

**LEGISLATIVE COUNCIL.***Thursday, 3rd September, 1942.*

The Council met at 12 noon, His Excellency the Governor, SIR GORDON LETHEM, K.C.M.G., President, in the Chair.

**PRESENT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

The Hon. J. Eleazar, (Berbice River).

The Hon. Peer Bacchus, (Western Berbice).

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

The Hon. Jung Bahadur Singh, (Demerara-Essequibo).

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

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

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

The Clerk read prayers.

**MINUTES.**

The minutes of the meeting of the Council held on Wednesday, 2nd September, 1942, were confirmed.

**INTRODUCTION OF BILLS.**

Notice was given of the introduction and first reading of the following Bills :—

A Bill intituled an Ordinance to amend the Summary Jurisdiction (Appeals) Ordinance, with respect to the time within which appeals may be made from the decisions of Magistrates of certain Judicial Districts. (*The Attorney-General*).

A Bill intituled an Ordinance further to amend the Teachers Pensions Ordinance by providing for the grant of Pensions in certain circumstances to Uncertificated Teachers with less than thirty years service.

A Bill intituled an Ordinance to amend the Education Ordinance. (*Mr. Crease*).

**ORDER OF THE DAY.****PRISONS (AMENDMENT) BILL, 1942.**

**THE ATTORNEY-GENERAL:** I move that "A Bill intituled an Ordinance to amend the Prisons Ordinance by making provision for the appointment of prison visitors; and for purposes connected therewith" be read a second time. This Bill is designed to implement the recommendation made by the Royal Commission in paragraph 11 (e) of their report. The sole object is to enable the appointment to be made of prison visitors. Prison visitors really are the Prisoners' Welfare Society who look after the welfare of prisoners. Though we may experience considerable

difficulty in getting them there, while they are there we should look after them to the best of our ability.

The previous section makes provision for certain persons to be *ex officio* prison visitors, and among them are Members of this Council. After the report of the Royal Commission was received, His Excellency did in fact appoint visitors, who were entitled to be such under section 27 of the Ordinance, to visit the prisons in Georgetown and New Amsterdam and the Penal Settlement. The trouble about that is that the number of persons named in section 27 is strictly limited, and it makes considerable calls on their time and entails visits to Mazaruni once a month to perform those social and public duties. It is desired, therefore, to appoint a number of persons to be prison visitors, and from those visitors Local Visiting Committees would be appointed for each particular prison; the idea being, of course, that local residents would be appointed to visit the prison in their own district. This would save a great deal of time and trouble to those visitors who are Members of this Council and other Councils who are now performing those duties.

You will observe that clause 3 of the Bill provides that the Governor may by Order in Council make rules prescribing the rights, powers, and duties of the Visiting Committees. I move that the Bill be read a second time.

Professor DASH (Director of Agriculture) 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 ATTORNEY—GENERAL: I move that the Bill be read a third time and passed.

Professor DASH seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### SUPPLEMENTARY APPROPRIATION (1941) BILL.

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, 1941," be read a second time. The enactment of this measure is a formal act of this Legislature allowing and confirming supplementary expenditure which has been incurred in 1941, and which has not been included in the Appropriation Bill. The schedule to the Bill contains the items, all of which have already been included in supplementary estimates passed by this Council.

Mr. AUSTIN 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.

Mr. McDAVID: I move that the Bill be read a third time and passed.

Mr. Austin seconded.

Question put, and agreed to.

Bill read a third time and passed.

#### DRAINAGE AND IRRIGATION (AMENDMENT) BILL, 1942.

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

object of this Bill is to remedy a defect in the Drainage and Irrigation Ordinance, 1940. That defect arose from the fact that as the law now stands there is no machinery provided by which the Central Drainage Board can raise additional funds for the purpose of meeting maintenance expenditure in excess of the estimates for any drainage area when once those estimates have been approved and the rates in relation to those estimates have been authorized. It sometimes happens that due to unforeseen circumstances it is necessary for the Board to incur excess expenditure over and above the amount provided for maintenance in regard to a particular drainage area, and the law as it now stands does not provide the Board with any power either to increase the maintenance rate which has been fixed, or to borrow money from the Treasury to meet the excess expenditure. The result is that the financial arrangements of the Central Board are often completely upset.

This Bill seeks to solve that difficulty by doing two things. First of all it seeks to empower the Board to incur excess expenditure over and above the amount provided in any annual estimate for a drainage area after having sought and obtained the approval of the Government. When such approval has been obtained the Bill will also empower the Board to borrow the money from the Colonial Treasurer and authorise him to lend the money to the Board on the authority of the Governor. Such money having been lent the Board has to include the amount of the excess expenditure in the estimate for the following year, and also repay to the Treasurer the amount borrowed in that year.

The new provisions in the Bill are contained in paragraph (b) at the end of clause 3. When the Council is in Committee I shall ask leave to move an amendment to that paragraph in order to make the phraseology more clear than it is at present. Paragraph (3) of

clause 3 is also new. The difficulty which I have referred to is a very real one, and has occurred in the case of three drainage areas last year. I hope the Council will pass the Bill.

Mr. AUSTIN: seconded.

Mr. SEAFORD: I feel sure there will be no objection to a Bill of this nature when Members realize the difficulties which the Central Drainage Board has to face. We are talking about excess expenditure, but the Board frames its estimates as low as it possibly can, because it knows the difficulties some of the villages have to meet their liabilities for drainage and irrigation. Things crop up over which the Board has no control, such as increase of labour and the cost of oil and other supplies which the Board is quite unable to foresee and to estimate for.

There are other things that occur which are brought about by Nature, for which in some cases we are grateful for, and in other cases we are not. In the last few months there has been a heavy deposit of mud on the East Coast, and the unfortunate villages have had to pay much more money for pumping because they cannot get natural drainage. I have to congratulate the Sea Defence Board on the improvement of sea defences, but I have to commiserate with the Drainage Board on the increased use of drainage. The Board has no means of controlling it, and no means of getting money at present to meet that excess which it is bound to spend unless the villages are to be inundated. It is with that view that this Bill has been brought forward—that the Board might meet its liabilities.

Question put, and agreed to.

Bill read the second time.

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

Clause 3—

Mr. Mc DAVID: I move that paragraph (b) be deleted and the following substituted therefor:—

(b) during any year, such further sum as may be necessary for the purpose of providing the Board with funds to meet any expenditure approved by the Governor in excess of the amount estimated for that year.

Clause 3 as amended put, and agreed to.

The Council resumed.

Mr. McDAVID: I move that the Bill be read a third time and passed.

Mr. AUSTIN: seconded.

Question put, and agreed to.

Bill read a third time and passed.

INTERPRETATION (AMENDMENT)  
BILL, 1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Interpretation Ordinance by making provision to empower the Governor to delegate certain of his powers" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

MINING (CONSOLIDATION) (AMENDMENT)  
BILL, 1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Mining (Consolidation) Ordinance, with respect to the issue of licences" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

THE PRESIDENT: It is not pro-

posed to resume the debate on the second reading of the Summary Jurisdiction (Appeals) (Amendment) Bill, about which several points have been raised, but with the consent of the Council I think it would be convenient to proceed with the further stages of the Interpretation and Mining Bills. There being no objection I will call upon the Attorney-General to move the suspension of the Standing Rules and Orders in order that those Bills might be taken through all their stages.

THE ATTORNEY-GENERAL: I move that the Standing Rules and Orders of the Council be suspended to enable the following Bills to be taken through their remaining stages:—

A Bill intituled an Ordinance to amend the Interpretation Ordinance by making provision to empower the Governor to delegate certain of his powers.

A Bill intituled an Ordinance to amend the Mining (Consolidation) Ordinance, with respect to the issue of licences.

Professor DASH seconded.

Question put, and agreed to.

INTERPRETATION (AMENDMENT) BILL,  
1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Interpretation Ordinance by making provision to empower the Governor to delegate certain of his powers" be read a second time. The object of this Bill is to enable Your Excellency to delegate certain of your statutory powers to any person whom you may decide worthy and able to exercise those powers. In the ordinary course of events, owing to the fact that a great number of local Statutes are very old, dating back more than 50 or 60 years to the time when the population of the country was hardly more than that of Georgetown now, a great number of duties were vested in the Governor which in these days would be vested in the Head of a Department, the Municipality, or some

other authority. The result is that a vast number of documents are forwarded to His Excellency for signature. When the Governor is away on tour, and if he is anywhere near communication, many boxes travel up and down the line merely containing documents which are quite formal. But when the Governor goes on tour in the Rupunni or on the Brazilian boundary it is quite impossible to send those documents after him, and the result is that when he comes back after a week or a fortnight's absence stack after stack of documents, original and duplicates, require signature. They deal with purely formal matter and are not read or perused at all. It is quite obviously a waste of time which, particularly in these strenuous days, can be better employed.

The object of the Bill is to enable the Governor to delegate his power to sign those documents or some of them. Do not misunderstand me. The delegation in question does not deal solely with the delegation of power to sign; it is a delegation of any statutory power. That is to say, where any Ordinance states that the Governor may or shall do so and so then, in the discretion of the Governor, he may delegate that power to another officer. It is a power which is enjoyed in every big Colony, and the time has come when such power is necessary for the Governor of this Colony. Most powers are vested in the Governor, but as time goes on life becomes more involved, documents more numerous, and the duties of the Governor himself become more onerous. It is therefore a stage in the development to delegate minor duties to people whom the Governor may consider capable and worthy of performing them. I move that the Bill be read a second time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—

Mr. ELEAZAR: It seems to me that the period in which the Governor could delegate his power to somebody else should be limited. I do not think the intention is that the Governor could nominate somebody to perform those duties for say five years. For example, the passing of transports is a very serious matter, and under Roman-Dutch law it had to be done in the presence of a Judge. In modern times Judges have come to this country from countries where that law does not apply. They have considered it a waste of their time and have delegated that power to officers below the rank of a Judge.

THE ATTORNEY-GENERAL: It is done by Ordinance.

Mr. ELEAZAR: An Ordinance was brought in in order to do that. A very serious judicial act was by law delegated to somebody else. Unless there is a limit in this Bill a Governor may come here and say that as the law gave him the power to do so and so he would delegate his power to somebody else for his whole term of five years in the Colony. It means that the Governor could divest himself of a lot of duties and delegate them to persons who he thinks should perform them. I think this clause should be so worded as to indicate that the Governor may for a certain period delegate his power, but not for all time. In making legislation here we always think only of the Governor of the moment. There might come another Governor to whom we would not think of giving this power.

THE CHAIRMAN: Would you like to move a specific amendment?

Mr. ELEAZAR: If you would give me a few minutes, sir.

THE CHAIRMAN: I suggest that we take another Bill and adjourn the debate on this Bill in Committee.

The Council resumed.

Mining (Consolidation) (Amendment) Bill, 1942.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Mining Consolidation Ordinance, with respect to the issue of licences" be read a second time. A case occurred not very long ago in which it was pointed out that certain licences which were very temporary mining titles had been signed by one of the senior officers of the Department of Lands and Mines and not by the Commissioner himself. The matter went before the Court and the Judge threw out the whole case because the licence was invalid, not having been signed by the Commissioner.

A very great number of mining licences are issued every year. In many cases people merely look at an area and know no more about it. People who are interested in mining normally live up country and come down to Georgetown on short or long visits after three or four years when they wish to obtain a licence. If the Commissioner is in Georgetown well and good; he issues those licences to the applicants. If the Commissioner is not in Georgetown the position then arises that those mining people either have to prolong their stay to the detriment of their business or they have to go back and return a second time, which is obviously a most inconvenient procedure.

This power to sign will only apply to licences, and leases will continue to be signed as at present. This Bill seeks to empower an officer in the office of the Department of Lands and Mines to sign these temporary titles at any time when the Commissioner himself cannot do so. I move that the Bill be read a second time.

Professor Dash seconded.

Mr. HUMPHRYS: I am not opposing this Bill. On the contrary I wish to congratulate Government on this amendment which should have been made long ago. It has been causing a great deal of trouble and confusion, and there is an enormous number of licences which have been incorrectly signed. Those licences apparently will now be legally in order.

What I rose particularly to do was to point out to Government the appalling conditions of the Mining Regulations which really ought to be revised *in toto*. Although there is a shortage of paper I think Government's attention should be drawn to the fact that it is practically impossible to obtain a copy of the Mining Regulations. A great number of people who are interested in mining cannot get any copies at all. Government should either have another set printed or have the old Regulations revised.

The PRESIDENT: The hon. Member's remarks will be recorded.

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

Professor Dash seconded.

Question put, and agreed to.

Bill read a third time and passed.

THE ATTORNEY-GENERAL: The position in regard to the Mining Regulations is this: the Mining (Consolidation) Ordinance itself has been completely revised and is in Bill form now.

It has been so for more than a year—The Mining Regulations will have to be made under that Ordinance and are not quite complete. When the paper shortage struck us we had the Bill ready to be introduced and the Regulations ready to be made thereunder, but it is purely a question of shortage of paper which causes the delay.

Mr. HUMPHRYS: I am grateful for the explanation.

INTERPRETATION (AMENDMENT) BILL,  
1942.

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

A Bill intituled an Ordinance to amend the Interpretation Ordinance by making provision to empower the Governor to delegate certain of his powers.

THE CHAIRMAN: The Attorney-General gave as an instance the absence of the Governor at a distant part of the Colony, but that is by no means the whole of the object of the Bill. It is to relieve the Governor of a great deal of entirely routine work to which he cannot give his personal attention. A great many papers go to the Governor which he has to sign, and I have not the remotest doubt that my predecessors did not attempt to read those papers. I do not attempt to read them, and I see that the question was raised by Sir Geoffry Northcote some years ago. I feel exactly the same, although the position is greatly worse than in his time. As it stands at present it is just a farce. The time of a great many people is taken up with writing minutes in files requesting the Governor's signature, and sending them up in boxes, and a great bulk of paper lies on the Governor's table. His signature is put on those papers without any attempt to read them. They are not matters of importance, and have already been discussed and decided before the papers are prepared.

I have had a great deal of that kind of thing brought to my notice since I

came to the Colony, because in many instances the procedure here is the slowest I have ever seen. Exclusive permissions and mining titles have to go no less than three times to the Executive Council according to our law, and each time it takes 21 days for the papers to be circulated. Then certain of them are sent to the Secretary of State. The result is that a perfectly simple thing like an exclusive permission to mine over a single area takes many months to put through. That is not immediately affected by the question of signing, but is an illustration of the sort of thing that goes on, and the necessity to speed up routine action.

The hon. Member thinks the power in the Bill is too wide, and he proposes to limit it in time. I presume that when the Governor is away such a power would be allowed, but if the Governor is in Georgetown there would be no need to give it. That does not meet the case; it would have to be provided in several Ordinances. We would have to insert the name of the officer in the Ordinance without being able to change it without special legislation. On the other hand, if general power of delegation is given it could be given to the official who could most conveniently handle the matter at the time. It is a power which now exists in all the larger Colonies, because the general trend of legislation has been to put everything in the name of the Governor, but the Governor has not sufficient time to deal with such matters in the usual way. Some of the smaller Colonies still have this arrangement in effect. When I first became Governor of a small Colony I was put in the curious position of having to sign my own passport. This Colony is not like that, but we have responsible Departmental Heads who ought to handle routine business.

Mr. ELEAZAR: After hearing what Your Excellency has said it appears that the limit is not the fly in the amber. You said that the number of

documents which you have to sign are more or less routine. Could not the clause be made to read that those documents which take up so much of your time might be dealt with by somebody else? I would suggest the insertion of the words "as a matter of routine". As the clause stands the Governor could delegate anything to an officer. I do not wish to tie you down to signing papers which somebody else could sign for the Governor, but it is this wide power in the clause that is worrying me.

THE CHAIRMAN: Do you wish to limit it merely to the signing of documents? It is impossible to distinguish between what is routine and what is not routine. The signing of documents is a possible thing; the Attorney-General might consider that.

THE ATTORNEY-GENERAL: The hon. Member is talking about the signing of documents. The Mining Ordinance says that the Governor "may grant". It means that the Governor grants and also signs the document, so that it still has to go to him for the final granting. That is why the Bill is drafted in this way. The amendment suggested by the hon. Member would not affect the matter, because applications of that sort would still have to go before the Governor for granting. The hon. Member exhibits fear that this power would be abused; why I cannot think. It is exercised in other Colonies and Your Excellency has had the experience yourself. Why in this particular Colony the Governor may not be trusted to exercise that power which is exercised in other Colonies I cannot understand.

THE CHAIRMAN: I will give an illustration. There are formal documents which I must sign, but there is another class of document which does not merely require formal signature. The Attorney-General has pointed out something which the Governor empowered to approve. Under the

present system the Head of the Department would have the matter prepared. To obtain the Governor's approval he has to write a minute to explain the matter, and then submits it to the Governor through the Colonial Secretary. Every one of those papers means possibly twenty separate acts. There may be no formal document to be signed, but the Governor will have to sign "Approved," his name, and the date.

The Governor cannot possibly go through the papers which, strictly speaking, would be necessary if he has to give his approval. When I came to the Colony I immediately asked "Need these things come to me? I cannot possibly deal with them." I suggested that the Colonial Secretary should deal with them, and it was pointed out to me that if any inquiry arose and it was found that any particular application for a grant had not been submitted to me for approval, and did not bear my signature, some question of its validity might arise. My own view is, as the Attorney-General says, that certain things must be left to the Governor's discretion.

Mr. ELEAZAR: I appreciate what Your Excellency has said, but I cannot see that this clause conveys what you say. It conveys very much more than what you say, and somebody else might interpret it in the way I am thinking, and in a very much wider sense than what you have said. There are certain documents which need not go to you, but the law says they must go to you. You would like to save your time and I quite agree with you, but this clause does not say that. It says that any duties which the Governor is empowered to perform he may delegate to somebody else. Another Governor might delegate half of the work of the Colony to somebody else, and we would have many petty Governors.

THE CHAIRMAN: The Governor already does that in half a dozen cases



where he tells the Colonial Secretary to do certain things. There are many things which the Colonial Secretary does in my name without reference to me but, as it happens, those are not things which, under some Ordinance, are required to be referred to me. But many of those things are vastly more important than the great majority of things which are dealt with in this clause. So that to limit the Governor's powers and say that everything that is important should go to him you are still dependent on his discretion as to what he says must go to him.

Mr. ELEAZAR: Certain duties are performed by Heads of Departments, and the law contemplates that certain other duties should be performed by the Governor himself. As this Bill is worded the Governor would be empowered to shift those duties to somebody else, and we would have half a dozen petty Governors. We have had them in the past without legal authority. Are we to give them legal authority now? I quite understand and appreciate what your Excellency has said, but I say that the wording of this clause does not convey that. There is nothing to prevent the Governor delegating to somebody else the most sacred duties imposed on him by law. I believe that the wording of the clause can be improved so as to eliminate the fear which the Attorney-General says I should not have. Why shouldn't I have that fear?

THE CHAIRMAN: So your suggestion is merely to limit it to the signing of documents? If that is so it does not take us very far.

Mr. ELEAZAR: There may be other things, but I say that the wording of this clause would permit the Governor to delegate practically everything.

THE CHAIRMAN: It gives him wide power but not wider than the Governor is actually using. In practice many of the Heads of Departments do things

without reference to me. In certain cases where there happens to be a statutory enactment of some kind the Head of a Department says he cannot assume that authority, and submits the matter to the Governor for his signature or his formal approval. It is to cover that kind of thing that this Bill is designed. It is not giving the Governor any wider power to deputise than he has now.

Mr. ELEAZAR: We do not want your successor to have all the powers we give you. That is the difficulty. No Governor has done as much as you have done in such a short time. No Governor has done as much travelling about the country as you have done in the short time you have been here. When you are out in the country the Colonial Secretary would sign documents instead of waiting for you to sign them. Anyone would want that, but not to give you power to sit at Government House while the Colonial Secretary is doing your work here. That is what I am trying to prevent. Unless this power of delegating to someone else your powers which the Law has placed in you is defined to some extent or limited, there is nothing to prevent a Governor from abusing it, present company excepted, as long as he is given the liberty and power to do so.

At this short notice I cannot think of a concrete case to put before you so as to indicate what I mean. I quite appreciate what you said from your point of view, but I cannot find a concrete case to give you from my point of view. The law does not contemplate where a Governor can delegate to someone else power which has been given to him by law. I think I can suggest a case. The Governor is expected to deal with petitions for the granting of reprieve to persons convicted of murder. I am not quite sure.

THE ATTORNEY-GENERAL: That power is given under Royal Instruction and it is not possible for Your Excellency

to delegate that. A Governor cannot delegate any powers given by Royal Instruction, neither can he delegate any power exercised in the Council. If the hon. Member will look through the Ordinances he will see there that the few cases where such powers are delegated are nearly always to the Governor in Council.

THE CHAIRMAN: There are a great many cases which, I do think, are sent up to me which my predecessors had not. I am doing that because I am new. Later on that will cease. In the very nature of the office there must be a great deal of things of which the Governor can be relieved and which need not be referred to him. We are dealing here with things laid down in the Ordinance which are not of sufficient importance to be done by the Governor in Council. They are minor routine things which are not specified as to be done by the Governor in Council or by some other special instruction such as the Royal Instructions to me. I do not think there is any other practical way of doing it. It does refer only to those comparatively routine matters.

Mr. ELEAZAR: I do not think I have enough room to swallow a camel, but I think I can manage a gnat when I see it and get it. This is in the nature of the camel and there is no room for it. What is imposed upon you by Royal Authority I know you cannot delegate, but what the law has delegated to you is what this Bill contemplates to shift. You say there are a large number of things the law says you should do, but you think some of them should be delegated to someone else. Let us have them, but we cannot say you can delegate all and leave it to you to determine in your mind which you are going to delegate and which you would not. The English language is not wide enough to convey what Your Excellency said there. If it is not mere routine, if there is importance in it, then it carries some measure of responsibility, and I

do not see that the law imposes any responsibility on the Governor.

THE CHAIRMAN: Are you not prepared to trust me not to delegate a thing of importance?

Mr. ELEAZAR: If you are here for all time, as far as I see now. But time changes and so do all things. Your Excellency may change to-morrow, but we hope not. However, when a Pharaoh comes who does not know a Joseph what then? The law is there. If the hon. Attorney-General says this cannot be made more explicit, if it must be as wide as it is, then of course I have got to bow but I do say I think there ought to be a limit. There should be something to designate the nature of the work which can be so delegated and which would relieve Your Excellency more precisely than by saying "any powers."

THE CHAIRMAN: There is an important proviso there already. I am not authorized to depute any person to make Regulations, Rules or Orders under the power conferred upon me by any Ordinance. I am only authorized to delegate certain powers.

Mr. HUMPHRYS: I am rather wondering whether the difficulty of the hon. Member for Berbice River (Mr. Eleazar) is not this. Maybe he is thinking that there may come a Governor who is anxious to pass the bulk of his responsibility on and, therefore, that Governor will say "I depute the Colonial Secretary, the Commissioner of Lands and Mines and the Colonial Treasurer to do this and the other," and when anything happens the Governor will be able to say "I am out of it. That is not my responsibility. I have delegated it." Ultimate responsibility rests with the Governor for any wrong act done now. I do not see any difficulty. I take it most of the things will be deputed by Your Excellency's command. I rather think that is what is worrying my hon. friend.

THE CHAIRMAN: I read it so, and I think the point you have made is the correct one.

Mr. SEAFORD: To put the thing in a nutshell, if we cannot rely on the discretion of a Governor to delegate his duties then he is not much of a Governor. It does not matter who carries it into effect.

Mr. ELEAZAR: Your Excellency, perhaps, if I give an illustration you may see what I mean. In the old Combined Court there was a Committee to consider petitions sent to the Governor and the Legislature. In 1928 when the new Council came into vogue, on that same date we were told we are not going to argue any more over petitions as they will be dealt with by the Governor. This Council has never seen a petition which has come to it because we delegated that power to someone else. From 1928 to the present time not a single petition sent to the Governor and to the Legislative Council has been seen by this Council. What does that mean? A petition coming to us we are supposed to consider, but we have not done so because we have delegated that to someone else. Having that at the back of my head, that is my position. We have delegated several of the powers we had in the old Combined Court to the Governor or the Governor in Council since the inception of this Order in Council, and those duties have not been carried out in the way that anyone of us thought they should be. We do not know who is looking after it.

THE CHAIRMAN: You still have your remedy in altering the laws so that any power given by the Legislature to the Governor in Council or even the Governor can be controlled. You may provide that any legislative act is not valid unless confirmed by the Legislative Council. There can be a limit to executive powers in that way, only it will result in stagnation. But we cannot have it both ways.

Mr. PEER BACCHUS: I do not think this matter is one in which there is no confidence in the Governor. I think that when this Council considers the different Ordinances in which this Council decided that certain matters should receive the personal attention of the Governor, the Council at that time had taken into consideration everything. To minimise the difficulty I would suggest that in such Ordinances that you personally think the duties are just routine—the Governor should place his signature on any document—they be amended instead of giving general powers under this single Ordinance for any of the Governor's powers to be delegated to another officer, provided you think that those duties can be successfully carried out,

THE CHAIRMAN: You can do that, but observe that by doing that you relieve the Governor entirely of responsibility. When you pass an Ordinance to allow certain individual officers to do certain acts of the Governor, the Governor is no longer responsible if the name of the Governor is improperly used. In the present Bill the Governor is still ultimately responsible, but if you remove it from the Ordinances he is not responsible. At the moment he is not responsible for anything done in the name of a Magistrate or Judge. I think that constitutionally the name of the Governor should remain in executive matters and as a matter of practical convenience he should delegate his duties to any of his officers. If the officer makes a mistake the Governor is still ultimately responsible. That is a thing I should say myself is worth retaining. We have ventilated the subject a good deal. We can put as a proviso at the end—“Provided the Governor exercises these powers at his discretion”. (laughter).

Mr. ELEAZAR: If the matter is sent to the Supreme Court they would say on appeal that you have no discretion in the matter.

THE CHAIRMAN: I suggest that in

every individual Ordinance this point be considered. In the meanwhile I would like to relieve both the Colonial Secretary and myself of a lot of unnecessary work.

Question put, and agreed to.

Bill passed without amendment.

The Council resumed.

THE PRESIDENT: May I take the feeling of the Council as to whether we should proceed to the third reading of this Bill. I propose that we get through with all our business, but I do not press it if hon. Members have any objection, though I am quite willing to have it done.

As there is no objection I ask the hon. Attorney-General to move it.

THE ATTORNEY-GENERAL: I beg to move that a Bill intituled "An Ordinance to amend the Interpretation Ordinance by making provision to empower the Governor to delegate certain of his powers" be read a third time and passed.

Professor DASH seconded.

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

Bill read the third time.

THE PRESIDENT: We have now come to the end of the Order of the Day. Is there any other business possible to-day? The hon. Attorney-General has advised that it is improper to proceed with the Teachers' Pensions (Amendment) Bill and the Education (Amendment) Bill. There being no other business we will adjourn. As to the date I will ask the hon. Attorney-General when he wishes to proceed with those two Bills and the question of Summary Jurisdiction.

THE ATTORNEY-GENERAL: We may adjourn for a fortnight. The Town Council Rating Bill may be ready by then.

THE PRESIDENT: The Town Council is anxious to get on with the Town Council Rating Bill but we have not got it back as yet. Provisionally we may fix a fortnight.

There are a few items of expenditure requiring the approval of this Council. It will be convenient to discuss that, perhaps, at an immediate date and, as I said a fortnight ago, I am very anxious to have a round table conference with Unofficial Members touching the general financial policy of the Drainage and Irrigation Schemes with a view, I hope, to getting some immediate beginning with construction schemes apart from the reconditioning now going on. Tomorrow afternoon will suit me.

The Council adjourned *sine die*.