

**LEGISLATIVE COUNCIL****FRIDAY, 13th SEPTEMBER, 1946**

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G., President, in the Chair.

**PRESENT :**

The President, His Excellency the Officer Administering the Government, Mr. W. L. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (Acting).

The Hon. the Attorney-General, Mr. F. W. Holder.

The Hon. the Colonial Treasurer, Mr. W. O. Fraser (Acting).

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

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

The Hon. H. N. Critchlow (Nominated).

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

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

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

The Hon. J. Gonsalves, O.B.E. (Georgetown South).

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. T. Lee (Essequibo River).

The Hon. A. M. Edun (Nominated).

The Hon. V. Roth (Nominated).

The Hon. C. P. Ferreira (Berbice River).

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

The Hon. W. J. Raatgever (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 5th of September, 1946, as printed and circulated, were taken as read and confirmed.

**ANNOUNCEMENT.****TRADES UNIONS (AMENDMENT) BILL.**

The PRESIDENT: I have one announcement to make touching the debate on the Trades Unions (Amendment) Bill. Hon. Members will recollect that we left the Bill in Committee. I discussed the matter with Members of the Executive Council on the following Tuesday, and it is now under consideration that Government should undertake the audit of the Unions, in which case a new Bill will have to be submitted to this Council. But the Auditors who have asked for an increase of fees have not been consulted, so I do not like to make any definite pronouncement. All I wish to state at present is that Government is giving favourable consideration to the question of the undertaking of the audit of Unions by Government Auditors and, of course, hon. Members will be informed later what Government proposes to do. That is under consideration, and that is the position today.

**PAPERS LAID.**

The following documents were laid on the table:—

Report of the Committee of the Trotman Trust Fund for the year 1945.—(The Colonial Secretary).

The Schedule of Additional Provision for the month of August, 1946.—(The Colonial Treasurer).

**GOVERNMENT NOTICES.****SUPPLEMENTARY ESTIMATES FOR AUGUST, 1946.**

The COLONIAL TREASURER (Mr. Fraser, acting) gave notice of the following motion:—

That, this Council approves of the Schedule of Additional Provision for August, 1946, which has been laid on the table.

#### NOTICE OF QUESTIONS.

##### ADVANCES TO TRADES UNIONS' OFFICIALS

Mr. ROTH gave notice of questions relating to Advances to Trades Unions' Officials.

##### DEPARTMENTAL REPORTS

Mr. JACOB gave notice of questions relating to —

- (a) advances to Trades Unions' Officials.
- (b) late submission of departmental reports.

#### ORDER OF THE DAY.

##### MOTOR VEHICLES AND ROAD TRAFFIC

##### (AMENDMENT) BILL.

On a motion by the ATTORNEY-GENERAL seconded by Mr. WOOLFORD the Council resolved itself into Committee to consider clause by clause a Bill intituled —

“An Ordinance to amend the Motor Vehicles and Road Traffic Ordinance, 1946 to provide for the grant of licences to use hire cars and goods vehicles on a road and otherwise to regulate the operation of such vehicles in any prescribed area.”

##### COUNCIL IN COMMITTEE

##### *Clause 1 — Short Title.*

Mr. PEER BACCHUS: On the last occasion before I was appointed on the Select Committee I moved the deletion of this clause. I move it again today. I am more convinced than ever that the enactment of this Bill will be detrimental not only to the owners of goods and small farmers throughout the country districts, but it will impede the general progress of the welfare of the Colony financially and otherwise. It provides for reducing competition against the railway to a skeleton, regardless of the inconvenience and expenditure it will involve. It also gives the Governor in Council power to declare any area other than that in which the railway operates a prescribed area. Govern-

ment, to my mind, has blundered, and blundered badly, in this matter by introducing legislation the implementation of which will cost the taxpayers of this Colony millions of dollars, and this Council is not yet aware what the cost will be in implementing this Bill. At this Government's request an expert was sent out by the Colonial Office to examine, enquire and report upon the affairs of the Transport and Harbours Department. That Report has not been published. It has not even been laid in this Council for the information of Members. I thought, sir, the correct procedure —

Mr. EDUN: May I just interrupt to say that I think I have seen the Rooke Report?

The CHAIRMAN: I will reply when the hon. Member is finished speaking.

Mr. PEER BACCHUS: I also may have seen the Rooke Report, but what I say is that the Report was never printed, was never published and was never laid in this Council for the information of Members. I do not know whether the hon. Nominated Member is confusing himself between the Rooke Report and the Rooke Recommendations. As I say, sir, the correct procedure, I think, was to have laid the Report in this Council and, the matter being of such an important nature, an informal meeting, as is usually done by the President of this Council to discuss matters with Members of this Council, should have been convened and a decision made as to what action should be taken. It is not fair to Members of this Council to ask them to pass certain legislation which will commit the taxpayers of this Colony to the expenditure of huge sums of money, the extent of which this Council is not aware. Some time before Mr. Rooke came to this Colony I had in this Council during a debate on the Transport and Harbours Department said that we have reached a stage when, I think, we should decide whether we would be justified by the traffic afforded and the financial circumstances of the Colony in maintaining it will involve. It also gives the Governor in Council power to declare any area other than that in which the railway operates a prescribed area. Govern-

maintaining two permanent ways of transport. I think, sir, I am supported in my view by the Rooke Recommendations, paragraph 14 of his conclusions, wherein he states :

“That revenue can be increased to some extent of the Rates Structure and increased charges, but not enough to cover deficits.”

Therefore it is obvious that the traffic that we can give to this Department cannot justify our maintaining an alternative permanent way. I most heartily support Government's view that if this Department is to be re-equipped and reorganised it must be run as a business concern. Therefore, I think, the better course is that this Council be given an opportunity first to examine the facts and figures and see whether they justify a capital expenditure, unremunerative and unproductive, of \$4,500,000. I do not think that figure of the cost of re-equipment and reorganisation has been given in this Council, but it has been given by the General Manager of the Transport and Harbours Department in the Select Committee. I make bold to say that no businessman would have attempted to enter into such a business without reasonable prospect of getting something back through the investment. Although Government has said this concern should be run as a business concern, the first step towards it is definitely unbusinesslike. If it were that this Government was called upon to meet the necessary demands of the public in the way of transport, I could have appreciated Government's attitude in the way it approached the subject, but I am satisfied beyond doubt that we can supply an alternative service which will give the public better travelling facilities and cheaper transport sufficient to take all the goods and passengers that will be offered to such a service. In support of that, may I be allowed to quote Mr. Rooke's Recommendations, para. 45

“That there is nothing carried by railways which cannot be carried by roads, sea and canals given even passable roads as is proven by traffic in the Courentyne area.”

If it were also that we have a railway which is catering for the Colony's entire traffic, both in goods and passengers, one might have thought differently, but not if it is a railway that only caters for one part of the Colony, and even in the two areas in which the railway operates it does not get all the goods traffic available. I am tempted to examine the figures of the production of those areas, but from all the figures that I have been able to obtain the two main industries concerned are rice and sugar. According to the Report of the Rice Marketing Board, the deliveries of rice between Kitty and Rosignol amount to 86,528 bags and for West Demerara 68,796 bags, making a total of 155,324 bags for the two areas.

Mr. de AGUIAR. To a point of information ! May I ask the hon. Member to state in respect of the figures he has quoted, whether they relate to the inward journey or the outward journey ?

Mr. PEER BACCHUS : Deliveries, I said, to the Rice Marketing Board, and it is obvious that they were taken to Georgetown from those districts. That total is a little above 33 per cent. of the Colony's production. The sugar production is 175,000 bags and of that the railway handles merely between 16,000 and 17,000 bags—a little below, I think, 10 per cent.—which will be further reduced when Pln. Cane Grove goes out of production. Cane Grove's production is round about 5,000 tons of sugar, and within the next year or two it will go out of production. The Courentyne deliveries are over 36 per cent. of the Colony's production of rice, and the entire lot is being handled by road transport to the shipping point, and the roads in that district are being maintained on a current vote of the Public Works Department with the ordinary surfacing material—burnt earth—that is being used throughout the Colony. Here again with your permission, sir, I will quote from Mr. Rooke's Report to bear that out, but before doing so I would just like to state that this Government had the services of an expert who came here at this Government's request and examined and reported upon a Government concern, a concern of important public

interest, a concern on which the taxpayers of this Colony are being mulcted in an annual deficit until it has now reached an amount in the vicinity of \$1,000,000, and yet this Government thinks it is best not to publish that Report for the information of this Council and of the public.

The CHAIRMAN: I do not want to interrupt the hon. Member, but the recommendations were published.

Mr. PEER BACCHUS: Yes, I know that, but one should be in a position to read the Report with the Recommendations and see how much more one could get from the Report than from the Recommendations. I am tempted to ask myself the reason for Government's attitude. Is it because Government wishes to ignore the Report and tie the taxpayers of this Colony down to an unproductive and unremunerative expenditure for equipment and reorganisation of the Department to the extent of \$4,500,000 plus an annual deficit plus, need I mention, about \$85,000 as annuities to the original shareholders? Now, sir, in paragraph 10 of Mr. Rooke's Report he made the observation that the Transport and Harbours Dept. has found itself in this position because it disregarded expert advice given in the year 1922 and in the year 1933. Here again Government is being told the same thing—three times over—to ignore the advice of an expert.

The CHAIRMAN: On the contrary; we are implementing the recommendations in Mr. Rooke's Report.

Mr. PEER BACCHUS: With your permission, sir, may I read certain portions of this Report to show how the recommendations are being implemented by this Government? At page 103—

Mr. GONSALVES: To a point of explanation! I understand the complaint of the hon. Member is that Mr. Rooke's Report has not been laid on the table in this Council, neither has the public seen it. Yet I hear the hon. Member saying that he intends to read from paragraph 10 of the Report. I do not quite follow that. Is he a privileged Member of this Council?

Mr. PEER BACCHUS: I might explain that Mr. Rooke's Report was available to the Commissioners of the Transport and Harbours Department. If those Commissioners are to be regarded as the public or as being privileged, I do not know.

Mr. GONSALVES: There is a preference in getting a report which other Members of the Council have not got.

Mr. PEER BACCHUS: No, sir, not in getting it as a Commissioner. It was available to the Commissioners.

The CHAIRMAN: I have given the hon. Member every chance. We have had the second reading of the Bill and I would like him to realise that this Council has passed the second reading in principle. I am perfectly prepared to give the hon. Member another few minutes, but will ask him not to go beyond what is reasonable.

Mr. PEER BACCHUS: I quite appreciate the fact that this Council has passed the second reading of the Bill, and that is why I have taken opportunity to move the deletion of the Short Title clause. At page 103 of the Report Mr. Rooke says:—

“The coastal areas in which dwell the bulk of the population are served by:—

Berbice, Courentyne—road and sea.

New Amsterdam)  
Georgetown )—By sea, rail  
Parika ) and road.

and to this can be added some creek, river and canal.

“Is such triplication of transport facilities really necessary?”

“The Berbice-Corentyne area—56 direct miles—is satisfactorily served by zoned road transport under quantitative and qualitative control....”

One of the paragraphs I wish to quote in support of my argument is paragraph 4. It says:—

“4. The amount spent on road maintenance on the Berbice-Corentyne is some \$59,000 of which \$47,000 is in respect of the main road. For its nature and the traffic it carries, the road is very fair and could be called comparatively good. The *direct*

revenue from road vehicles is some \$15,000 per annum. Indirect from petrol, fuel oil, tyres, spare parts, etc. are not available, but in petrol alone cannot be less than some \$25,000 at 40c. per gallon."

That means a total of \$40,000 from revenue, while the main road will cost \$47,000. I have brought to bear on the argument that if we switch off from railway to roads the cost would not be prohibitive because we would reimburse ourselves by way of licence duties, Customs duties and other things in the operation of such services. At page 110, the Report reads :—

"A great deal has been written and said on the contentious subject of alternative means and the phrases "*unfair — uneconomic — and wasteful competition*" have been as freely used or misused in British Guiana as elsewhere."

"Presumably it means competition wherein "single owners," "small men", "wild catters" or "mosquito operators" force their way into the Transport business by charging uneconomic rates, *i.e.*, rates which do not cover all proper items of expenditure—and/or not pay their due portion of the cost of maintaining roads."

Now, sir, I am told that Government intends to implement the recommendations contained in Mr. Rooke's Report.

The CHAIRMAN : One of the first recommendations is the appointment of a General Manager.

Mr. PEER BACCHUS : He has been appointed, but the legislation before this Council is not in conformity with Mr. Rooke's Recommendations. I cannot read the whole of the Rooke Report in this Council, but I repeat that it would have been far better if Government had printed this Report and circulated it among hon. Members, as then they would have become fully aware of the circumstances of the case.

The CHAIRMAN : The hon. Member has already stated that of all the awful reports ever submitted to Government the one by Mr. Rooke is the worst. That is a matter of opinion I expect.

Mr. PEER BACCHUS : Yes, and I personally share that opinion. The adoption of this Report is going to mulct the taxpayers of this Colony in the expenditure of large sums of money, and that fact cannot be disregarded. I plead with this Government and also with this Council that if we are to increase our debt charges—if we are to borrow any money at all—we should do so and spend it along productive lines. May I remind hon. Members that our programme for Drainage and Irrigation schemes has not been fully met financially? I think we are short of nearly \$8,000,000 for the completion of that programme and, therefore, if we are to borrow any money at all let us spend it on drainage and irrigation rather than committing the Colony to expenditure that is unproductive and unremunerative. I plead with this Council to have some sympathy with the taxpayers of the Colony.

Mr. FERREIRA : On the last occasion you, sir, kindly allowed this matter to stand over until today, and I thank you for having given us an opportunity to study this matter further, together with the report submitted by the Select Committee. I should also like to thank the hon. the Attorney-General for his very eloquent remarks. I followed his explanation as much as I can: I cannot say I followed all, but it has been of some weight. I think it has been made quite clear that the object of this Bill is primarily to protect the railway and to put it on a sound economic footing. With that I am in entire agreement. I would like to see the railway—and for that matter any utility service—if not exactly pay, not lose such huge sums of money, but I do not agree that this Bill before the Council is the correct solution of the problem. Rather, I regard it as a most retrogressive measure—one that will in time be a hindrance to the development of those parts of the Colony that are affected by this Bill. I refer particularly to the West Coast, Berbice, and the East Coast, Demerara. As regards the deficits relating to the operation of the railway, the amounts are astonishing. I have not got the figures here at the moment, but the hon. Member for North Western District (Mr. Jacob) submitted them on the last occasion, and

they are figures that one should ponder over. At the same time, there is no reason why one should be panicky or why there should be any wild rush to get this Bill through because one thinks that this is the solution of the problem. I am submitting that this is not the solution and, I think, it would be wiser if hon. Members sit back and try to discover the reasons for these huge deficits. It is well known that they are leaping up year by year, and to my mind they are the direct result of Government's policy.

There is no doubt about it that during the war years the Department had to meet huge increases in the cost of replacements, fuel and one thing or another and, last but not least, there was the payment of War Bonus to which the workers were justly entitled. The Commissioners of the Transport Board submitted, as their considered opinion to Government on more than one occasion, that it was uneconomical to run the railway on those fares and those freight charges, but the Governor in Council thought it best to disregard the advice of the Commissioners and to give the Transport Department a form of subsidy. We know where the deficit comes largely from. I know that on the Courentyne there was a service operating with very reasonable prices. The fare from Rose Hall to New Amsterdam was 4 cents for a single fare, and as regards freight a bag of rice cost 10 cents, but when Government came in and formed a pool and created a monopoly they approved of certain increases and the fare jumped to 36 cents, while the freight on rice jumped to 24 cents per bag. That is what control and monopoly produced. It has been made clear that this railway cannot pay its way on the existing fares, and this Bill will not change that. The only way to improve the situation will be to increase the fares and the freight rates also. Government is repeating the mistake it made 40 years ago and, I think, it will be better to encourage a bus service between Georgetown and Rosignol with a licence of \$400 per annum, and a lorry service with a licence of \$300 per annum. It is not to be forgotten that some time ago bus licences were increased to \$500 and lorry licences to \$720 per

annum, with the result that there are only a few lorries today operating between Rosignol and Georgetown, and only one between Parika and Vreed-en-Hoop.

I, sir, remember that some years ago when Government decided to discourage these buses they brought in a third-class fare—a ridiculously low fare—but that was bad business, and today they are paying for it. I strongly opposed all such measures. When this third-class fare came into being, we were given to understand that the residents of Belladrum and other villages who lived far away from the railway stations would have had a shuttle service at their disposal, but that service never came into being and today the shopkeepers on the West Coast, Berbice, find it difficult to avail themselves of the railway in spite of this fare. Therefore, instead of bringing progress I venture to say that the fare was nothing more than a retrogressive measure. What beats me is that we are being told that this Bill is to protect the railway and to keep away competition, but are we being honest about it? Really, the biggest competitor of the Transport Department is not the poor man. On the West Coast, Berbice, there is one big firm—the firm of Sproston—which runs a highly successful service between Georgetown and New Amsterdam. Is that unfair competition or not? Perhaps, it is because we are afraid to touch the bigger people. One of the consequences of this Bill is that the bus owner and the car owner must keep certain books, but we cannot tell a firm to do that.

We talk about the Rooke Report. But what does it recommend—euthanasia for the railway? I know that the present General Manager is a very capable man who is doing his best for us, but why should this Council be told that we must put this Bill through when we know that in effect it will control three or four owners and the vast majority of the population of the East Coast, Demerara and the West Coast. Demerara will be left without proper travelling facilities? That is absolutely wrong, and I fail to see how those who have the welfare of the residents of these districts at heart can lend

their support to this Bill. I am against the idea of monopoly and control in Berbice. Surely Government realizes that the word "control" is hated and that the idea will be disastrous right now. The word "control" is synonymous today with graft and corruption. Unfortunately, one cannot get at what is happening and, if Your Excellency does not know of it, certain Members of the Executive Council do. If you ask me, I can tell you that there are persons on the Courentyne who ran their buses for years and have asked for nothing from Government. If a service is being run on the Courentyne at present with a subsidy, I think steps should be taken to provide this Council with figures so that hon. Members would be able to consider them. If the Courentyne district can provide such a service, I fail to see why the East Coast, Demerara and the West Coast, Berbice, cannot do something similar. If Government is going to put this Bill through—if hon. Members are going to support it—let them be fair and let control apply to everyone. The bulk of the traffic from the Courentyne is not the part that goes to New Amsterdam; it is the sugar—about 80,000 tons—that is the amount that leaves Berbice to come to Georgetown each year. That is the thing that will bring more revenue to Government. We should not quarrel about the little things. To crown it all, we are told that if there is control on the Courentyne everything would go quite well, and in spite of that we find clause 71.R of the Bill stating that "A goods transportation licence shall not be capable of being transferred or assigned". Then we find clause 71.T, (1), saying:—

"(1) Notwithstanding anything contained in this Part of the Ordinance, it shall be lawful for the Governor in Council to commission any person or body of persons an exclusive goods transportation licence . . ."

In other words, a man may have been operating a service—let us say in the Courentyne district—for years, but that does not say he will come under this clause. It appears that the Prescribed Authority will not grant road service licences in cases where they are suspicious. This Bill has been framed to meet the present requirements of the General Manager of the

Transport Department, but who is to know whether he will be here in another five or 10 years or will have any authority to put anything before this Council. I venture to say that we are wasting time in bringing forward legislation like this. If this Council wants to do anything with regard to the railway, let us sit down and think of cancelling the \$180,000 which represents annuities. That suggestion was made before the West India Royal Commission and it was held that it would not be fair to the people who have to bear the heat and burden of the day to have these annuities continuing as at present. If we are looking forward to the future with hope, we must have a more constructive policy. We should have something more practicable than this, and I would ask hon. Members to do what the previous speaker has suggested—put this Bill aside and let us be honest to the people concerned.

Mr. de AGUIAR: I have listened to the two hon. Members who have spoken this afternoon on the principle of this Bill, but I find that they have been repeating the same things that have been said some days ago and even previously, and many of them do not, of course, concern the Transport and Harbours Department. Well, sir, I have been looking at this Bill—I have looked at it before today and I will look at it again—but I fail to find the points to which the two hon. Members have referred. I cannot see anything at all that leads me to believe that it refers to the Transport and Harbours Department—the operation of that Department, whether financially or otherwise.

Mr. FERREIRA: To a point of correction, sir! If the hon. Member was here on the last occasion he would have heard the speech of the hon. the Attorney-General which included these words:—

"The Transport and Harbours Department should be run as a commercial concern."

I presume the hon. the Attorney-General knew what he was speaking about.

Mr. de AGUIAR: I am not responsible for what the hon. the Attorney-General has said. If the hon. the Attorney-General says the Transport and Harbours Depart-

ment should be run as a commercial concern, he expresses an opinion with which I am in entire agreement.

Mr. PEER BACCHUS: It is a statement from the Chair also that Members of this Council must say whether we want the railway or not.

The CHAIRMAN: The hon. Member might be allowed to speak!

Mr. de AGUIAR: I am very grateful for the last interruption when the hon. Member says the point I make is a question put to the Members of this Council rather than to the Chair. What I have risen to say is this: In my view this Bill before the Council has no bearing whatever. We are not passing any legislation for the Transport and Harbours Department. Whether the implications of the Bill will benefit or retard the progress of the Transport and Harbours Department is a different matter. Until this Government says a measure before the Council deals specifically with one of the Government Departments, I shall always refrain from bringing a Department into a debate unless by way of reference. I would like to make this definite statement: As a Member of this Council it is my view that this Bill is not a Transport and Harbours Department Bill at all. It is a Bill which, to my mind, is a step forward because it introduces something which should have been done many many years ago when motor transport in this Colony became an accomplished fact. What is the position today?

The position, as I understand it, until this Bill is passed is something like this: You have these motor lorries operating helter-skelter, here, there and everywhere, without any system of control whatever. There is at the present moment through war emergency some form of control in one particular area in the Colony, but experience has shown that even that control is not sufficient—in fact it does not strike at the root of the evil. When this Bill first came before the Council, Members had an opportunity of debating it. Unfortunately on that occasion the red herring of the Transport and Harbours Department was introduced, but it

certainly did some good because it made hon. Members agree to the appointment of a Select Committee to consider the details of it and to put up certain recommendations. On that occasion, when I accepted the Bill in principle, I made it perfectly clear that there were certain details with which I could not agree. In the Select Committee we considered the Bill, and as the result of our deliberations there we have evolved a new Bill in connection with this matter.

I would have preferred to sit here and listen to those hon. Members who have spoken so far criticizing the recommendations put up by that Committee in so far as this Bill is concerned. I observe that one of them, the hon. Member for Western Berbice (Mr. Peer Bacchus) who was a member of the Committee, has again gone back and introduced his old song of the Transport and Harbours Department. I do not propose to do that at all, and when we are discussing the Transport and Harbours Department I am quite prepared to give Government the benefit of any advice I can give. I propose to deal with the Bill as I see it. I am aware that this Bill has brought about a good deal of controversy and particularly in one district of this Colony. I am also one of those Members who received a telegram to oppose this Bill, but I maintain that if I were to oppose this Bill I would be failing in my duty to the general public, and I am prepared to make that statement in reply to the gentlemen—I cannot remember how many—who signed the telegram. It is my view that I cannot accept their opinion, and I feel this Bill is in the favour of the public, although it may operate against the financial position of half a dozen persons. When hon. Members talk about this Bill being a hindrance to the development of this Colony, I refuse to sit here and listen to that tripe. They have not read the Bill. They have certainly not read it as carefully as I have done. When hon. Members talk about the Bill being vicious, full of graft and corruption, while I am inclined to agree to that, I would like to ask hon. Members whether they will at this stage throw stones at the Advisory Committee proposed in this Bill of which hon. Members themselves may

be members. I do not know who the members of the Advisory Committee may be as the provision says five members three of whom shall be Members of this Council.

I maintain that in considering this matter very little has been lost sight of. On the other hand, I am inclined to agree that, perhaps, with the wisdom we have around this Council table we may receive some suggestion that will bring about the object which we have in view. I would like to ask the hon. Member for Western Berbice when he talks about the railway, whether in his opinion or in the opinion of any hon. Member of this Council if the railway from Georgetown to Rosignol, or for that matter the shorter one from Vreed-en-Hoop to Parika, is closed down would he be one of the first to raise his voice in this Council against such a step being taken? I remember distinctly when it was only a suggestion that it was just possible owing to lack of equipment the railway from Vreed-en-Hoop to Parika would not be run, a hue and cry was raised at the time as to how the people on the West Coast would be inconvenienced. I was one of those who championed the cause as to how the people would suffer if such a thing should come about and, sir, you can believe me as I stand here that if it ever came to pass that decision has to be taken I would be the first to rise from my seat, if I am still here, and say that in my view it would be a backward step. Sir, can you picture for a big country like this we have enough railways? Instead of 68 miles of railway from Georgetown to Rosignol I would like to see another 47 miles on the Courentyne Coast. or perhaps another 200 or 300 miles south of us.

Can it be denied that the railway service, poor as it is, is responsible for a good deal of the development that has taken place in the various villages through which the railway is running? If hon. Members do not know, let me remind them of what is in my own memory. Would hon. Members deny—it is true it is very small—that the extension of the service on the West Coast from Tuschen to Parika did bring about some development? I do not think they can deny that. I do not believe they will, as that is something

which has only taken place within the last quarter of a century. And so, sir, I do not wish Members in discussing this Bill to throw out the slightest suggestion that this country can do without this railway service. I think it will be against the interest of every person in this Colony. One word more I would like to say about that. It is true that the Transport and Harbours Department fell on evil days, but there are several circumstances that brought that about. I do not think, however, we are here to discuss that, but I have made reference to the matter because we have been told that we have now somebody in the person of the present General Manager who is going to bring that Department out of the financial chaos in which it finds itself. I do not think it can be denied that there are certain financial improvements already. My only hope is that these improvements will continue.

On the other hand I would like to say this to Government at once. It is my sincere hope that these improvements in the financial position of the Department are such that they may not in any way interfere with the service that we are at present receiving, nor will it be done at the expense of any other factor in the operation of the Department. If, as the result of traffic knowledge and experience which, I understand, the present General Manager has, he can bring about improvements which will result in financial savings to the Department I, sir, would be the last person in this Council not to render him assistance to do so, and I would like to ask Members whether in those circumstances they would refuse to give that assistance. I venture to suggest that even with all that we have heard today from the two hon. Members who have spoken, they themselves will be the first to render assistance to that gentleman. I can speak on the Transport and Harbours Department for hours, not merely because I happen to be a Commissioner but because of a very close study I have made of our transport problems, some of which I know a good deal, and my knowledge of traffic rates and the flow of traffic. But, sir, if I attempt to do that today it would be uncalled for, as it has no place in this debate. I prefer to deal with the Bill.

As I said before, sir, these vehicles operated in this Colony without any form of control whatever, and I know it was a very dangerous procedure. When this Bill was first introduced I suggested that certain details were not applicable to this Colony and would not work well. In the Select Committee I took the opportunity to discuss those details with the Members and the Chairman of that Committee, and I am very pleased to be able to report to Members of this Council that all the objections I had regarding the details of the original draft Bill have been removed. Those details having been removed I do not propose to perambulate again the principle of this Bill. There is, however, owing to my absence from a meeting of the Committee, a clause introduced with which I am not in favour. That is new. When the hon. Chairman of the Committee mentioned it to me, I told him there and then that I did not like it, but he said it was inserted at the request of certain Members. I refer to it because I would like Your Excellency to know. I have said it before, and I am going to repeat it again, that I would like Your Excellency to know that as the result of introducing the Transport and Harbours Department in the announcements made here in Council there is a fear that something is hidden within the wording of this Bill which will operate against certain people. I asked the Government at the time to make an announcement to remove that fear and I was informed from the Chair that several announcements have been made. I think I have heard them all. Speaking for myself, I have no fear whatever. I have heard the announcements that Your Excellency made; I have heard the speeches the hon. the Attorney-General made and, what is more important to me, I have read the Bill from beginning to end and, I think, I have a thorough knowledge of the Bill and of all its implications.

I would like to ask hon. Members what can be the harm in making it imperative that before a motor lorry, which incidentally is not different from a bus in structure except that a bus has a superstructure and carries passengers while a lorry is without a superstructure and carries freight,

operates it must comply with the Ordinance of 1940? What is the difference in making it compulsory for a motor bus to comply with the Ordinance of 1940 in order to operate throughout the Colony and a lorry should not be made to comply with similar conditions? Section 71G says :

“(1) No person shall use a goods vehicle on a road in any area of the Colony for the carriage of goods—

(a) for hire or reward, or

(b) for or in connection with any trade or business carried on by him except under a goods transportation licence.”

Why should not a man be allowed to operate a motor vehicle or lorry in any part of the Colony unless he applies for a goods transportation licence? Why when he applies for that licence under section 71I he is to give the Prescribed Authority particulars of the vehicle, setting out the type and number and the facilities for the transportation of goods? Why must he not supply those particulars when he is making application for a transport licence? In other words, why should a man who is operating one of these lorries from Georgetown to Rosignol be placed in a different position from the man operating a bus from Georgetown to Rosignol? The man operating the bus has to apply for a licence and to give the size of the vehicle, the number of passengers that he can carry, etc. Why Members say on the one hand the man operating a bus must apply for a licence and on the other hand the man operating a lorry should not apply for a licence? Why do we get up here and talk about control and make innuendoes? Why don't we face the facts? What is all this agitation about? Why don't Members bring it out? Is this agitation, I would like to ask hon. Members who have spoken and those who may speak, brought about by a dozen lorry-owners operating on the Courentyne Coast of Berbice? If that is so, what is their grievance? Why don't they tell us? Are they afraid that the Government is likely to carry on a motor transport service on the Courentyne

Coast, Berbice, and as a result put them out of business? If that is the fear, why don't they tell us?

On the other hand, am I to understand, if that is the fear, that these Members would like these same owners who are operating on the Courentyne Coast of Berbice to be given a free hand to charge whatever freight rates they like on the goods they carry? Is that what is required? Am I to understand that is the intention of all this agitation? Must there be no control whatever over the operation of these lorries, whether they are operating in the Courentyne District or any other part of the Colony? Are these men to be allowed to operate these vehicles, charge what they like and, what is more, probably do damage to life and property?

Mr. FERREIRA: To a point of correction! I think I made it quite clear that prices went up when control came in. As regards damage to life and property you have the Police and the Insurance Companies looking after that. I am amazed at the hon. Member's statement.

Mr. De AGUIAR: Don't be amazed because, I think, I know what I am talking about. I had my motor car damaged only a few evenings ago by another car and I am still trying to find the owner. The car was parked. To go on with my speech, I am asking those hon. Members whether it is their desire, whether in their view it would be the best thing for this Colony, that these lorries should be allowed to operate wherever they might be—on the Courentyne Coast, on the West or East Coast Demerara, or the Essequibo Coast—without any form of control? The control that is at present in existence in the Courentyne area is a wartime measure and, what is more, it is not even along the lines as suggested in this Bill. I do not think even "control" is the correct term that should be used for what is going on in the Courentyne area with these lorries. Perhaps "pooling" may be a better word. It is a system of pooling which was brought about as the result of the war emergency. There is no control, as I understand it, in the Courentyne District at the present time.

But, sir, the hon. Member said that since this pool is operating in that area the rates have gone up. He may be right—I do not profess to know whether they have gone up or not—or probably he is making comparison between the existing rates and what he thinks the rates were at one time. It is an entirely different thing to hear that a man charges a sixpence for transporting a bag of rice, but I know on certain occasions that same man charges two shillings if you want a bag of rice transported. Only recently on the East Coast, Demerara, I had to bring a man down to Georgetown in my car one Sunday afternoon because the bus which took him up there for one shilling and sixpence, or something like that, wanted him to pay the entire cost of the trip, 14 times 36 cents, to bring him back to Georgetown in the evening. So that if the hon. Member is referring to the rates that are charged by these unregistered people who are not controlled, my answer to him would be that those rates are not rates at all, as they are subjected to the whims and caprices of the individual at the time. But when a man applies for his licence under the Ordinance, he has to put down his rates, the routes on which he is going to operate and the various other particulars asked for in this Bill, and if he fails to observe those grounds on which his application is based he would be liable to a penalty for having committed an offence.

Mr. PEER BACCHUS: May I remind the hon. Member that in respect of the occurrence he spoke about, the owner of the bus has committed an offence under the existing Ordinance. An application can be made to the Prescribed Authority for a cancelment of his licence.

Mr. De AGUIAR: I agree; but there is nothing at present for the lorry-owner who does the same thing. The incident to which I referred was in connection with a bus, and the hon. Member is correct. I am so glad he has been so easily convinced. The hon. Member now sees the difference. The owner of the bus is liable to have his licence cancelled because he endeavoured to impose restrictions on that man, but in the case of the owner of a lorry he is not liable to any-

thing of that sort until this Bill is passed. I want to ask hon. Members whether they think it is not a reasonable provision to insert in this Bill. I want to ask them too, whether in these circumstances they still think that control of the operation of these vehicles is not necessary. If hon. Members were to rise from their seats and point out any defect, or any hardship, or any condition that is imposed which in their view would operate against the owners of these lorries, or against the interests of the general public for that matter, I would be the first to fall in with them and try to remedy it. But, sir, I do not think that any Member can reasonably get up and say that the conditions imposed here are not necessary. They have not said so, and if they do not say so I must remind them that these conditions are just and reasonable.

In these circumstances, sir, it seems to me that this opposition which this Bill is receiving at the hands of the Council today is unwarranted. Government is not being assisted in introducing a measure which has for its object the proper supervision and proper control of these vehicles and, sir, may I be permitted to tell my hon. friend that I am a little bit surprised at the nature of the opposition. As I said before, if hon. Members had any objection to any of the conditions referred to in this Bill, which in my view are just and reasonable, they should state them. As I said before, it is just and reasonable if a man has to apply for his licence for him to give certain particulars—the rates, the route, etc.—before he can get that licence. I see nothing wrong about that. Why have we got all this opposition? I am going to appeal to hon. Members, those two who took their seats just now and who made an appeal that the Council should reject this Bill, and I am going to appeal to the other Members of this Council to support it. I am perfectly satisfied—I have no fears about it, none whatever—that the opposition against this Bill is being agitated in a sense which it is extremely difficult for me to determine. I am satisfied that the Bill, as it stands, is one which will be of considerable benefit to the people who have to use these lorries, and I am satis-

fied that if a Bill of this kind is not passed in this Council our transportation problems throughout the entire Colony would be seriously jeopardised and, what is more, I think it would end up in chaos. I cannot see for the life of me how this Government can permit motor vehicles of any kind whatever to operate on our roads, such as they are, without control of this nature. It is essential that this Council should pass this Bill, and I am going to support it.

Mr. WOOLFORD: Sir, I claim your indulgence to speak a little earlier than I usually do, because it is possible that if consideration of this Bill is not concluded this afternoon I would not be able to make any contribution at all. I am the survivor of an age when in order to reach Berbice we had to be taken by train to Mahaica and thereafter travel in a slow coach and stop at various places until we eventually reached Rosignol. When I hear hon. Members complaining about the nature of the journey in these days, I am reminded of the time when we had only a section of the railway and the only other alternative was to use the road and travel by slow coach. I also remember that a former Director of Education took me up in his buggy, as it was called, and I was sick during the entire journey. Whilst I agree in some respects with the observations made by the hon. Member for Central Demerara (Mr. de Aguiar), I have risen merely to speak on behalf of those whose interests on the Courentyne may seem to be very greatly affected by the passing of this Bill—and it also affects the inhabitants of the town of New Amsterdam. It is not, of course, the main purpose of this Bill to put control on motor vehicles operating in the Courentyne district, but there is provision in the Bill which may make that possible. I wish to suggest that the feeling of anxiety which exists in New Amsterdam, as the hon. Member for Central Demerara has stated, and that the resolution passed might have been due to a number of people who did not understand this Bill at all and, in fact, might have had their minds charged with the original Bill which was published on April 12. That was the Bill which proposed to abolish the Board of

Commissioners entirely and to allow all the powers vested in that Board to be entrusted to the General Manager. That was its title—that was its import—and it read:—

“A Bill intituled” An Ordinance to amend the Transport and Harbours Ordinance, 1931, by abolishing the Board of Commissioners constituted thereunder and vesting in the General Manager all the powers now exercised by the Board”.

It will be idle to pretend that anyone reading this Bill will not be persuaded that its object is to put motor transportation and passenger service out of action and to bring it under the control of the General Manager. Clause 3 (1) states:—

“(1) There shall be established a Department styled the Transport and Harbours Department (hereinafter referred to as the “Department”) which, subject to the provisions of this Ordinance, shall perform the following functions and duties and exercise the following powers— . . .

(f) direct and control the movement of motor vehicles of any description whatsoever in any prescribed district, determine and direct the kind of goods or freight which shall be transported in that district by motor lorry, the freight rates to be charged therefor, and the times at which any motor vehicle shall leave or arrive at any specified place in a prescribed district”.

The preamble to the resolution recently passed in New Amsterdam contains a most extraordinary statement—

“Whereas the whole Motor and Vehicles Road Traffic (Amendment) Ordinance, 1946, threatens to reduce the freedom of action of the inhabitants of the Colony . . .”

Perhaps hon. Members would realize the very high tension that exists in the Berbice area with regard to this matter, and one of the most sensible contributions at the meeting held in New Amsterdam was made by a man who, I gather, was a lorry owner and it is a view which I wish to put to this Council for many reasons. In considering this Bill we must consider the future of these men and what may result from this legislation. We are passing legislation for conditions that may exist *in future* and we are Members of a Council to which we may not

have the honour of being returned, but upon which there will be the blame for putting into practice the powers of this Prescribed Authority. Those who represent Berbice, at any rate, have pointed out something of the danger that may result from the passing of this particular paragraph, (f). I think that this lorry owner of whom I have spoken may claim to have performed a public duty of very great importance to this Colony.

I am not going to speak now about the Transport and Harbours Department in Berbice because they do not operate any motor transport service there, but if and when the time comes to consider what would be the best transport service to put into operation in the County of Berbice, it has to be borne in mind what the efforts of private industry have accomplished — those who have borne the heat and burden of the day. They maintained and encouraged the operation of the rice industry for the general benefit of the inhabitants of the Colony and some of the Caribbean areas without the assistance of Government, without subsidies and without any other means of transportation being available. They did it—and even if they did it at a profit—they did it in conditions like these. If a motor lorry was passing—and the same thing applies to a passenger bus—one only had to hold up his or her hand and it would stop. It did not matter who stopped the lorry it took him up and in that way it performed the duty of a common carrier. If the producer of a bag of rice wished a message to be conveyed to the hon. Member for Berbice River (Mr. Ferreira) saying, for instance,—“Will you go to Mr. Ferreira and ask him to send me some butter?”—the bus or lorry driver would deliver the message and act as an agent for the sender but he got nothing in return for it. These vehicles operate exceedingly well and efficiently, notwithstanding the fact mentioned by the hon. Member for Central Demerara (Mr. de Aguiar) that they could not get equipment for some time, and they have given satisfaction to the members of the Rice Marketing Board and to those interested in that industry generally. Will it be an act of wisdom to put these people out of action like this? It is well

known to Government that these people have not merely devoted their efforts to the transportation of goods, but have acted as carriers of labour to various parts of the Colony. They have taken labour to various places in order to assist in the planting of rice, and I cannot conceive of any form of Government service—a cheap service of that kind—that would have been able to fill that position. They were unregulated—if you like to say so—but they were useful and very convenient to the people living in those districts. I think the time will come when it will be possible to harness private industry into co-operation with a Government-owned and operated service.

The point I would like to make is this: If we do pass this Bill—and I think it should be passed—when the clause dealing with the constitution of the Prescribed Authority comes under discussion, this Council must see that that majority is maintained. It is a most important feature of this Bill, because we are delegating to a future Legislature the responsibility of seeing that the same measure of public representation is maintained under this Bill and bequeathing the experience that we have gained by pointing out that when we left this Council and when we passed this Bill there was a provision which cast upon Members the responsibility of seeing that undue interference with private enterprise and undue pressure of force—what this resolution speaks of as control—should not take place. I think it is important that if we have found men in this community who are so willing to perform a public duty—men who have the interest of the Colony at heart—we should do all we can to assist them and to see that it does not fall to Government to take advantage of their industry.

The CHAIRMAN: I should say that the Members of this Legislative Council are the Government!

Mr. WOOLFORD: That is not understood in my constituency.

The CHAIRMAN: Probably that is true.

Mr. WOOLFORD: I also reminded the audience at the meeting which was held in New Amsterdam in connection with this matter—and there were some extraordinary speakers on the platform, men who spoke about what they did not know—that this is a very important matter, and when it was suggested that we should nationalize the railway I wished it was nationalized from the time Government took it over. But the history of all this is forgotten, and if it is not forgotten it is not understood. I did remind those who were speaking that when Government last sought to exercise some kind of control over a passenger service on the Courtenyne it paid a heavy subsidy. It was a motor transportation service—Davson's I think it was—and my recollection is that the subsidy was \$5,000 per annum at one time. If I am not right the hon. Member for Eastern Berbice (Mr. Luckhoo) will correct me because I do not like misstatements being put on record. If hon. Members would consider this matter—whatever their individual feelings might be—as to the wisdom in conferring responsibility on future legislators and how far they would compromise with our ideas, and if I was sure I would be a Member of the next Legislature I would allow this measure to pass without a fear, but I am not sure that I would not be stampeded. I am not concerned with the idea that there are men who are as capable as myself to represent the interest of the public. This Colony is capable of producing men who will do well, provided they are given the opportunity to serve the public—men such as the gentleman in Berbice of whom I have spoken and to some extent he will be able, no doubt, to manage these combined services as well if not better than they have ever been before.

I desire to make one other observation because I do not wish to move an amendment. It is that the residents of the Courtenyne district have fears—and the hon. Member for Central Demerara appears to be impressed by that fact—and their fears are well founded. In the Report of the Select Committee it is stated in effect that so far as the position on the

West Demerara is concerned, those vehicles now operating between Vreed-en-Hoop and Parika will remain. There is a special provision which will preserve the rights of owners in private industry in that area, but there is no provision in the Bill which maintains the *status quo* between Georgetown and New Amsterdam. If we look at that, can we not understand the trepidation on the part of the Courentyne owners? If the Bill had said that the number of buses on the Courentyne would remain all would have been well and good, but there is a weakness in the Bill.

The CHAIRMAN: I think it is a question for hon. Members. If they wish it to be stated in the Bill that the number of buses on the Courentyne should remain the same, that can be done. Actually, I have just sent a telegram to the district stating that we are granting licences freely for trucks on the Courentyne. If we put it in the Bill—that the number of buses on the Courentyne will remain the same—we would get more applications. It is a double-edged weapon, you know.

Mr. WOOLFORD: It is my view that if the number on the West Coast, Demerara, is preserved the same thing should be done as regards the East Coast, Demerara, and the Courentyne districts. The present owners fear that if the Prescribed Authority comes into being they may not be granted renewals of their licences. Some of them want to apply for truck licences also.

The CHAIRMAN: I have told them by telegram that these are being granted freely.

Mr. WOOLFORD: That was not known when I was in Berbice recently. The hon. Member for Eastern Berbice, the hon. Mr. Thompson and myself were there, but we were not in a position to tell them anything at all. I think I have made myself quite clear on behalf of those constituents of mine in the County of Berbice who feel that unless some assurance is given to them they should have considerable fears, because they will not have an opportunity to perform their duty to the public.

Mr. LUCKHOO: I hardly feel myself competent to add anything to or enlarge upon what has been said by the hon. Member for New Amsterdam (Mr. Woolford). The Objects and Reasons have been clearly set out in the Bill, but from the time it was published to the present there has been a great deal of uneasiness among the people as to the object of Government in this particular matter. They fear—as the hon. Member for New Amsterdam has stated—that they may not be granted licences to enable them to convey their goods from one part of the country to another. Originally, as Your Excellency knows, the intention of this Bill was to control hire cars, motor vehicles, and goods vehicles as well, but in view of the strong recommendations made to Government it has relented somewhat and has deleted two of the three classes of vehicles. Hire cars have been taken out and it is very wise on the part of Government that it has also taken out the part dealing with transportation by motor vehicles in the country districts. I wish heartily to support the remarks of the hon. Member for New Amsterdam as regards the part of the Bill called the “obnoxious clause”, because his mind was centred on the original intention of Government to control all motor vehicles in order that the Transport Service might pay its way. The people, therefore, felt very suspicious about Government, and very rightly so, but now that the matter has been made clear, I think it will be easily understood. There is still an objectionable feature, however, and that is the clause referred to by the hon. Member for New Amsterdam which provides that no licences will be granted except by the Prescribed Authority. Section 71J is causing a good deal of anxiety. It reads:

“(1) The Prescribed Authority shall have full power in his discretion either to grant or to refuse an application for a goods transportation licence in respect of a goods vehicle to be used for hire or reward, and also in respect of a goods vehicle to be used for or in connection with any trade or business carried on by the applicant”.

The words “to grant or to refuse an application” have given rise to the fear that the present General Manager may

run some sort of service on the Courentyne Coast and so take away their vehicular traffic in that area. A private meeting was held in New Amsterdam. I did not attend that meeting, but I heard from a reliable source that was the idea—the General Manager will get control of the motor vehicles. I am glad to see Government has made the position quite clear, and Your Excellency's pronouncement may have a good effect on their minds. But it must be borne in mind that we have there no competing service with the railway. The people have to travel either by motor buses, goods vehicles or motor cars. In that particular district there have been considerable activities in recent years. Houses have been erected from the Crabwood Creek area on to No. 2, and there are signs of great competition among the people in respect of the building of houses, which seems to me a very attractive feature in that part of the Colony. They are trying to emulate the good example set by their more fortunate brethren. I was surprised to see the number of houses erected in that area where in past years there was not a single dwelling in a prescribed area there. Government promised the people a good irrigation scheme and is doing everything to encourage them to settle down on the land. They are primarily responsible for the cultivation of rice in this Colony. Through their initiative the rice industry has developed to the stage it is at the present time, having regard to the fact of the great agricultural possibilities of that particular area. I do say that nothing should be done to make the cultivators lose confidence in Government's promise in respect of the expansion of the rice industry in that locality.

I would just like to refer to the help given to these people not many years ago when the bonds were all full and the rain was falling. The people had their part exposed in the open, and the then District Commissioner hadparate execution issued against them for the recovery of rates when Government actually had the people's produce in its hands. I reported the matter to the Government and the Colonial Secretary replied saying that instructions had been issued to suspend operation of

all those writs. The execution of those writs would have had a very damaging effect on the industry but for Your Excellency's timely intervention in the people's behalf. The people feel that they will be deprived of their use of the lorries which provide a very good and efficient service for the transportation of goods. They think that by the introduction of this Bill the Transport and Harbours Department will take over that part of the country and run its own service.

Mr. EDUN: May I rise to a point of explanation! Even if the Transport and Harbours Department wants to run a bus service on the Courentyne Coast, it will have to go to the Prescribed Authority for a licence.

Mr. LUCKHOO: I do not want enlightenment on that fact. There can be no misapprehension on that point. I have consulted the people and they have also consulted me, and I speak with authority on that point. There is no counter-service of the Department there, and Government should give every encouragement to those people who own lorries in that area to continue to give service and to carry on the work they are doing. Let it be understood that it is not Government's intention or desire to take away their transport facilities and to rid the Courentyne of any private motor traffic carriers. Let the people understand that the licences will still be granted to operate lorries there, provided they carry out the conditions imposed by the law, that they will not be arbitrarily refused, and every man will have an opportunity to obtain a licence.

I do not subscribe to the question of a pool. They take advantage of the people in that locality. If you have a pool, as stated by the hon. Member for Berbice River, there would be a monopoly and the people would not benefit by it. Let those who have money to invest in motor lorries and to take out licences do so, and if they do not carry out the provisions of the law they would be liable under the law to a penalty, but do not deprive them of doing so and say to them "We will give you an alternative service." That has caused the trouble. The people thought the Department wants to usurp their private rights. That is the point at issue.

The CHAIRMAN : I would like to ask the hon. Member why was it the idea, when I announced it publicly at the introduction of the Bill, that it was entirely untrue, and my remarks were published in the Press. Do the people read the papers, or just that they want to hear what is put in a backdoor way? From what you have said, they are afraid of what is not true.

Mr. LUCKHOO : At the public meeting when this resolution was passed they did not quite understand. Whether they read the papers or not I do not know. Probably they went on your original idea.

The CHAIRMAN : It was never my idea to take over the Courentyne traffic !

Mr. LUCKHOO : That was the idea they had. I am in a position to say so. They were misinformed. I am glad that Government made an open statement. Will you be surprised to know I have an official correspondence dated the 6th September, 1946, which states :

“Sir—In accordance with instructions received from the Prescribed Authority, the Commissioner of Police, no new licence will be issued for any bus not at present operating in Ber-bice by this Traffic Office

“In future no bus will be allowed to operate except the owner receives a Road Service licence from the Prescribed Authority, in which case the application will be forwarded to the Commissioner.

“It has come to our knowledge that you are preparing a new bus to operate on the Courentyne road. It will be advisable to put the application through the correct channel before you proceed with your plans”.

The Police Department did not seem to understand what your Excellency said. That was the genuine belief. They would have had no reason to complain but for the fact that they thought they would have been deprived of a certain amount of their means of livelihood. I am saying that they were perfectly justified in their fears until Government took the opportunity of explaining this Bill.

Mr. GONSALVES : I would like to repeat what I said on the last occasion.

My immediate concern with regard to this Bill is in respect of the provision relating to hire cars. I have allowed myself the privilege of repeating that, seeing that I have an example from Members of Council who have spoken before me. They have repeated today what they said before. I know it is a bad example to follow and should not be followed, but I want to make it definitely clear that so far as the Committee's Report is concerned we dealt particularly with hire cars, and we studied what was asked and what Government promised to do—that was to amend the provision with regard to hire cars. In the original Bill which was before us it was provided that that means of travel would be limited to prescribed areas. That no longer exists and, therefore, every hire car in the City will be allowed to go out of the City to any part of the Colony where a road exists. That is how I understand the provision now.

There was another provision in the original Bill which has been taken out—“that the owner of a hire car be required to take a driver who has a driving licence and to keep that licence and not part with it until the man is out of his service, and if by any chance the driver gets into legal difficulties and is taken into Court the owner has to waste his time in attending Court to produce that licence.” That provision no longer exists. The provision now is that the owner must see that the driver is duly licensed to drive. The owner will give him back his licence and let him keep it. There are one or two other provisions which have been made. I think the agitation which was made by the drivers of hire cars has been put forward by both myself and the hon. Nominated Member, Mr. Edun, and I think, the Bill as put before the Council now is the solution of those difficulties.

As regards the other clauses of the Bill dealing with trucks and lorries, it was made quite clear from the very first discussion here that the main point of contention or difficulty was with regard to the Courentyne Service. It seems, on reference to the Hansard Reports, that when the Bill of 1940 was discussed, though there was the provision with regard to the use of buses and the grant

of an exclusive licence for buses to operate in any part of the Colony, there was not so much heat in the discussion during the debate, even from the Members of Berbice and other rural districts of the Colony, as exists today as regards this Transport Service. I was curious to see whether we had a long debate then, and I noticed that the hon. the Attorney-General moved the second reading of the Bill seconded by the hon. Mr. Austin. I think, the hon. Mr. Humphrys made a short speech and the Bill was carried through the second reading. The Council then immediately went into Committee and considered the Bill clause by clause, and all the clauses which are so sharply contested today went through quite easily and smoothly on that occasion.

I agree that where persons' rights are involved, where they feel that the rights they possess are going to be jeopardized, it is justifiable that they should agitate to see that does not happen. I understand, unless I am wrong, that the object of this Bill is not to deprive those people on the Courentyne Coast of the right of running their motor vehicles. I said so on the Committee and there was a very heated discussion. I put a very pointed question to the General Manager about the provisions of the Bill as existing now with regard to the maintenance of the rights of those persons who run lorries and trucks on the East Coast and West Coast, Demerara. I claim it is partly due to my contention in the Committee that these people's rights are being protected and that they will not be put off the road. I got an answer that the existence of these lorries will not in any way prejudice the railway traffic. If that is so, I see no reason why they should be interfered with and, consequently, there is that provision in this Bill maintaining the rights of the people to run a service. In fact he said if they put an addition of a lorry or two the interests of the railway would not be affected. Then the number should be increased by one or two. When we get to the clause it will be time to say whether the number should be increased.

As regards the various speeches that have been made, I have been

pleased to find such nice things being said of the Transport and Harbours Department. I remember the days when I was a Commissioner of the Department that some very hard things were said about that Department, but now the position is a bit changed. We find that the Department is not considered as bad as it was made out to be. We have had very nice things said about the General Manager. I think it is common knowledge also that he said that unless he is given not a free hand, but as free a hand as possible with regard to the Department, the guarantees or assurances given with regard to running a proper service will not materialize. That is another matter.

On the question of licences, the point raised by the hon. Member for Eastern Berbice (Mr. Luckhoo) as to the question of the Prescribed Authority and the Advisory Board, the difference between the two Bills is, the original provision did not say whether the Advisory Board would consist of a definite number, as it said "not less than three and not more than five", but the present Bill says "five of whom not less than three shall be Members of the Legislative Council." So it seems that every application for a goods transportation licence that goes to the Prescribed Authority will no doubt find its way to the Advisory Board, the majority of members of which will be Members of this Council. With a majority of Members of this Council on the Board, unless it is presumed that all three Members of this Council are going to be anti-lorry owners or anti-owners, I do not see why it should be thought that no more licences would be granted.

It was suggested by one hon. Member, I think it was the hon. Member for Western Berbice (Mr. Peer Bacchus), that the question is whether we should have railway or roads, and he referred to the Rooke Report. He very often refers to passages in that Report. So far as I am concerned, he has had one advantage over me in that he has been able to read the Report of someone who was brought to this Colony at the Colony's expense and for which amount a vote was obtained, while I who assisted in voting that money and bringing him here had not the

privilege of seeing his report even. That, I do not think, is correct. It seems to me that is cause for criticism by this Council of this Government in that respect.

On the point of the railway I do not know whether Members will accept the hon. Member's suggestion that we do not want the railway and let us have roads, because as soon as we decide to have roads and we abandon the railway we will be faced with these questions—What is to become of the people who will be thrown out of employment in connection with the running of the railway service? Are you going to have any scheme, any industry, by which these people you are throwing out of employment are going to be absorbed? Are you going to fill the roads with motor lorries and trucks and so make the roads unsafe for pedestrians and persons with motor cars, who will have to stand by at the side of the roads to allow them to pass? It is quite easy to say abandon the railway and let us have roads. Let us think of the consequence. I am sure when that matter comes up the hon. Nominated Members, Mr. Edun and, Mr. Critchlow and my two hon. friends on my right (Messrs. Lee and Jacob) are going to raise the cry "What is going to happen to all these people? Where are we going to put these engineers to work?" Then we will have to come back here again and consider the matter. Let us then reconsider the matter in the light of what is being told us now. Your Excellency, it is all very nice to make these statements, but do let us have some reasonable consideration of the matter. I think we have passed the stage where we should oppose the Bill. The principle of the Bill has been accepted, and if there is anything in the Bill with which we do not agree, when we get to the clause let us discuss it.

Mr. EDUN: Will you allow me, sir, to make some observations now, especially as I am a member of the Select Committee? I received a telegram today asking me to oppose this Bill. In agreeing with the recommendations of the Select Committee I have no apology to offer to anyone, because therein I did my duty as a Member of this Legislature. If the recommendations as contained in the Bill

should be properly scrutinized, it would be found that they contain nothing but the ordinary basic control of transportation obtaining in all civilised countries. That is what this Bill provides for now, and the opposition, I think, that has been made this afternoon is more or less the echo of my own views expressed when the original Bill came up here for discussion. Members do not scrutinize things before they speak on them. One speaker who opposed the Bill said: "What is the idea of putting section 70 of Ordinance No. 22 of 1940? Is not that a provision to keep off the road those who are operating there now?" But it will be found that that section says:

"(1) Notwithstanding anything contained in this Part of this Ordinance, it shall be lawful for the Governor in Council to grant to any person or to any body of persons an exclusive licence to operate a road service in any area or route to which sub-section (1) of section sixty-one applies upon such terms and conditions as may be specified in the licence and subject to the provisions of this Ordinance and the Regulations made thereunder."

The same provision is made in this Bill. It is more or less a kind of veto given to the Governor in Council in order to protect transportation in any part of the Colony. I do not see why Members should fear that provision in so far as goods transportation vehicles are concerned. I had made the point when I tried to explain to the hon. Member for Eastern Berbice (Mr. Luckhoo) that even if the Transport and Harbours Department wants tomorrow, after this Bill should become law, to operate a set of motor vehicles for goods transportation in Berbice, that Department would have to go to the Prescribed Authority for an exclusive Road Service Licence or go to the Governor in Council. Suppose the Governor in Council say "We have seen your credentials and will give you an exclusive licence to operate on the Courtyne Coast", there is still this question of equity. I think the first thing that will operate in the mind of the Government is to call those people who are operating there and tell them "We are prepared to give an exclusive licence for a goods transportation service provided

you put up the necessary capital, etc." I have heard that not later than last Tuesday the present Prescribed Authority, the Commissioner of Police, called in the bus owners operating on the East Bank road and told them that the time will come when they will have to come together and form a company or corporation and run a proper bus service on the East Bank Road. That was because all the buses operating on the East Bank road are ramshackle concerns. So you see that on the whole the control is just basic in order to protect the majority of the inhabitants. There is no doubt about it that the motive behind the original Bill was to give the General Manager of the Transport and Harbours Department unlimited power. We have opposed that and have produced now a Bill to protect the majority of the inhabitants of this Colony.

I agree with the hon. Member for Central Demerara (Mr. de Aguiar) when he asked whether we were going to jeopardize the right of the people to travel on proper buses or to have proper transportation by goods vehicles on the Courentyne Coast because certain persons were involved. I see nothing to fear in this Bill as presented to the Council by the Select Committee, and I am supporting it wholeheartedly. I would advise all those who sent me a telegram that their rights are being protected as regards motor cars, buses and goods vehicles. The hon. Member for Central Demerara takes objection to one particular sub-clause—71.R—which says :—

"A goods transportation licence shall not be capable of being transferred or assigned".

I want to assure him, however, that the Select Committee thought about that question very seriously. We examined the whole question on its merit. We do not want a set of people to be defending every Bill brought before this Council; that will be a danger. If we do not accept this sub-clause, however, it would mean that if a man is given a road service licence and he could transfer or resell it to someone else he would do so. I well remember the days when we sold permis-

sions for exporting rice; they were treated as only bits of paper. This sub-clause should be allowed to remain.

The CHAIRMAN : Before the hon. Member for Essequibo River (Mr. Lee) gets up I should like to remind hon. Members that we are in Committee and should be confining ourselves to the details of each clause. Owing to the importance of this measure I have given the utmost latitude to Members who have risen to speak. I have put the second reading, and the majority of Members have approved of the principle of the Bill. Would it not be better if any Member who does not approve of any clause should move that it be amended or deleted rather than speaking again and again? I do not know that any President can give more latitude than I have given this afternoon, and I am appealing to hon. Members now to get on with the Bill as I will have to adjourn the Council *sine die*, because I do not know when His Excellency is returning. Perhaps it would be next week. I appeal to hon. Members to let us get this Bill through, especially those who will come to Government and say "You have the Factories Bill and the Workmen's Compensation Bill to put through." Yet hon. Members come here and spend all day sitting in Committee to consider one point.

Mr. LEE : I want to speak on clause 1 of the Bill, Your Excellency.

The CHAIRMAN : Have you got anything new to say about clause 1?

Mr. LEE : Yes, sir.

The CHAIRMAN : Well, let us hear it.

Mr. LEE : I have received a telegram signed by five people and I would like to find out whether any petition has been presented on their behalf. The telegram comes not from my constituency but from New Amsterdam, and I would like to know whether any petition has been laid over on behalf of the people on the Courentyne, whether any reply has been sent to them, and if so, what reply Government has given them. We are here as representatives of the people, and while this telegram

does not say anything specific it shows that the public is strongly opposed to this Bill. It says :—

“We appeal to you oppose entire Vehicles Bill; seriously opposed by general public”.

This is a little matter, but I think that any representation made to Government by people from that part of the Colony should be considered.

The CHAIRMAN : I will say that I have no petition against this Bill. I have had a telegram asking for more trucks for the Courentyne which I have already answered. The hon. Member has spoken about a petition, and I do not know if the Attorney-General has got any.

Mr. PERCY C. WIGHT : I sit here as the representative for Georgetown Central, sir, and I have heard about a telegram from the Courentyne signed by four or five men. If they think they are going to come here and control this Legislature, that is not so. I do feel that we should proceed with the Bill. What you have said, sir, appeals to me. I have read the amendment and, in spite of the opposition from the hon. Member for North Western District (Mr. Jacob) and others, I see no reason for delaying with this Bill. I think I should ask that the question be put. I think Your Excellency is responsible for a great deal of this headache today by allowing too much latitude to certain Members. Your Excellency should not have allowed Mr. Rooke's Report to be discussed, although I have read it. The only thing I will say is that when Sir Gordon Guggisberg came here and it was suggested that we should scrap the railway he found that it was not easy to do. Mr. Rooke's Report contains recommendations which will cost the taxpayers a lot of money.

Mr. JACOB : I feel uneasy about the length of time this Bill is taking and, as I have a telegram also, I will say that the people of the Courentyne are getting a little uneasy but, as several hon. Members have stated, they do not quite understand the implications of this Bill. Let me say that this Bill has my whole-hearted support, but there are one or two objec-

tionable clauses in it. As a Member of the Select Committee I have seen this Bill and studied it, and I will support it subject to the amendment of certain clauses.

Mr. THOMPSON : I do not intend to delay this Council, but I want to say that I support this Bill whole-heartedly. I was in New Amsterdam recently when a farcical meeting was held in connection with this Bill. The electors could not say exactly what they wanted. So I feel that if the Bill is properly examined in Committee that will be all that is necessary. My objection is that the majority of hon. Members have apparently not taken the time and the trouble to study the Bill. One gentleman who made several speeches admitted that he had not seen it. He said that if one sub-clause —71.T—is amended everything would be well. The Report of the Select Committee was accepted and I expected that when we came here this afternoon we would have proceeded along the lines of those recommendations. I can only say what I have said before and that is, I support this Bill whole-heartedly.

Clause 1 put, and the Committee divided and voted as follows :—

For : Messrs. Raatgever, Thompson; Roth, Edun, Jacob, Gonsalves, Percy C. Wight, Dr. Singh, Critchlow, de Aguiar, C. V. Wight, Woolford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—15.

Against : Messrs. Ferreira, Peer Bacchus and Luckhoo—3.

Did not Vote : Mr. Lee—1.

Clause 1 passed as printed.

*Clause 3—Amendment of heading to Part VIII of Principal Ordinance.*

Mr. PEER BACCHUS : I am moving the deletion of this clause. You, sir, have given an undertaking that the Courentyne Coast will not be affected by the passing of this Bill, but it appears that the Courentyne or any other district may be affected by this clause. As we know, this clause refers to Section 61 of Ordinance 22 of 1940, and that section reads :—

“(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...”

Now, sir, all the amendment I would ask for in this clause is to give effect to the undertaking you have given this Council.

The ATTORNEY-GERERAL : That cannot go into this clause at all. Clause 3 of the Bill before us only amends the heading of Part VIII of the Principal Ordinance which deals with goods service vehicles.

The CHAIRMAN : Let me know which clause we can put the hon. Member's amendment in.

The ATTORNEY-GENERAL : I cannot say now, but when we get down lower I will do so.

Mr. PEER BACCHUS : That will suit me, sir.

The CHAIRMAN : I will put the suggested amendment for the deletion of the words “and Goods Transportation Licences”.

Amendment put, and lost.

Clause 3 as printed put, and agreed to.

*Clause 4—Amendment of sections sixty-three and sixty-five of the Principal Ordinance.*

The ATTORNEY-GENERAL : In consequence of certain changes in clause 4 (2) it is necessary that the words “as provided” be inserted between the words “licences” and “by” in the third line thereof, and that the words “section seventy-one N” be substituted for the words “section seventy-one P”. Hon. Members have before them the Bill as printed and also the Bill as amended, bringing it up to date in so far as the amendments recommended by the Committee are concerned.

Mr. de AGUIAR : Are we dealing with the cyclostyle copy or with the printed Bill ?

The ATTORNEY-GENERAL : We are dealing with the printed Bill which has been amended.

The CHAIRMAN : I understood that we were dealing with the cyclostyle copy.

The ATTORNEY-GENERAL : We have before us a Bill and amendments have been made as regards that Bill as printed.

The CHAIRMAN : Let us get on with the cyclostyle copy.

The ATTORNEY-GENERAL : The amendments will have to be put in the Bill before the Council.

Mr. de AGUIAR : I assume that the hon. the Attorney-General accepts the responsibility that the proposed amendments which will have to be incorporated in the printed Bill will result in its being the same as the cyclostyle copy.

Mr. C. V. WIGHT : I am afraid the hon. the Attorney-General accepts responsibility for every Bill that comes up here

Mr. de AGUIAR : I am afraid the hon. Member for Western Essequibo (Mr. C. V. Wight) does not understand my point. I only wanted to be sure that there will be no difference between the proposed amendments and those in the cyclostyle copy.

The ATTORNEY-GENERAL : That is so, but for myself I have to deal with the original Bill before the Council.

The CHAIRMAN : Well, let us carry on.

The ATTORNEY-GENERAL : I have explained that it is necessary to amend clause 4 (2) by the insertion of the words “as provided” between the words “licences” and “by” in the third line, and the substitution of “section seventy-one N” for “section seventy-one P”.

Amendment put, and agreed to.

Clause 4 passed as amended.

*Clause 5—Addition of new sections to Part VIII of the Principal Ordinance.*

The ATTORNEY-GENERAL : In this clause the words "within a prescribed district or districts" in 71.A, the words "within any prescribed district" in sub-paragraph (4) (a), and the word "or" at the end of sub-paragraph (b) should be deleted, while the whole of sub-paragraph (c) should be deleted also.

The CHAIRMAN : Clause 5 is a very long and omnibus clause, and I propose to take each section separately.

Amendments to sub-clause 71.A put, and agreed to.

The ATTORNEY-GENERAL : As regards 71.B there is also an amendment for the deletion of the words "except to the owner of the hire car" in paragraph (4).

Amendment put, and agreed to.

*71.C—Employment of driver of hire car.*

The ATTORNEY-GENERAL : As regards 71.C—Prohibition against employment of unlicensed driver—the hon. Member for Georgetown South (Mr. Gonsalves) made the point that he wanted a provision inserting words of limitation within which a driver would have to bring his licence to the Court, so I have had these words inserted as shown in the cyclostyle copy. The sub-clause as amended will then read as follows :—

"71C. (1) No owner of a hire car shall employ any person as the driver thereof unless such person first produces to him his licence under section seventy-one B of this Ordinance to drive a hire car, and every owner who contravenes this section shall be guilty of an offence under this Ordinance.

(2) In all cases of complaint against the driver of a hire car to whom a licence has been granted under section seventy-one B of this Ordinance the Court shall, if the driver is adjudged guilty or pleads guilty of the offence alleged against him, order him to produce his licence as aforesaid, within the time specified by the Court and, if no time is specified, within seven days for endorsement, and the Court shall make an endorsement upon the licence of such driver, stating the nature of the offence and the particulars of the conviction therefor.

(3) Every driver of a hire car who neglects or refuses to produce a licence as required by sub-section (2) of this section shall be guilty of an offence under this Ordinance."

Amendment put, and agreed to.

*71.D—Power to suspend or revoke licence etc.*

The ATTORNEY-GENERAL : The original 71.D is deleted and the original 71.E becomes 71.D, with the following substituted for the words "or driver" at the end of the sub-clause :—

"under section seventy-one A of this Ordinance to operate hire cars or the licence of such driver under section seventy-one B of this Ordinance to drive a hire car, as the case may be".

Amendment put, and agreed to.

*71.E—Appeals from Prescribed Authority.*

The ATTORNEY-GENERAL : As regards the original 71.F which becomes 71.E, it gives a right of appeal where there is a refusal by the Prescribed Authority to grant a licence to a person who operates a hire car. There has been an amendment as will be seen in the cyclostyle copy, but it puts the applicant in the same position.

Mr. de AGUIAR : I do not think I very much like the amendment which the hon. the Attorney-General has put in. I would ask him to explain it.

The ATTORNEY-GENERAL : If hon. Members look at the previous sub-clause 71.E, in the printed copy of the Bill, they would see that the Prescribed Authority may, on the second conviction "of an owner or a driver of any hire car for any offence in connection with the operation or the driving of a hire car or for any other sufficient cause, suspend or revoke, as he may deem right, the licence of such owner or driver". This sub-clause—71.F which will become 71.E—gives a right of appeal to such an owner or driver whose licence has been suspended or revoked. In other words, it puts him on the same level with any other person.

Mr. de AGUIAR : I must confess that I did not notice the word "operation" in 71.D and, unless I ask for a recommittal of that sub-clause, it seems to me that it is going to impose a restriction. I cannot visualize an offence committed by the owner of a motor car which will be so serious as to prevent him from getting a licence to operate a car. I can understand a restriction against the driver of a car if he commits two offences under the Ordinance, but I cannot understand the other provision.

The ATTORNEY-GENERAL : If the hon. Member looks at 71.F as printed, he would see that :—

"(1) Every refusal by the Prescribed Authority to grant a licence to drive a hire car, and every suspension or revocation of such a licence, other than a revocation made in pursuance of an order of a magistrate, shall be subject to an appeal to the magistrate of the judicial district in which the owner of the hire car resides."

I am only preserving that provision.

Mr. de AGUIAR : My point is this : Whilst I am inclined to agree that if the driver of a motor car commits two offences under this Ordinance his licence should be cancelled or suspended, I do not think it should be applicable to the man who owns a motor car and does not operate it himself. I am thinking of the individual who owns a car and engages a licensed driver to drive it. If the driver commits two offences under this Ordinance then the owner's licence might be restricted. In that case I think we will be going too far against the owner. I am reminded of the Spirits Ordinance whereby if an employee commits three offences the owner of the spirit shop might be refused a licence.

Mr. WOOLFORD : That is not the law of the Colony at the present time.

Mr. de AGUIAR : Maybe not now, but I think it was so once.

The CHAIRMAN : The Attorney-General has now pointed to the clock and I do not know if hon. Members are pre-

pared to go on now or to meet tonight at 8 o'clock, or tomorrow morning at 8, or Monday at 2 p.m., or Tuesday at 2 p.m. I think the Governor is coming on Wednesday.

Mr. RAATGEVER : Let us go on now,

Mr. de AGUIAR : It is only this little point that is arising.

The ATTORNEY-GENERAL : The amendment is just to give an owner a right of appeal if the Prescribed Authority refuses to grant him a licence. The amended sub-clause will read as follows:—

"71.E. (1) Every refusal by the Prescribed Authority to grant a licence to operate a hire car or to drive a hire car, and every suspension or revocation of such a licence shall be subject to an appeal to the magistrate of the judicial district in which the applicant for the licence or the person whose licence is revoked or suspended resides and the grounds and the form of the appeal shall be prescribed.

(2) The decision of the Magistrate on every such appeal shall be final."

Mr. de AGUIAR : The Attorney-General is right. My remarks referred particularly to 71.D which is already passed. I will allow the amendment to go through, but I am going to watch it because I think it is a little restrictive.

Amendment to sub-clause 71.F, relettered 71.E, put, and agreed to.

#### *71.G—Obligations to carry all persons.*

The ATTORNEY-GENERAL : This sub-clause which now becomes 71.F has been amended as appears in the cyclostyle copy and will read as follows :—

"71.F. (1) Except as otherwise provided in this section, no driver or conductor shall refuse or neglect, without reasonable cause, to carry in any motor bus or hire car licensed under this Part of this Ordinance any person who offers himself as a passenger, and any driver or conductor who so refuses or neglects shall be guilty of an offence under this Ordinance.

(2) No driver or conductor shall carry as a passenger any person who is,—

- (a) under the influence of liquor to such a degree that he may become a nuisance to other persons in the motor bus or hire car, or
- (b) to his knowledge suffering from any infectious, contagious or other communicable disease, or
- (c) not decently clad, or
- (d) in such other state or condition that he may become a nuisance to other persons in the motor bus or hire car, and any driver or conductor who carries any such person as a passenger shall be guilty of an offence under this Ordinance.

(3) Where the motor bus or hire car licensed under this Part of this Ordinance has a conductor, the obligation of the driver or conductor under this section shall rest wholly on such conductor."

Amendment put, and agreed to.

*71.H—Mechanically propelled hackney carriages in Georgetown and New Amsterdam to be hire cars.*

The ATTORNEY-GENERAL: This sub-clause has been deleted but the same effect has been put at the end of the Bill as 71.S.

Mr. JACOB: I thought there would have been some complication. May I suggest that we take the typed Bill and let the amendment appear in the minutes?

The CHAIRMAN: I suggested that, but the Attorney-General said he had to deal with the printed copy.

The ATTORNEY-GENERAL: I will be as brief as possible.

*71.I—Licensing of goods vehicles.*

The ATTORNEY-GENERAL: This sub-clause which will be relettered 71.G (owing to the deletion of 71.H from the printed Bill) has also been amended, as shown in the cyclostyle copy, the amendments being as follows:—

"Sub-clauses (5) and (6) re-numbered (7) and (8) and the following new sub-clauses (5) and (6) inserted—

(5) A goods transportation licence may be granted in respect of

any specified area or route in the Colony as described in the licence.

(6) Every goods transportation licence shall be issued in favour of a person or body of persons, and shall specify the number of goods vehicles under paragraphs (a) or (b) of sub-section (1) of this section to which the licence relates."

Amendments put, and agreed to.

*71.J—Powers of Prescribed Authority.*

The ATTORNEY-GENERAL: It is proposed to amend this sub-clause relettered 71.H. (1) with the letter "G" substituted for the letter "I" in the last line, by the insertion of the following sub-clauses:—

"(2) Subject to the provisions of sub-section (2) of section seventy-one K of this Ordinance, goods transportation licences shall not, except with the prior approval in writing of the Governor in Council, be issued for the carriage of goods for hire or reward—

- (a) in respect of more than four goods vehicles in the area between Georgetown and Rosignol, or
- (b) in respect of more than three goods vehicles in the area between Vreed-en-Hoop and Parika.

(3) In this section the expressions "between Georgetown and Rosignol" and "between Vreed-en-Hoop and Parika" shall have the same meanings as they respectively have in the First Schedule to this Ordinance."

Mr. de AGUIAR: I am not opposing this sub-clause, but I would like it to go down on record that I am not in favour of sub-paragraphs 2 (a) and (b) which are now being inserted. Unfortunately, it was the wish of the Select Committee that they should be inserted. Some Members think it is an attraction, but I do not think so. This sub-clause seeks to restrict the type of vehicle that is on the road at the present time. Government has given a promise that those there now will remain, but I do not think we should restrict the number of hire cars. If there is a desire to increase the present number it means that we would have to come back to this Council for permission. This is a double-edged provision, sir.

Mr. RAATGEVER : I agree with the last speaker. I think these sub-paragraphs—(2) (a) and (b)—should be deleted.

The ATTORNEY-GENERAL, I should like to explain that it was the desire of the majority of the members of the Committee that the number of vehicles now operating should be allowed to continue, and so a provision to that effect has been introduced in the Bill. I might add that the numbers operating at present are less than four and three, respectively.

Mr. JACOB : My information is that the four goods vehicles in 71.J, (2) (a), are there, but there are four milk lorries as well. If they come under this definition then the whole thing would be thrown out. Putting in numbers will only complicate the matter. Milk lorries are goods vehicles for that matter, so there are actually 8 goods vehicles running there right now.

The ATTORNEY-GENERAL : The information which I have obtained from the Commissioner of Police is that from June 30, 1946, to the present date there was only one lorry licensed to operate at the increased rate of \$750 between Georgetown and Berbice. There are two lorries operating between the East Coast, Demerara, and Berbice. In the West Demerara district three lorries were licensed to operate up to December 31, 1945, but of these only two are licensed for 1946, and neither is licensed for goods at the higher rate of \$750 per annum.

Mr. THOMPSON: There was no reference to the milk lorries that have been referred to a while ago.

Mr. GONSALVES: These sub-paragraphs — (2) (a) and (b) — refer to vehicles for hire or reward and therefore the milk lorries will not come under them.

Mr. de AGUIAR: Yes, but I do not wish the question of the milk lorries to be brought in to destroy the point I am making. My point is, that by restricting the number of vehicles permitted to operate in these two areas you are not gaining anything, but you are retarding the

development of the country areas in British Guiana. If there is any desire in future to increase the number of vehicles operating in any of these areas, this Council would have to be approached in order to do so.

The ATTORNEY-GENERAL: No; not this Council. If the hon. Member looks at 71.T, he will see that it will have to be the Governor in Council. The number can be enlarged by the Governor in Council on good cause.

Mr. de AGUIAR: If the members of the Select Committee want to delegate their powers to the Governor in Council I would not say anything more.

The CHAIRMAN: I think the hon. Member for Central Demerara is right, but I do not think it does any harm.

Mr. GONSALVES: It would do some harm because the original intention of the General Manager was to wipe off these people from the road. His argument is that you must choose between railway and road, but these people have been running their lorries and buses for some time and they claim that they are entitled to remain. The question was, if these people continue, whether their services would create any undue advantage against the railway, and the answer was "no". Therefore, to avoid the risk of the Prescribed Authority refusing permission, I think, this sub-clause (71.T) should be amended. I was going to suggest that the number be increased by two in each case.

The ATTORNEY-GENERAL: It is increased now; there are three in one district and two in the other.

Mr. GONSALVES: If there is going to be this opposition to the railway service then you would not be doing what the General Manager desires. If you are going to leave the situation open then do so.

The CHAIRMAN: I suppose it suits the hon. Member to leave it as it is?

Mr. de AGUIAR: No, sir. I do not like the idea of the Governor in Council having the power.

Mr. GONSALVES: I would like the Governor in Council to carry some of the blame sometimes.

Mr. THOMPSON: When the question of limiting the number of vehicles came before the Select Committee I stressed the point that it should not be a question of going to the Governor in Council for an increase, and the General Manager pointed out that if the necessity arose he would increase the number by one.

Mr. RAATGEVER: I have asked that sub-paragraphs (2) (a) and (b) be deleted so that there should be no numbers at all.

The CHAIRMAN: I do not think hon. Members would be quite wise in deleting this. It is a recommendation of the Select Committee.

Amendment for deletion of sub-paragraphs (2) (a) and (b) put, and the Committee divided and voted as follows:—

For: Messrs. Raatgever, Luckhoo, de Aguiar and Woolford—4.

Against: Messrs. Thompson, Jacob Gonsalves, Percy C. Wight, Dr. Singh, Critchlow, C. V. Wight, the Colonial Treasurer and the Colonial Secretary—9.

Did not vote: The Attorney-General—1.

Amendment lost.

The CHAIRMAN: I will now put the amendment by the hon. Member for Georgetown South that the number of goods vehicles recommended in sub-paragraph (2) (a) be increased by two—from four to six; and the number recommended in sub-paragraph (2) (b) be also increased by two—from three to five. I would advise Government Members to vote against it because it is not the recommendation of the Select Committee.

Mr. GONSALVES: No, sir; when the matter was before the Committee it was distinctly understood that the number was a matter for this Council to decide.

Amendment put, and the Committee divided and voted as follows:—

For: Messrs. Thompson, Gonsalves, Luckhoo and Dr. Singh—4.

Against: Messrs. Raatgever, Jacob, Percy C. Wight, Critchlow, de Aguiar, C. V. Wight, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—9.

Did not vote: Mr. Woolford—1.

Amendment lost.

The CHAIRMAN: I now put the question for the amendment of this clause as moved by the Attorney-General.

Motion put, and agreed to.

*71.M—Duration of licences.*

The ATTORNEY-GENERAL: This sub-clause will be relettered 71.K, and it is proposed to amend sub-clause (1) by the insertion of the words “goods transportation” between the words “a” and “licence” in the first line of the sub-clause.

Amendment put, and agreed to.

*71.N—Conditions of licences.*

The ATTORNEY-GENERAL: This sub-clause will be relettered 71.L and sub-paragraph (b) will be amended by the substitution of the letters “G” and “Q” for the letters “I” and “S” respectively, in the third line; while sub-paragraph (c) will be deleted and the following substituted therefor:—

“(e) freight rates shall not exceed such rates as may be prescribed, and if no rates are prescribed, the freight rates shall be reasonable; and”

*71.P—Application of Sections 63 and 65 of Principal Ordinance.*

The ATTORNEY-GENERAL: This sub-clause will be relettered 71.M. and amended by the substitution of the letters “G” and “Q” for the letters “I” and “S” respectively; the substitution of the word “enactment” for the word “law” in the third line; and the insertion of the words “of this Ordinance” between the words “sixty-five” and “as” in the third line.

Amendment put, and agreed to.

71.R—Goods transportation licences not transferable.

Relettered 71.P.

Mr. LUCKHOO : I beg to move the deletion of this sub-clause. It seems to me that it would be very hard if a man cannot transfer his licence. What would happen if a man becomes an insolvent and his property is taken over by the Official Receiver ?

The ATTORNEY-GENERAL : Apply for another.

Mr. C. V. WIGHT : I would ask the hon. Member not to continue with this objection. All the legal points were fully discussed by the Select Committee and the same point was raised by the hon. Member for Central Demerara.

Mr. LUCKHOO : This seems to me very arbitrary and unreasonable. I think it should be deleted.

The CHAIRMAN : The Attorney-General has threshed it out very fully, first of all in Executive Council and then in Select Committee.

Mr. PERCY C. WIGHT : I am going to support the motion for the deletion of this sub-clause. Suppose a man takes out a licence for a year and just uses it for a month, why should he not be able to transfer it ?

The CHAIRMAN : I will ask the Attorney-General to give a full explanation.

Mr. de AGUIAR : I would say that the insertion of a sub-clause of this kind is new to this Colony. As the hon. Member for Berbice River has stated, if a man applies for and obtains a licence in good faith why he should not be allowed to dispose of it ? We ought to make provision for the transfer of a licence in the same manner as provision is made for the transfer of other licences. Perhaps this is regarded as a kind of short cut, but I do not like short cuts in this way. Let us take the extreme view and say that a man might transfer his licence to an undesirable person. I would be the last person to support that, but I think we ought

to insert some sub-clause which would permit him to transfer it under certain conditions.

Mr. RAATGEVER : I am supporting the deletion of this sub-clause.

The ATTORNEY-GENERAL : First of all, it is undesirable to make any provision whereby these persons can traffic with their licences. It is stated in 71.G, (1), that :

“(1) No person shall use a goods vehicle on a road in any area of the Colony for the carriage of goods—  
(a) for hire or reward, or  
(b) for or in connection with any trade or business carried on by him, except under a goods transportation licence.”

When a person is selling a vehicle the licence becomes void and the new person who is going to operate it has to get a new licence. This will avoid the possibility of X saying to the person who is buying : “You have to give me an extra \$200 because you are getting the licence also”. There will be no difficulty for the new owner to apply to the Police and get a new licence. There is the distinct possibility that if the owner of a vehicle is seeking to sell it he would charge extra for the licence and that should not be so. That would be trafficking with the licence—something that should not take place, particularly where you have a Bill of this nature.

Mr. de AGUIAR : I would like to hear the hon. the Attorney-General on the question of infringement of the rights of the individual.

The ATTORNEY-GENERAL : It is not a question of the rights of the individual arising. What we are saying is that if the owner of a goods transportation vehicle applies to the Prescribed Authority and obtains a licence, if and when he ceases to operate that vehicle for the purpose for which the licence is granted and he sells it, there should be no possibility or opportunity of his being able to sell also the licence to operate that vehicle. The new owner will apply to the Prescribed Authority and get another licence. What we want to avoid is any idea or possibility of trafficking in the licences.

Mr. GONSALVES : May I suggest as an amendment the addition of the words "except with the approval of the Prescribed Authority" at the end of this clause — 71.P ?

The ATTORNEY-GENERAL : No; you will still be making it possible for the seller of a vehicle to say to the purchaser "You will be getting a licence and therefore you must pay me something extra".

Mr. JACOB : I am a little surprised to find hon. Members who signed the Report of the Select Committee objecting to this clause.

Mr. GONSALVES : If you look at the Report you will see that it does not deal with this clause at all.

The ATTORNEY-GENERAL : I brought it forward before the members of the Committee and they stated that they did not desire to recommend it.

Mr. JACOB : If there was any objection to it, it should have been stated in the Report that the Committee agreed that it should be retained, following an explanation.

Mr. PERCY C. WIGHT : I quite agree with the explanation given by the hon. the Attorney-General that fraud might result if an owner is given the right to transfer a licence as he likes. But I would like to know what would happen in the case of an executor of a deceased person's estate, if that deceased person happened to be the owner of a licence.

The ATTORNEY-GENERAL : The Prescribed Authority plus the Advisory Committee will be able to deal with such a case, but the evil that we are trying to avoid is a greater one.

Mr. de AGUIAR : I would ask the Attorney-General to visualise the position of a man who has purchased a motor vehicle on the hire-purchase system and defaults in payment with the result that the vehicle is seized. What will be the position of the person who has seized the vehicle? Unless there is some provision for the transfer of a licence it seems to me that this whole thing is wrong.

Mr. C. V. WIGHT : The position is that we do not want to attach any value to a licence which can be sold. In the case of an executor or the possession of a vehicle through a business transaction, a new licence will be granted to the person legally entitled to it.

Mr. GONSALVES : I would ask that my amendment be put for the addition of the words "except with the approval of the Prescribed Authority" at the end of the clause.

Amendment put, and the Committee divided and voted as follows:—

For : Messrs. Raatgever, Thompson, Gonsalves, Percy C. Wight, Luckhoo, Dr. Singh, de Aguiar, and Woolford—8.

Against : Messrs. Jacob, Critchlow, C. V. Wight, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—6.

Amendment carried.

*71.S—Power to appoint Advisory Board.*

The ATTORNEY-GENERAL : This sub-clause will be relettered 71.Q and it is also proposed to amend it by the deletion of the words "not less than three and not more than" in the second line of paragraph (1), and the insertion of, "of whom not less than three shall be Members of the Legislative Council" between the words "persons" and "to" in the third line of the said sub-clause. Then in sub-clause (2) there will be an amendment by the deletion of the words "its members" following the word "Board" in the first line.

Mr. JACOB : Certain Members do not like the wording of this sub-clause. It begins by saying "It shall be lawful for the Governor", and that is giving the Governor a discretion. It is thought that these words should be made to read "The Governor shall appoint", as that would make it obligatory on him. Then again, certain Members desired that the Advisory Board should include three Members of the Legislative Council but if the hon. the Attorney-General would not oppose it I would suggest that these three Members should be members of the Transport and Harbours Board

so that there should be some connection between that Board and the Advisory Board. It was suggested that the Mayor of Georgetown, the Director of Public Works and the Colonial Secretary should be appointed.

The CHAIRMAN: If you give the power to the Governor to appoint you cannot tell him whom to appoint other than saying that there should be three Members of the Legislative Council. The Attorney-General is in favour that they be Members of the Legislative Council. I am prepared to meet that but would rather leave it as it is in the Bill.

Mr. GONSALVES: For myself I think it should be left to the discretion of the Governor as to whom he should appoint.

The ATTORNEY-GENERAL: My point is that as Chairman of the Select Committee I had to put what the Members desired as a majority.

Mr. JACOB: I am prepared to accept the wording in the cyclostyle copy.

Amendment moved by the Attorney-General put, and agreed to.

*71.S—Application to Georgetown and New Amsterdam of Part VIII of this Ordinance, Cap. 86; Cap. 87.*

The ATTORNEY-GENERAL: This is a new sub-clause which it is proposed to insert in the Bill. It is really 71.H in the old Bill and its object is to retain certain provisions with regard to motor buses, hire cars and goods vehicles. I move that it be inserted, to read as follows:—

“71.S. For the avoidance of doubt, it is hereby declared that this Part of this Ordinance shall apply to motor buses, hire cars and in the City of Georgetown and the Town of New Amsterdam, anything contained in the Georgetown Town Council Ordinance or the New Amsterdam Town Council Ordinance or in any by-law, regulation or other enactment in force thereunder to the contrary notwithstanding.”

Question put, and agreed to.

*71.T—Prescribed Authority for the purposes of Part VIII of this Ordinance.*

The ATTORNEY-GENERAL: This is also a new sub-clause, and reads as follows:—

“71.T. The Prescribed Authority for the purposes of this Part of this Ordinance shall be the Licensing Authority under this Ordinance, and the provisions of Part I of this Ordinance shall *mutatis mutandis* apply to proceedings and licences under this Part of this Ordinance.”

Hon. Members will observe that it is quite in accord with the Regulations, and I move that it be inserted.

The CHAIRMAN: It is self-explanatory!

The ATTORNEY-GENERAL: That is so, sir.

Motion put, and agreed to.

Clause 5 as amended put, and agreed to.

*71.Q recommitted.*

The ATTORNEY-GENERAL: I desire to move that the words “its numbers” as contained in this sub-clause be deleted since they are redundant.

Amendment put, and agreed to.

*Title and Enacting Clause.*

The ATTORNEY-GENERAL: I desire to move in an amendment for the deletion of the words “in any prescribed area” at the end of the Title and Enacting Clause.

Amendment put, and agreed to

Council resumed.

The ATTORNEY-GENERAL: I beg to move that the Standing Rules and Orders be suspended to enable the third reading of the Bill to be taken.

The COLONIAL SECRETARY seconded.

Motion put, and agreed to.

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

The COLONIAL SECRETARY seconded.

Motion put, and agreed to.

Bill read a third time and passed.

The PRESIDENT : I desire to thank Hon. Members for sitting late and getting this business through; I am indeed very grateful to all of you. I will now adjourn the Council *sine die* because I do not

know when Sir Gordon will want to meet you. I expect he would like to meet you very quickly and as he would be in the Chair at the next meeting of this Council I wish to thank you very much for your co-operation during the time I have been presiding.

The Council adjourned *sine die*.