity of establishing this Prescribed Authority and of making the personnel one which can be relied upon not to impose these phantom conditions. I appeal to hon. Members not to take that view. They may or may not impose irksome conditions. I cannot conceive that they will impose conditions such as I have indicated—restrictions in respect of the running of buses and stopping even at rumshops on the route, which the hon. Mr. Austin visualized. If they stop at rumshops at all it is for more reasons than one, even if it is to get water for the radiator. I urge on hon. Members the desirability of giving this Bill an opportunity of being put into practice. No hon. Member has as yet referred to the immense loss of life as the result of bus accidents and the danger generally to public safety, which have taken place during the last two years on the public roads.

Mr. C. V. WIGHT: I do not like to interrupt the hon. Member, but I do not know whether he was in his seat when the amendment was put that motor vehicles should be operated as buses. I am under the impression that the hon. Member was not present. Perhaps he may change his argument on some of the points he is making, if he just look at the definition of "hired car" and "motor bus." A hired car is defined as a vehicle for carrying seven passengers, and a motor bus is defined as a vehicle for carrying eight passengers. When you talk of loss of life which is the more dangerous, the travelling of seven in a hired car or eight in a motor bus?

Mr. WOOLFORD: I am endeavouring to make the point that the time has now arrived when there should be interposed between the granting of the licences and the using of the buses some competent authority to prevent the danger to public safety that has been manifested within the last few years. There is no one in this Council Chamber—unless he is a person who does not think and there is no hon. Member here who does not think, I venture to say—who would like this competition that we have heard of on the Corentyne Coast, this racing between buses, to be allowed to continue. Left to themselves they have reduced the competition to such an extent, that one can

say they almost run for nothing so as to eliminate each other. I have heard the threat used: "If you don't allow me the opportunity of catching the New Amsterdam ferry I am going to run for nothing for a year." You have fifty or sixty buses running where only twelve used to run before, and I know there was a time before when only six buses ran on that route. This condition of things has been entirely due to the indulgence of the Police. There can be no doubt that the examination of the buses is responsible. I will not say that the examination is done in a perfunctory manner. I believe it is very thorough, as I have seen officers engaged in doing it; they are competent men and perform their duties satisfactorily, but it does not seem to me they are able to control what is a dangerous state of affairs. It has come to this that you are going to have the insurance companies withdrawing their support. They are not bound to issue a policy and, if they do not, you might say those buses should not be allowed to run and then there would be room for complaint where there is no service at all and Government would be put to the necessity of finding some means of doing it. I must remind hon. Members that for this service on the Corentyne Coast Government once paid a subsidy of \$5,000 or more a year. The service was run by Messrs. Davson & Co., Ltd. You may have to revert to some such condition of things. Let us have this Prescribed Authority and save expenditure of public money. You will find as the result of control you may have a fair standard of comfort and at any rate a proper bus service so far as the country districts are concerned.

May I point out that this question of the schedule is important only on one point. What really happens savours of ingenuity. Some of these buses on the East Coast time their arrival and departure according to the train schedule. It is quite easy to see their object. Each man starts before the scheduled arrival or departure of the train or waits until the train has gone an hour before leaving. They find customers because the buses are going to catch the train before it gets to Georgetown, and in that way you get the railway in competition with the buses. On the West Coast, Demerara, there is a very serious competition with the rail-

way service on a route which is in juxtaposition to the railway and so many buses may not be allowed to operate there. These are all matters for the exercise of discretion by the Prescribed Authority. If the matter is left to the Commissioner of Police or the District Commissioner there would be an outcry against that, shouts of impartiality or suggestions made that a favoured few are granted licences. Let us rise about that. If it is the intention of hon. Members to see the City of Georgetown furnished with a proper service, let us try to prevent what happens at the Stabroek Market Square. We must do it, and the only person to do it is the Prescribed Authority. Give the framers of the Bill an opportunity of amending the Bill at some future date on the lines suggested by hon. Members.

Mr. C. V. WIGHT: As regards the remarks made by the hon. Member I would like to ask the hon. Attorney-General if consideration has been given to the definition in relation to "hired car" and "bus." If clause 61 (1) is enacted as it is at the present time, what would be the position? On turning to the definition of "motor bus" and of "hired car," while both are motor vehicles used for carrying passengers for hire or reward, the "hired car" has a complement of not more than seven passengers and the other not less than eight passengers. According to the definition of a "hired car" it is not a "motor bus" and it is not required to carry passengers at separate fares stage by stage or to stop to pick up or set down passengers along the line of route. I would suggest that if it is the intention of hon. Members to carry out the ordinance the difficulty may be overcome by an amendment of the definition of "hired car."

Mr. ELEAZAR: I cannot understand the hon. Member. You have a hired car carrying so many passengers and a motor bus carrying a larger number; I cannot see the difficulty. A hired car cannot be a bus. It is not only the vehicle but the construction that is different. These are all details. Let us have the road service licences and profit by the experience gained. This scandalous state of affairs in the country districts should cease.

Mr. DEAGUIAR I have always

listened with interest to the hon. Member for New Amsterdam (Mr. Woolford) whenever he rises from his seat to contribute to a debate, but this morning I must confess that I could not closely follow his logic when he attempted to support this clause of the Bill. He started off by referring to the number of deaths which occur on the public roads of the Colony and attributed that to the faulty registration of the buses.

Mr. WOOLFORD: I never associated the number of deaths with the registration of the buses.

Mr. DE AGUIAR: That is one of the inferences I draw from the remarks made by the hon. Member. Had he not interrupted me I would have gone on to tell him that he might have drawn the attention of the authorities concerned to the licensing of drivers who operate those vehicles rather than to the legislation enacted in the past governing the control of vehicles. I do not know that this Bill will remedy all the complaints the hon. Member has in mind. I do not know that this Bill will prevent careless driving any more than it will prevent a driver from stopping outside of a rumshop. Drivers will continue to stop outside of rumshops so long as they feel thirsty and can refresh themselves there. When these drivers make such stoppages and have to run according to schedules fixed by the Prescribed Authority there is apt to be more furious driving in order to be on time of their schedule. If that is not creating a danger to the public then I would have to look for something else. However, that is by the way.

In replying to what some of the hon. Members said, I would like them to try and visualize for a moment the difference between a service that is being operated by one individual or a corporate body and a number of services operated in the same area by a number of individuals. If hon. Members would only see the difference between these two types of persons operating such services they would begin to see the hardships of this clause. One hon. Member referred to stopping-places. I invite hon. Members to see what generally takes place in the vicinity of the Stabroek Market. I and several hon. Members no doubt have seen passengers being dragged

from the pavement or from off the street to the buses by busmen. What will happen if there is only one parking-place for thirty or more services?

THE CHAIRMAN: I do not want to interrupt the hon. Member, but from my experience of the operation of a system precisely like that laid down here that is one of the things which this system is specially designed to prevent by fixing the time of departure.

Mr. DE AGUIAR: That is very well. It is probably something to be aimed at, but I am saying that the time is not quite ripe. Some hon. Members may think it is and may know more than I do, but I do not think so. Hon. Members referred to existing legislation. Why not let that do until such time as we can do better? This is very ideal, but I cannot see how it is going to operate. The hon. Member for New Amsterdam referred to the "mays" and "shalls" in this Bill. I would like to appear in a Court of Law just to ask the question: What was the intention of the Legislature when "may" was used and when "shall" was used? It seems to me that this Bill is designed for some other purpose than what we have heard this morning. I am not going to enter into an argument, however, as to when "may" means "shall" and *vice versa*. I have no desire to delay the Council any longer. I think I have said enough on this clause. I am, therefore, going to formally move that clause 61 (2) (c) and (d) be deleted from the Bill.

THE COLONIAL SECRETARY: I think the hon. Member has moved an amendment in connection with the first two lines of clause 61 (1). Has he withdrawn that?

Mr. DE AGUIAR: Yes.

THE CHAIRMAN: I do not think we have got very much further to-day. I think there is a certain amount of misunderstanding in the minds of hon. Members relative to this clause of the Bill. Possibly it may help a little if I give my experience of another Colony where a system such as that laid down here was introduced and was in operation, as to how it actually worked. First of all I would like to explain that I am not in

any way responsible for the introduction of this section of the Bill. That was recommended by the Traffic Commission on whose recommendations generally the Bill is based. I understand from the hon. Attorney-General that the clauses of this part of the Bill are taken generally from existing legislation with the exception that in this part of the Bill they are made compulsory. I gather from the tenor of the debate that it is generally admitted that some control of traffic of this nature is required in the City of Georgetown in order to enable a proper service to be established. But there is considerable doubt as to whether it is necessary or practicable in other parts of the Colony. It seems to me, if I may make a suggestion, that perhaps one way of dealing with that is by the suggestion already made that this part of the Bill may be applied to any particular area or route or part of a route by order as required, but not generally throughout the Colony. The required amendment will give effect to that. You may begin by applying it to Georgetown.

As to the actual operation of it, I think, hon. Members are rather under a misapprehension as to what is actually involved. The whole of the powers given are permissive. All that is really essential is that road service licences should be granted. When a road service licence is granted the Prescribed Authority may or may not make such conditions as they think necessary, or such conditions as a particular area or route may justify or require. They may make no condition at all beyond just granting the licences. All it does is to give power to exercise control where it is thought necessary. In that other Colony where the traffic is much more dense than here and there are a great many more roads, the effect of it was that at the introduction licences were granted for practically all the buses which were then in operation. For the first year or so it practically made no difference. Then there was a public demand that a greater degree of control should be exercised, and by degrees that control was imposed first on one route and then on another route until at the end of three or four years it had the effect of controlling the traffic very much better, and of cutting out racing and unjustifiable competition, and of improving the type of buses in operation generally.

It does not follow that the condition

will be immediately imposed particularly in regard to country routes. If you want to improve the condition of the traffic it is necessary to create some sort of Authority which can bring about those improvements. If it is considered that too much is being attempted at the present stage for the whole Colony, I would suggest that this part of the Bill be applied in the Georgetown area or the county of Demerara whenever you think fit, and then afterwards, if it works satisfactorily, it may be applied to other parts where the conditions seem to justify it. Regulations of this kind are really the result of public demand for improvement of conditions of traffic. Unrestricted competition on the road does lead to a dangerous state of things—unsatisfactory types of vehicles operating and a great many other disadvantages. Wherever the traffic has become heavy, some measure of this kind, or something similar, has been introduced. It is not necessary to apply it all over the Colony. Speaking frankly, it is quite impractical to apply it all over the Colony. It may be applied to restricted sections of the Colony wherever hon. Members may think fit, and further afterwards as conditions justify. I want to make it clear that even when it is applied, it does not mean necessarily that a number of buses will be driven off the road. All that is essential is that road service licences must be carried out. A gradual process of improvement will follow.

Mr. ELEAZAR: I thank you for what you have said. I think all the difficulties are met. If hon. Members look at the proviso to clause 62 (1) it reads:

Provided that nothing in this subsection shall operate to prejudice the grant of a licence to any person who applies therefor and who proves to the satisfaction of the Prescribed Authority that he had been lawfully operating a motor bus for a period of not less than five months immediately prior to the date of his application for a licence.

Nobody will be prejudiced. Those buses operating now will have enough time to put themselves in order. It seems to me that the draftsmen have done all they need do.

THE CHAIRMAN: If this is struck out it would be necessary to re-enact what now exists in regard to Georgetown.

Mr. C. V. WIGHT: When I made the suggestion just now that according to the definition of "hired car" and of "motor bus" it is a question of interpretation, I agreed with the hon. Member for Berbice River. What is the difference in bringing into force road service licences for motor vehicles carrying not less than eight passengers and allowing hired cars carrying not more than seven passengers to ply stage by stage at separate fares? It is quite easy. The hired car is operating as a motor bus at different fares.

THE CHAIRMAN: Is the hon. Member proposing an amendment?

Mr. C. V. WIGHT: I suggest that the definition with regard to a motor bus will have to be altered.

THE CHAIRMAN: That is rather a matter of detail. I suggest that the Council adjourn for the luncheon interval, and in the meantime hon. Member may consider the suggestion that this part of the Bill be applied to particular areas by degrees as conditions justify.

Mr. SEAFORD: Who has authority to do that?

THE CHAIRMAN: Not the Prescribed Authority. It will be done by proclamation by the Governor in Council. It will be impractical to apply it to the whole Colony.

The Committee adjourned for the luncheon recess until 2 p.m.

2 p.m.—

The Committee resumed. Mr. LEE was present.

THE ATTORNEY-GENERAL: In order to meet the criticisms made by hon. Members I move that sub-clause (1) of clause 61 be deleted and the following be substituted:—

61 (1). On and after the first day of January, nineteen hundred and forty-one, no person shall operate a motor vehicle as a motor bus in any area or route in the county of Demerara including the city of Georgetown, or in any area or route which may thereafter be defined in any order made by the Governor in Council unless he is the holder of a road service licence.

Mr. SEAFORD: Does that eliminate Berbice?

THE ATTORNEY-GENERAL: For the time being, yes.

The CHAIRMAN: It limits the operation of the clause to Georgetown and the County of Demerara for the present.

Mr. JACOB: I have an amendment here which I think is more to the point. I move that after sub-clause (1) the following be substituted for the provisions in sub-clause (2):—

- (a) for the City of Georgetown;
- (b) from Georgetown to Rosignol;
- (c) from Vreed-en-Hoop to Parika.

I have in mind the East Bank of Demerara where there is no railway traffic. Where there is a railway in operation this clause may not cause much inconvenience, but where there is no railway communication it might be very difficult to conform to these regulations as from the 1st of January, and clause 62 provides a penalty for non-compliance with clause 61. I do not think there can be any objection to the amendment I have suggested.

Mr. C. V. WIGHT: Perhaps if the definition clause were re-committed we might amend the definition of "motor bus" so as to cover the point. As the clause stands a person can operate a 7-passenger car as a motor bus which would not come within the provisions of this clause.

THE CHAIRMAN: The definition clause can be amended later.

Mr. PEER BACCHUS: I intend to move another amendment. If I remember correctly a Committee recommended to Government the establishment of omnibus services to connect with the railways in districts where the population is far away from the railway stations. This particularly applies to the West Coast of Berbice where people have to travel three or four miles to get to the railway station. For that reason I think this amendment should also exclude Berbice, and a point should be situated at Mahaicony near to the railway line.

Mr. SEAFORD: May I ask the Attorney-General if the construction put on the clause by the hon Member for North-West

tern District (Mr. Jacob) is correct? In other words, is it obligatory on the Prescribed Authority to make regulations with which buses will have to comply?

THE ATTORNEY-GENERAL: Clause 62 (2) provides that all persons running buses at a certain date—six months prior to their application—will automatically be granted a road service licence which will be subject to a few or no conditions at all, and after 12 months the first changes will be made.

Mr. SEAFORD: That being the case, is there any necessity for the amendment moved by the hon. Member?

THE CHAIRMAN: It makes very little difference really. The effect of the amendment moved by the hon. Member for North-Western District (Mr. Jacob) is to extend the route to Rosignol and to exclude the East and West Banks.

Mr. SEAFORD: It extends it to Essequibo, because from the Boerasirie Creek it is Essequibo.

Mr. JACOB: I intended that it should extend from Vreed-en-Hoop to Parika.

THE CHAIRMAN: That would extend it to Essequibo.

Mr. JACOB: I have in mind particularly the East and West Banks.

THE CHAIRMAN: I think hon. Members are exerting themselves almost unnecessarily about these road licences. The fact is that anybody operating a bus now will get a licence automatically, and for some time to come, perhaps for 12 months, no conditions are likely to be imposed on anyone. After 12 months, when they have had time to study conditions, if the authorities feel that they can impose conditions in the public interest they could begin to do so. At the moment it will make practically no difference.

Mr. JACOB: Do I understand Your Excellency to say that for 12 months there will be no change?

THE ATTORNEY-GENERAL: That

is the effect of the amendment of which I have given notice.

THE CHAIRMAN: The provision is that all those who are now operating buses will get a road service licence. It is not prescribed, but it is proposed to prescribe a period of 12 months, so that you may take it that the effect will be that for 1941 there will be no change.

Mr. DE AGUIAR: I ask permission to withdraw my amendment: I am perfectly satisfied with the Attorney-General's amendment.

THE CHAIRMAN: It would clarify the position very much if the hon. Member would withdraw his amendment.

Mr. PEER BACCHUS: In view of what Your Excellency has said I will not move my amendment.

Mr. JACOB: I think I should also withdraw my amendment. (laughter).

Clause 61, as amended by the Attorney-General, agreed to.

Clause 62.—Considerations before grant or refusal of road service licence.

THE ATTORNEY-GENERAL: In order to make the position quite clear I propose to move that sub-clause (1) of clause 62 be amended by deleting the proviso thereto and substituting the following proviso therefor:—

Provided that nothing in this subsection shall operate to prejudice the grant of a first licence for a period not exceeding twelve months to any person who applies therefor and who proves to the satisfaction of the Prescribed Authority that he had been lawfully operating a motor bus for a period of not less than six months immediately prior to the date of the commencement of this Ordinance.

Sub-clause (1) as amended put, and agreed to.

Mr. PEER BACCHUS: I may be accused again of being suspicious of Government's discretion, but when we are making law we should make it quite clear. I move that sub-clause (2) (d) be amended by inserting after the word "points" the words "and there shall not be less than one specified point on each plantation, village, or farm."

THE CHAIRMAN: I think the hon. Member will have to define "farm" more precisely.

Mr. ELEAZAR: I am moving that the sub clause be deleted altogether.

THE CHAIRMAN: This clause may be very useful in Georgetown, and need not be applied outside Georgetown at all. It is quite discretionary.

Mr. ELEAZAR: I appreciate that. I was not thinking of Georgetown at the moment.

Mr. PEER BACCHUS: I will delete the word "farm."

Mr. WOOLFORD: I think the hon. Member would be well advised not to make that amendment. I do not know whether he visualizes a conflict between members of his constituency as to where those points should be, but each farmer or estate owner will want a point opposite his particular house, just as they did in respect of the wells, and I do not know how the hon. Member is going to dissuade his constituents. I think he should leave it alone.

Mr. JACKSON: The hon. Member for Western Berbice (Mr. Peer Bacchus) does not include Georgetown at all, and it is so easy to have specified points in Georgetown, as was done when the tram car service was operating. There were certain electric posts painted white which were the recognized stopping places. To ask for one point in a village which has perhaps a mile facade would be creating trouble.

THE CHAIRMAN: I think again hon. Members are exerting themselves rather unduly. This is a condition that may be applied, but need not necessarily be applied at all.

Mr. C. V. WIGHT: I would suggest to the hon. Member that he will have an opportunity of amending the regulations to be made by the Governor in Council.

THE CHAIRMAN: I think hon. Members are envisaging a whole batch of regulations that may not be made at all. In fact I think that in practice the

complaint will probably be that not sufficient control is being exercised.

Mr. C. V. WIGHT: I think hon. Members will have an opportunity to criticize any such regulations when they are laid before the Council.

Mr. PEER BACCHUS: Having had an indication from Members of the Council that they will not support my amendment I think I will withdraw it, but I still feel confident that at a later date we will have complaints by the Hon. Mr. Jackson when he has to walk a mile to reach a point.

THE CHAIRMAN: There was a similar complaint against a railway in another Colony, that it did not stop opposite a particular plantation. In the old days when a planter had only to hold up his umbrella to stop the train nobody complained, but when modern arrangements are made for transport there were several complaints.

Clause 62 as amended put, and agreed to.

Clause 66.—Power to fix minimum or maximum fares.

THE ATTORNEY-GENERAL: In view of the amendment to clause 61 I move that sub-clause (1) of clause 66 be amended (a) by the insertion of the following words "or route to which sub-section (1) of section sixty-one applies" after the word "area" in the fourth line thereof; (b) by deleting the words "route or" after the word "specified" in the fourth line thereof, and (c) by the insertion of the following words "within that area" after the words "part of a route."

Clause 66 as amended put, and agreed to.

Clause 67.—Power of local authorities with respect to use of roads by motor buses.

Mr. LUCKHOO: I move that clause 67 be amended by inserting the words "or motor lorries" after the word "buses" in the third line. The object of the clause is to preserve certain roads, and motor lorries do as much damage to roads as buses do.

Mr. WOOLFORD: At first glance this clause seems to offend, or may offend against the exercise of the Prescribed

Authority's discretion in limiting the routes under licence. The word "road" would include a route. In Georgetown, for example, the driver of a private lorry may be told that he can drive down High Street, but the local authority might say that they cannot allow it. Wouldn't there be a conflict between the Prescribed Authority and the local authority?

THE CHAIRMAN: The Town Council may say that the road is not fit for traffic, and in that case the Prescribed Authority cannot issue a licence at all.

Mr. WOOLFORD: I quite appreciate that there are periods of time when a road has to be made up, and the local authority may direct that buses should not use it, but there may be cases of a permanent prohibition, and it seems to me that the Prescribed Authority may act contrary to the wishes of the local authority. It seems to me that in Georgetown there must be some representation of the local authority on the Prescribed Authority.

THE CHAIRMAN: Certainly. There must obviously be people on the Prescribed Authority cognizant of the needs of the area.

Clause 67 as amended put, and agreed to.

Clause 70.—Exclusive licence.

THE ATTORNEY-GENERAL: I move that sub-clause (1) of clause 70 be amended (a) by the insertion of the words "or route to which sub-section (1) of section sixty-one applies" after the word "area" in the fourth line thereof, and (b) by deleting the words "or on any road or route" before the word "upon" in the fourth line thereof.

also move that sub-clause (2) be amended (a) by deleting the word "road" after the word "area" in the fourth line thereof and (b) by deleting the proviso thereto, and substituting the following proviso therefor:

Provided that any motor bus operating outside the said area or route may traverse any part of the said area or route which may be prescribed solely for the purpose of setting down or taking up passengers at prescribed points who are brought from outside or who are to be carried outside the said area or route.

Clause 70 as amended put, and agreed to.

Clause 76.—Silent zones.

Mr. JACOB: It seems to me that this is something new which has been brought forward because it is in operation in certain places, like London, where there are automatic electric lights and signals. I do not think it will work here, and it may never be put into operation.

Mr. C. V. WIGHT: The hon. Member has only mentioned London, but he was rather insistent some time ago in referring to Barbados. May I point out that it is also in operation in Barbados?

THE ATTORNEY-GENERAL: It is also in operation throughout England.

Mr. JACOB: In Georgetown it would be difficult, particularly where there are blind corners, and in certain cases when drivers cannot get into yards at night they have to blow their horns to call someone. I am not opposing the clause but I am thinking that it will not work here because there is not that road courtesy which one would like.

THE CHAIRMAN: That is just what we want to create.

Mr. JACOB: It will create a great deal of hardship except it is limited to one or two areas.

THE CHAIRMAN: I would suggest to the hon. Member to let the clause stand. It is sure to be applied very cautiously, possibly at night first, because where you have a light instead of a horn it is safer.

Mr. JACOB: I recollect that the matter was brought up several times at the Chamber of Commerce, and I have always been against its being applied here, but now that it has been brought forward here I want to suggest that the law be very cautiously applied.

THE CHAIRMAN: I think the hon. Member can feel confident that it will be very cautiously applied.

Mr. ELEAZAR: I quite appreciate that while you are here, sir, it will be very cautiously applied.

THE CHAIRMAN: Don't let the hon



Member count on me ; I cannot accept any responsibility.

Mr. ELEAZAR : There might come a Pharoah who does not know Joseph. I have heard that over and over, but an officer who gives an undertaking may not be here to carry it out. In Georgetown, particularly, I can hardly conceive of motor vehicles travelling about without giving some warning of their approach.

THE CHAIRMAN : I think the hon. Member would be surprised at the effect of trying it out in Georgetown at night. It would make people drive much more carefully. That is the experience elsewhere. I hope the hon. Member will allow the clause to stand and assume that it will be cautiously applied. If it is not cautiously applied you may be sure we will have many complaints about it.

Mr. JACOB : It might take three or four years to rectify the mistake.

THE CHAIRMAN : It would not take three or four years.

Clause 76 put and agreed to.

Clause 77.—Power to make regulations.

THE ATTORNEY-GENERAL : Regarding the provision of suppressors I move that an extra paragraph (xxxviii) be added to clause 77 as follows :—

(xxxviii) requiring all or any specified class of motor vehicles when used on roads either generally or in any specified area or on any specified route to have affixed thereto a device known as a suppressor and intended to eliminate or reduce interference with broadcast receiving apparatus.

THE CHAIRMAN : I would like to make it clear what the position is with regard to this provision. It is also to be applied very cautiously. The fact is that there has been a great deal of appeal to Government to introduce this measure for the fitting of suppressors on motor vehicles so as to prevent radio interference. For some months inquiry has been going on almost throughout the British Empire for model regulations or legislation under which it could be done, but as far as we have been able to discover no such regulations exist in any part of the Empire. I am not prepared to say they do not exist anywhere, but we have not

been able to find any model regulations in any other part of the Empire, so that it might prove in practice that the difficulties are considerably greater than are at present supposed.

Mr. C. V. WIGHT : Perhaps the reason is that in the United Kingdom they use a different wave-length, and the necessity for the use of suppressors does not arise.

THE CHAIRMAN : That may be true of the United Kingdom, but it is not true of the Colonies. I must admit that before enacting these regulations I should like to have a model from somewhere, but we cannot find one anywhere. As far as we can discover it does not exist anywhere.

Mr. ELEAZAR : We can be original for once. (laughter).

THE CHAIRMAN : I am not saying that it will not be done. A great many authorities have impressed their views on Government, and we are quite prepared to do it, but I have not the same confidence in original legislation as the hon. Member for Berbice River. I am sure the same complaints must have arisen in other countries, and it is strange that they have no such legislation. Government will look into the matter and try to devise a regulation which will work, but only of course as regards motor vehicles.

Clause 77 as amended put, and agreed to.

Mr. C. V. WIGHT : I wish to suggest that the Governor in Council should have power to make regulations to prescribe the fares to be charged by hired cars as is done by the Town Council in the case of hackney carriages.

THE ATTORNEY-GENERAL : That would lead to great practical difficulties because, after all, one can telephone from any distance and ask for a car to come to him at any time, whereas a bus runs on a fixed route.

Mr. WIGHT : The regulations can be limited to those at the Market square or wherever they are standing. There have been one or two incidents in which the drivers of those cars demanded 36 cents from a passenger who either had to pay the fare or answer an assault charge.

THE CHAIRMAN: I have no objection to power being given, but inquiry will have to be made into the matter. It might be a very much more difficult affair.

Mr. SEAFORD: It is certainly complicated. Regulations would have to be made dealing with the size of luggage to be carried, and that kind of thing.

THE ATTORNEY-GENERAL: I think that in Georgetown and New Amsterdam the Town Council has power to prescribe charges.

Mr. WIGHT: That was the point I raised earlier in the debate. The Town Council claims the right to fix the fares of hackney carriages, but it all depends on what is the definition of a hackney carriage.

THE CHAIRMAN: We have to go back to the definition clause, and we can leave the matter until then. There is authority in the two Town Councils, and I do not think it is necessary to extend it beyond that.

Clause 87. Prosecutions and penalties for offences.

THE ATTORNEY GENERAL: I move that sub-clause (3) of clause 87 be amended by the insertion of the following words:— "Any person who fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and" before the words "A person" in the first line thereof.

Mr. C. V. WIGHT: I understood the Attorney-General to say that the question of civil liability had been gone into and had been rejected. I think it has proved of considerable use in other Colonies, especially in Jamaica.

THE ATTORNEY-GENERAL: It was the question of the evidence required to prove civil liability that was considered, not the actual civil liability. I do not think there will be any difficulty here in that respect.

Clause 87 as amended put, and agreed to.

Clause 90. In the event of a conflict of laws the provisions of this Ordinance to prevail.

Mr. C. V. WIGHT: Government has assured the Council that it does not intend to interfere in any way with the rights of local authorities, especially those of the Town Council. That being so one would have thought that clause 90 was unnecessary, and that Government would have relied on repeal by implication in cases where there was a conflict between sections of this Bill and the provisions of the Town Council Ordinance.

THE ATTORNEY GENERAL: The reason for this clause is that there are certain provisions scattered throughout the Laws of the Colony, under the Summary Jurisdiction (Offences) Ordinance for example, and it is not possible to gather all those together and repeal them. Therefore, in order to avoid that difficulty, this clause has been put in to provide that where there is any conflict this Ordinance shall prevail. The Town Council cannot make by laws which conflict with the provisions of this Bill, but beyond that the Town Council can do as it likes.

Clause 90 put, and agreed to.

First Schedule.

B.—Vehicles kept for purposes of trade or for hire.

THE ATTORNEY GENERAL: With regard to the question raised by several hon. Members with respect to cars used for the conveyance of milk, I have had discussions with several persons concerned, and it appears that any restriction on the alteration of those vehicles might have the effect of cutting off the milk supply of Georgetown. As it is necessary to preserve the milk supply of Georgetown I move that item 7 be amended by the addition of the following as paragraph (4) of the proviso thereto:—

"(4) the licence fee for any goods vehicle for trade purposes used for the conveyance of milk only shall be at the rate of \$60."

That is about the average fee they now pay on cars from 14 to 16 h.p.

Mr. PEER BACCHUS: There is no provision in the schedule for lorries used by their owners for their own purposes and not for hire. In the Tax Ordinance pro-

vision is made for carts used by sugar estates for transporting their goods. Some rice millers own lorries which are used solely for their own purposes, and I think some consideration should be extended to them. It costs them far more to use their own lorries than to pay railway freight, but the advantage is that they can transport their goods at a time when it suits their convenience.

THE CHAIRMAN: Which item does the hon. Member refer to?

Mr. PEER BACCHUS: I am referring to item 6 of the Schedule.

THE CHAIRMAN: That deals with vehicles for hire. The hon. Member is not referring to vehicles for hire.

Mr. PEER BACCHUS: It should come in under item 4.

THE CHAIRMAN: Item 4 deals with motor hearses. (laughter).

Mr. PEER BACCHUS: Then it should come under item 7 (a).

THE CHAIRMAN: I am afraid I cannot follow it unless the hon. Member gives me his amendment.

Mr. DE AGUIAR: The hon. Member is trying to draw a distinction between a motor lorry used for trade purposes and a motor lorry used on an estate merely to convey its own produce. I think he is asking for some relief from the heavy licence being paid at present for the use of such vehicles.

THE CHAIRMAN: The existing exemption seems pretty wide. The hon. Member does not intend that these lorries should be run on the road?

Mr. PEER BACCHUS: Yes, sir.

THE CHAIRMAN: Those lorries are not run on the road. That is the whole principle.

Mr. PEER BACCHUS: That concession has been granted in the Tax Ordinance in respect of other conveyances.

THE CHAIRMAN: Does the hon. Member suggest that no licence should be paid?

Mr. PEER BACCHUS: No, sir.

THE CHAIRMAN: What is his suggestion?

Mr. PEER BACCHUS: That they should pay one-half of the present licence fee.

THE CHAIRMAN: I must ask the hon. Member to put it in writing. I cannot follow it.

Mr. DE AGUIAR: While the hon. Member is drafting his amendment I would like to refer back to clause 19 in order to make my point perfectly clear. Clause 19 provides that where a motor vehicle in respect of which a licence has been issued is altered in such a manner as to render the vehicle liable to a higher licence fee the owner of the vehicle shall be liable to pay the difference between the amount of the higher licence and that paid on the surrendered licence. I would like to know who is to determine whether a motor vehicle is sufficiently altered to change it from, say a motor car to something else? I can well see a number of questions arising in cases where there is no structural alteration at all. After all it must be remembered that "motor car" is defined in the Bill as "a motor vehicle constructed solely for the carriage of persons and their effects and used exclusively for personal purposes." I contend on the strength of that definition that if I removed the back seat of a motor car and the driver and another person sat in the front seats with a number of packages at the back it would be a motor car under this definition. If my contention is correct then I have nothing more to say, but if it is going to be argued that it is no longer a motor car in view of the removal of the back seat then I will have to move an amendment to this Schedule. I would like to hear the views of the Attorney-General on that point, because I can well see a number of questions arising with the Licensing Authority who has to decide what is a motor car and what is not.

THE ATTORNEY-GENERAL: In practice no difficulty will arise over that point because it is a very old provision of English law, and one on which there have been a hundred decisions. If the hon. Member takes legal advice and looks up the cases he will see that there will be no

difficulty. It means structural alteration. The removal of the back seat of a car is not a structural alteration. Beyond that I am not prepared to commit myself.

Mr. C. V. WIGHT: I would like to know whether Government will not consider the abolition of the horse-power tax in favour of a tax based on the weight of vehicles, as is done in the Islands, and very successfully in Barbados. It is recommended in the minority report of the Traffic Committee. I feel sure that Government would benefit by a considerable amount of revenue, as larger cars would be imported and there would be an increased consumption of petrol. I move that proviso (a) be deleted because I do not think one can envisage the Governor in Council reducing a licence fee by one-half. In certain areas where a man might pay \$1 for a car licence he might be inclined to have two cars. I do not think Government would lose any revenue if the licence fee were based on the weight of the vehicle, and it would create a certain amount of employment and preference for the use of motor vehicles in certain areas where there is only road traffic. I speak particularly with reference to Charity and Supenaam.

THE CHAIRMAN: How would it encourage a man to have two cars?

Mr. WIGHT: I am suggesting that in a district like Supenaam if the licence for a motor bus were reduced by half a bus owner might be inclined to run two buses. If this proviso is retained I am asking that it be exercised in certain districts.

THE CHAIRMAN: I am sorry I cannot quite follow the hon. Member's argument. Does he wish the proviso retained?

Mr. WIGHT: I would like it to be retained, provided it is acted upon.

THE CHAIRMAN: I am sorry I am not prepared to give that undertaking. It was intended for remote districts like the Rupununi and the mining districts. I can give no pledge with regard to any particular area.

Mr. WIGHT: I suggest that in proviso (2) of item 7 the words "not exceeding 14 horse power" be deleted, and that the

licence fee for any vehicle used by hucksters for the carriage of goods anywhere in the Colony should be \$120\* regardless of its horse power. I am suggesting that if those words were eliminated there would be an increase in the number of cars converted for that purpose.

Mr. DE AGUIAR: I am inclined to the belief, after hearing the Attorney-General, that Government is going to inflict hardship on the industrial life of this very small community. As I understand the position, by the removal of the back seat of a car it would be regarded as something else for licence purposes.

THE ATTORNEY-GENERAL: I said that the removal of the back seat alone would not constitute a structural alteration.

Mr. DE AGUIAR: I am afraid that other people will interpret this clause in a much different way than we are doing to-day, and I invite consideration of the definition of "goods vehicle for trade purposes." It says "a vehicle used by the owner for the purpose of the carriage of goods in the course of his own business, or for the delivery of goods to his customers." That definition is clear enough. I do not think there can be any misunderstanding about that. The licence for such vehicles not exceeding 10 h.p., plying between Georgetown and Rosignol, or Vreed-en-Hoop and Parika, is \$250; in Georgetown and elsewhere, in the Colony, \$33, and vehicles exceeding 10 h.p., between Georgetown and Rosignol, or between Vreed-en-Hoop and Parika, \$500, and in Georgetown and elsewhere in the Colony, \$120. It can be clearly seen that the primary object of that enactment was to afford some protection of the railway services. I think at that time what was really wanted was to prevent motor lorries being hired out in competition with the Transport Department. Where a vehicle can only be used by a person for the purpose of his own trade it is clear that it could not be used in competition with the railway.

It seems to me that the time has arrived when we should delete the provision which imposes a higher rate of licence on vehicles plying between Georgetown and Rosignol, and Vreed-en-Hoop and Parika. My reason for that is that most of the services

I have in mind have nowhere else to operate. I do not think it can be said that these people are in competition with either the railway or steamer services. As a matter of fact if the broad view is taken I think it will be agreed that they are probably of some assistance to them, because there must come a time when those services will carry the freight now being carried by these motor vehicles. These people will probably be called upon to pay a licence of \$500 because most of them use vehicles above 14 h.p. They cannot afford to pay the higher licence. If it is Government's intention to put them out of business I will have nothing more to say, but I do not think that is Government's intention. I think we should do what we can to assist them. I am afraid that a very peculiar interpretation will be put on clause 19 of this Bill, and even if I stand alone I am going to move that items 7 (a) (!) and 7 (b) be deleted.

THE COLONIAL SECRETARY: I may point out that the Transport and Harbours Department is now considering the question of recommending an increase of the licence.

Mr. DE AGUIAR: This has nothing to do with motor lorries at all.

THE CHAIRMAN: These are the rates in force at present.

Mr. DE AGUIAR: Yes, sir, but by a little technicality some of the things I am thinking about are going to come under this Schedule.

THE CHAIRMAN: One of those things is milk, which is being provided for by an amendment.

Mr. DE AGUIAR: I happen to know that two biscuit factories operating at present have between them about ten cars which travel all over the country, and they pay licence at the rate of \$2.50 per h.p. Now I am afraid those cars will come under item 7 (a).

Mr. C. V. WIGHT: I may remind the hon. Member that I am aware of a van which operates as far as Rosignol and pays the same licence which is paid in Georgetown.

Item 7, as amended by the Attorney-General, put and agreed to.

Mr. PEER BACCHUS: I move the insertion of the following new item 11:—

11. Goods vehicle not used for hire—\$240.

Amendment put and lost.

Other Fees.—

THE ATTORNEY-GENERAL: I move that the figures "\$50" be substituted for the figures "\$20" opposite the words "For dealer's general licence" in the sixteenth line. It is a misprint.

Mr. DE AGUIAR: It is an increase on the present rate. I do not think it is Government's intention to penalize dealers with an additional \$30. This is one occasion on which my chickens have come home to roost. I remember when dealers got a licence plate without having to pay for it, and I made the suggestion that they should be made to pay \$20. Now I find it is proposed to increase the licence from \$20 to \$50.

THE CHAIRMAN: Whose chickens have come home to roost?

Mr. DE AGUIAR: My chickens. It makes one feel rather timid about putting forward suggestions. It is what is commonly referred to as a dealer's demonstration licence.

THE CHAIRMAN: This is a dealer's general licence.

Mr. DE AGUIAR: Then it is something new altogether. I was under the impression that it was a demonstration licence.

THE COLONIAL SECRETARY: Is the hon. Member referring to page 140 of the 1922 Ordinance, the dealer's identification mark?

THE CHAIRMAN: It is a general demonstration licence. I do not think it is worth bothering about. I think we will leave it as it is.

Section 28.—For driver's licence, \$1.

Mr. JACOB: At the present time a professional driver has to renew his licence annually and pays \$1, while an amateur driver pays \$1 and drives throughout his

lifetime. I am wondering whether the professional driver will now be in the same position as an amateur driver?

THE CHAIRMAN: Yes.

Mr. JACOB: Then his position is improved.

Mr. C. V. WIGHT: I was going to suggest that the amateur driver pay \$2 and the professional driver \$1.

THE CHAIRMAN: I think we had better leave it as it is.

Mr. JACOB: My friend does not understand the position. A professional driver pays \$1 annually, while the amateur pays \$1 for all time.

THE CHAIRMAN: They will both pay annually, but we are now putting the amateur on the same footing as the professional driver.

Mr. WIGHT: I was going to suggest that the amateur driver pay an annual licence of \$2 and the professional driver \$1.

THE CHAIRMAN: All licences remain in force for a period of 12 months.

Mr. JACOB: I only wanted information.

First Schedule passed.

Second Schedule.—

Item 3.—Motor cars, hired cars and motor cycles elsewhere than in 1, 35 miles per hour.

Mr. C. V. WIGHT: I move that item 3 be amended by substituting the figures "50" for the figures "35."

Mr. DE AGUIAR: I am not supporting the hon. Member's amendment but I would like to make this observation: Item 1 deals specifically with the City of Georgetown or the town of New Amsterdam. I foresee this difficulty: that most of our roads on the East and West Coasts, and I think in Berbice too, pass through villages, and we cannot have cars running through a village at such a speed.

THE ATTORNEY GENERAL: There is a proviso.

Mr. SEAFORD: I am inclined to agree with the hon. Member for Western Essequibo (Mr. C. V. Wight). It seems to me that 35 m.p.h. is a ridiculously low speed for country roads on which you sometimes travel many miles without seeing anybody. Are the Police afraid of themselves?

THE ATTORNEY-GENERAL: It is not the Police, but a recommendation by the Committee.

THE CHAIRMAN: I am sure the Police would not approve, because I know they always prefer to have a reasonable speed limit prescribed.

Mr. SEAFORD: I quite agree, but I do not think 35 m.p.h. is a reasonable speed limit.

THE CHAIRMAN: That is a matter of opinion, of course. The reason is that a motorist driving at 35 or 50 m.p.h. might be travelling much too fast. It makes the work of the Police much simpler by fixing a reasonable speed limit.

Mr. C. V. WIGHT: Driving within the speed limit could be driving at a speed dangerous to the public; it all depends on the circumstances. What I can visualize in the case of fixing the speed limit is that the Police may harass people who may be in a hurry to catch a certain boat at a certain time. One realizes that on some of the roads it is possible to drive at 35 m.p.h. without any inconvenience to the public, but motorists should be allowed a certain amount of latitude. If the Police would keep a blind eye occasionally it would be all right. (laughter).

THE CHAIRMAN: The number of occasions on which I have been driven at 35 m.p.h. and have been passed by other cars is very great.

Amendment put and lost.

THE ATTORNEY GENERAL: I move that the Committee stage be adjourned.

THE CHAIRMAN: The Committee, will rise and report progress with leave to sit again to-morrow.

The Council resumed.

## POOR RELIEF (AMENDMENT) BILL.

THE COLONIAL SECRETARY: I move that "A Bill intituled an Ordinance to amend the Poor Relief Ordinance, Chapter 90, by increasing the number of Poor Law Commissioners and by increasing the number which shall form a quorum at any meeting of the said Commissioners" be read the second time. It is desired to widen the representation on the Poor Law Board to the extent of two additional members, and if that is agreed to by the Council it is felt that the quorum should also be increased. At present the quorum consists of the Chairman or Deputy Chairman, and one other Commissioner, and it is suggested that it should be four Commissioners if the number of members of the Board is increased from 7 to 9.

Mr. SEAFORD seconded.

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

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*Colonial Secretary*)

## TAX (AMENDMENT) BILL, 1940.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Tax Ordinance, 1939, by deleting therefrom all provisions relating to licence fees in respect of motor vehicles and trailers" be read the second time. The sole object of this Bill is to remove from the Tax Ordinance the provisions which appear in the Schedules to the Bill we have just been considering. It has no effect whatever on the substantive law. It simply means removing those provisions from one Ordinance and putting them in another. I will move an amendment in Committee because last week another Bill was enacted which was called the Tax (Amendment) Ordinance. This Bill will therefore become the Tax (Amendment) (No. 2) Ordinance.

Mr. McDAVID seconded.

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

Clause 1.—Short title.

THE ATTORNEY-GENERAL: I move that clause 1 be amended by the insertion of the following "(No. 2)" after the word and brackets "(Amendment)" in the first line thereof.

Clause 1 as amended put, and agreed to.

Clause 3.—

Mr. C. V. WIGHT: I move that clause 3 be amended by substituting the following for items (1) to (6):—

"For each licence—  
 (1) for each four-wheeled carriage \$ 5 00  
 (2) for each two-wheeled carriage 2 50  
 (3) for each horse, pony, or mule 2 00  
 (4) for each cart drawn by any of the abovementioned animals 3 00  
 (5) for each two-wheeled carriage drawn by a donkey 1 00  
 (6) for each cart drawn by a donkey 2 00"

THE CHAIRMAN: I am afraid Government cannot accept that amendment.

Amendment put and lost.

Mr. LEE: I move that the following new item (8) be inserted:—

"(8) for each cart drawn by a donkey for private use ... .. \$2.00"

Mr. C. V. WIGHT: I would like to draw the hon. Member's attention to the fact that the amendment which I have just moved, and which was not accepted, embraced his proposal.

THE CHAIRMAN: I do not think so. This is an entirely new proposal.

The Committee divided and there voted:—

*For*—Messrs. C. V. Wight, Lee, Jackson, Jacob and Peer Bacchus—5.

*Against*—Messrs. Cleare, Wood, Crease, Case, Laing, D'Andrade, Austin, Seaford, McDavid, Dr. Maclellan, the Attorney-General and the Colonial Secretary—12.

Amendment lost.

Clause 3 put, and agreed to.

The Council resumed.

Notice was given that at the next or subsequent meeting of the Council it would be moved that the Bill be read a third time and passed. (*The Attorney General*).

The Council adjourned until the following day at 10.30 a.m.