

# SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Friday, 20th March, 1959

The Council met at 2 p.m.

PRESENT :

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. M. S. Porcher, acting.

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. F. W. Essex.

} *ex officio*

The Honourable **Dr. C. B. Jagan**— *Member for Eastern Berbice*  
(Minister of Trade and Industry)

**E. B. Beharry** — *Member for Eastern Demerara*  
(Minister of Natural Resources)

**Janet Jagan** *Member for Western Essequibo*  
(Minister of Labour, Health and Housing)

**Ram Karran** *Member for Demerara-Essequibo*  
(Minister of Communications and Works).

Mr. **R. B. Gajraj**

*Nominated Member*

„ **W. O. R. Kendall**

*Member for New Amsterdam*

„ **F. Bowman**

*Member for Demerara River*

„ **L. F. S. Burnham**

*Member for Georgetown Central*

„ **S. Campbell**

*Member for North Western District*

„ **A. L. Jackson**

*Member for Georgetown North*

„ **B. S. Rai**

*Member for Central Demerara*

„ **S. M. Saffee**

*Member for Western Berbice*

„ **Ajodha Singh**

*Member for Berbice River*

„ **J. N. Singh**

*Member for Georgetown South*

„ **R. E. Davis**

*Nominated Member*

„ **H. J. M. Hubbard**

*Nominated Member*

„ **A. G. Tasker, O.B.E.**

*Nominated Member.*

Mr. I. Crum Ewing — Clerk of the Legislature

Mr. E. V. Viapree — Assistant Clerk of the Legislature.

ABSENT :

The Hon. B. H. Benn, Minister of Community Development and Education — on leave.

Mr. R. C. Tello — on leave.

Mr. A. M. Fredericks — on leave.

The Clerk read prayers.

## MINUTES

The Minutes of the meeting of the Council held on Thursday, 19th March, 1959, as printed and circulated, were taken as read and confirmed.

## ORDER OF THE DAY

## MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL

**Mr. Speaker:** Council will resume in Committee consideration of the Bill intitled,

"An Ordinance to amend the Motor Vehicles and Road Traffic Ordinance."

**The Minister of Communications and Works (Mr. Ram Karran):** On the last occasion we had reached the stage where progress was reported and the Bill was deferred, and I propose to move that Council resolve itself into Committee to consider the Bill further.

**Mr. Speaker:** On the last occasion when this Bill was taken Clauses 5, 6 and 8 were deferred for further consideration.

Council resolved itself into Committee to resume consideration of the Bill.

## COUNCIL IN COMMITTEE

Clause 5.—*Amendment of section 24 of Chapter 280.*

**Mr. Ram Karran:** I beg to move that Clause 5 be amended by the substitution of a new subsection (3), as follows:

"(3) Any person producing his licence under the preceding subsection shall, if requested to do so, declare his present address and if he refuses he shall be guilty of an offence."

**The Chairman:** I take it that every Member has a copy of the proposed Amendments.

**Mr. Jackson:** I suggest that the word "he" after the word "refuses" be deleted from the Amendment. I consider it unnecessary.

**The Attorney-General (Mr. Austin):** There is an existing Section which is similarly worded — "if he fails to do so he shall be guilty of an offence." I think it would be better to be consistent.

**Mr. Jackson:** I do not agree with the view expressed by the hon. the Attorney-General. If there is an excessive use of words in a Section of the law I do not see why we should continue to follow the pattern. Perhaps it is because I have a desire to see that English which is written in the laws of our country is written in the best style, without excessive verbiage or repetition. I think the word "he" after the word "refuses" in the Amendment is quite unnecessary, and should be deleted.

**The Attorney-General:** I appreciate the hon. Member's motive in making the suggestion, and the fact that I am not prepared to accept it does not, I hope, mean that it is rejected on principle. The reason why I cannot see eye to eye with him on this point is that whilst his motive is that English used in laws should be of as high a standard as possible, that is not the only consideration in drafting legislation.

One of the important factors which should always be taken into account is consistency of expression, and I think he will agree that if in an Ordinance of well over a hundred Sections the word "he" is used before the words "is guilty of an offence" it would be anomalous to omit it in this case. Whilst agreeing with the hon. Member that our laws should contain as clear and as good English as possible, consistency is very important, and for that reason I shall not support him if he presses his point to move an Amendment.

**Mr. Jackson:** The difference between the views expressed by the Attorney-General and myself is that one

is expressed by a legal expert and the other by a layman, and since the Attorney-General has emphasized the importance of continuity of style I would be the last person to want to create inconsistency in the style in which our laws are written. However, I would like to say that I will be very happy when the day comes that the laws of our country are written as they should be written, in the best possible English. I shall not press for an Amendment.

New subsection (3) agreed to.

Clause 5, as amended, passed.

Clause 6.—*Amendment of Section 37 of Chapter 280.*

**Mr. Ram Karran:** We had deferred Clause 6 for consideration of the proposal in the Clause to delete the words "or second" in subsection (2) of Section 37 of the Principal Ordinance. Government has given very full and sympathetic consideration to the views expressed by hon. Members, and proposes to leave the Clause as it stands.

**Mr. Burnham:** While Government has given very full and sympathetic consideration to the views expressed I would like to know the reasons advanced for the deletion of those words from the Principal Ordinance.

**Mr. Ram Karran:** Hon. Members on the other side of the Table had suggested that the proposed Amendment would create hardships on drivers of motor vehicles if a Magistrate was given the power to cancel a driver's licence after a second rather than a third conviction for careless driving. The hon. the Attorney-General had intimated to the Council the action taken in other countries, particularly the Caribbean countries — Trinidad and Jamaica — and also in the United Kingdom, where the law with respect to careless driving had been brought up to date, and that we were following in that direction. Hon. Members were also assured that

Magistrates need not take away a driver's licence for a second offence; that it was discretionary on the part of a Magistrate, and that if the circumstances warranted the taking away of a licence Magistrates should be vested with that discretion.

Hon. Members raised the question of Magistrates acting without discretion, and it was felt by the Government that if that was the case then there was no reason for the law to be amended, but that Magistrates should be expected to carry out the law as it was written.

**Mr. Burnham:** There seems to be some confusion here. We were told about the legislation in Trinidad and in the United Kingdom, and we also noted that in Trinidad and/or the United Kingdom after the first or second conviction the suspension of the driver's licence was limited to one month — not three months — whereas in our law there is no limitation at all. If Government wants to copy something it should copy it fully. Why do you want to make this a police State? It does not seem as if you are fair copyists.

**The Attorney-General:** On the contrary, we do not want to make this country a police State, but to make it a safe State. If hon. Members feel that our law should not be brought closer in this respect to the laws of other countries which in these matters are more progressive, then the blood will be on their heads. I say that very seriously. I do not think Members realize that careless driving can bring about awful distress. I would like to refer to a legal report of a case of careless driving, where the note says:

"A driver falling asleep at the wheel is guilty of careless driving." —

"While returning in the morning after working a night shift in a factory, a driver was overtaken by sleep, and in broad daylight drove his car into the rear of a party of soldiers marching in a column in the same direction as the vehicle."

There is another example of careless driving where a lorry driver was travel-

[THE ATTORNEY-GENERAL]

ling along a road, put out his hand quickly before he turned to the right, but did not look in his mirror to see that a car was coming up behind, and there was a crash. That was careless driving, and people can be killed by careless driving. I would say that if in these times when our roads are getting more dangerous, drivers are not going to be deterred by severe penalties for careless driving, it will not be a police but an ambulance State. It is not unreasonable to say to anybody who drives a motor vehicle "If you drive carelessly you will have your licence taken away for one month as a warning, as they do in Trinidad."

After careful consideration, we have decided not to go as far as they do in Trinidad or the United Kingdom, and say that on the first conviction for careless driving a driver will not lose his licence but on the second he may. Is that unreasonable? If we do not do this, I foresee that driving on our roads will get worse and more people will be either killed or injured. I beg hon. Members to realize the serious effects of careless driving.

**Mr. Burnham:** Is it not true that in Trinidad on the first conviction you cannot be suspended for more than one month and on the second for more than three months? I would suggest that we leave it as it is and put in the Trinidad limitation "not more than three months suspension after the second conviction". Why borrow the penal part and leave out the part which gives the defendant a little consideration? You will not get better drivers by punishing people unduly.

I think you should educate the people. I must congratulate the hon. and learned Attorney-General on the course of education he has been giving the public lately. Let us copy from Trinidad and say "after the second conviction a magistrate shall not have power to suspend for longer than three months". Are we worse than the

Trinidadians? We have less deaths here by number and *pro rata*.

**The Attorney-General:** That is a good argument, but when you look at the reason for putting a limited period on disqualification after conviction it will be seen that you either have to keep the whole thing or do not put in the limitation at all. In more progressive countries a limited period is put on the first and second suspension. After a subsequent conviction there is no limit. So far as we are concerned here you will not be liable to suspension of your driving licence after the first conviction, but on a subsequent conviction you are liable to disqualification and in the circumstances it is unnecessary to put a limit to that. The limit in the first instance was because suspension should be imposed on the first conviction.

**Mr. Burnham:** Let me show where the variation comes in so far as my argument goes. Trinidad says that a driver will be suspended on the first conviction for not more than a month. Our law says suspension on the first conviction. Trinidad also says suspension on the second conviction but for a period. Let us do what Trinidad does on the second conviction and suspend a driver for a stated period; let us suspend him for a period of three months on second conviction. I am unable to find a flaw in my argument.

**The Attorney-General:** I feel that one must inevitably trust the magistrates. In any case there is always the Appeal Court where a defendant can go to. As the hon. Member knows statute law is sometimes refined by means of judicial views as to how the law should be administered. If it were found that magistrates were suspending drivers for an undue length of time, it may well be that on appeal to the Supreme Court a judge would give his views as to the undesirability of the first suspension for a longer period than three months. That ruling from a superior court would be followed by all magistrates.

Some hon. Members seem to feel that every possible circumstance must be catered for in every Bill. We would never be able to get through our legislation if all the laws had to meet such requirements. In every law a good deal has to be left to the discretion and commonsense of the people who have to administer it. Magistrates are senior officers of the Government who are selected not only after obtaining legal qualifications, but also a great deal of experience, as the hon. Member well knows. I am therefore surprised that he consistently implies that magistrates are incompetent to carry out not unduly difficult judicial duties.

**Mr. Burnham:** I am not suggesting that magistrates are incompetent or incapable of carrying out their duties — far be it from me to make such a suggestion. Let us follow the hon. the Attorney-General's thesis. He says that we should leave things to the magistrates. Let us leave this Motor Vehicles and Road Traffic Ordinance in the hands of the magistrates and they will administer it. It is all well and good to speak about judicial expression of opinion. Has the hon. the Attorney-General forgotten that to gain that experience one has to lodge \$25 and pay fashionable Counsel to deal with the matter? On the other hand you can put the necessary legislation in the Statute Book where it does not cost any more — the printers would not charge any more for a few extra lines.

Let me make it clear that the magistrate's discretion is limited to three months on the first suspension. The hon. the Attorney-General is saying that he would expect a magistrate to exercise his discretion up to three months. Let us give him that guidance and assistance in the same way as it is set out in the laws of Trinidad and the United Kingdom. I find it a little difficult to understand why the hon. the Attorney-General is opposing this point. I agree with him that he should copy relevant legislation, but he does not want to copy

the whole thing. Let us copy *in toto*, and we need not talk about magisterial or judicial opinion.

**Mr. Jackson:** I think the hon. the Attorney-General should realize that it is our desire to make this a "Civil State" instead of a "Police State". I appreciate the keenness of the hon. the Attorney-General and his desire to see that our roads are made safe. However, I feel that I will have to make a recommendation for him in another place when he shall have succeeded in reducing our road deaths to a minimum of one a year. To follow the premise of the hon. the Attorney-General, we may put forward the argument that because the death penalty is provided for people who commit murder that the number of murders will decrease. It seems to me that even if you impose a severe penalty for certain offences it does not necessarily mean that it will prevent people from committing such offences. The answer to this question is a vigorous campaign in all walks of life by as many people as possible including the Road Safety Association. I feel that no matter how severe the penalties for offences may be this will not assist us in reaching our objective.

I agree with the suggestion of the hon. Member for Georgetown Central that the suspension of the driver's licence should not take place in the manner in which it is sought to be done by the Government. I hope that the hon. the Attorney-General will realize that the answer does not lie in that type of penalty, but in the field which I have suggested.

**The Financial Secretary (Mr. Essex):** The essence of this penalty about which we are talking is to keep incompetent or rash drivers off the road now. Therefore, I do not follow the argument that we should not impose any penalty until such time as we have educated the people to be better drivers.

**Mr. Jackson:** I did not say that. I expressed the view that the imposition

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of severe penalties alone will not get the results we seek. If that were the case we would never have murders in this country.

**Mr. Hubbard:** I should like to make the point that careless driving may be something more than a temporary lapse of powers — it may be a lapse of character. When we are placing in the hands of individuals so lethal a weapon as a motor car, I think the magistrate who hears the case should be in a position to judge the character and the circumstances connected with the offence and determine whether the driver should be placed in a position where he could use such a lethal instrument no longer.

Before you put a gun in the hands of an individual, you should be satisfied that he is of such a character that he would not use it to the detriment of society. A driver can use a motor car to the detriment of society if his character is faulty. I do not see that there is any great hardship caused to an individual when, in the defence of society, you give a magistrate power to deprive a man whose character is faulty of the right to use a motor car to the detriment of society. I am sure if hon. Members follow my argument carefully they will see that there is wisdom in the provision.

**Mr. Burnham:** Mr. Hubbard has proved that if this is the basis on which the Government is operating with respect to this particular Clause that there is a lot of unwisdom. We are told about the question of faulty character, but the jurists and magistrates do not agree with that. All jurists' pronouncements do not agree with this question of faulty character.

**The Attorney-General:** Let us say error of judgment.

**Mr. Burnham:** Error of judgment is not a fault in character. We were told that Government in its wisdom had inserted this provision, but now we see

that it is the unwisdom of the Government that we have to deal with.

**Mr. Ram Karran:** The hon. Member for Georgetown Central suggests that we should adopt the Trinidad legislation which empowers a magistrate to deprive a driver of his licence after a first conviction. The hon. the Attorney-General has pointed out that you can have a careless driver who, though he has never been convicted, may take somebody's life by careless driving.

If you limit the period which a magistrate can prescribe for the removal of a driver's licence, it may not be reasonable in the circumstances. In other words, if a man is involved in an accident in which there was loss of life and the magistrate is empowered to remove his licence only for a prescribed period, the seriousness of the offence and the gravity of the situation may not be felt and reflected in the sentence and punishment.

**Mr. Jai Narine Singh:** When a charge is instituted under this Ordinance, the first 'judge' is the police. The police declares that the person charged has been driving recklessly or carelessly, dangerously or without due consideration for other users of the road. That is the first judgment. I have had the experience of hearing cases in which persons have been charged in each of the four different categories of offences. Very often cases which have been brought for alleged dangerous driving amount at least to careless driving, and in those circumstances the magistrate himself directs that a charge of careless driving be instituted — or the Police themselves would do it. Even on the second conviction of an offender the magistrate is loathe to suspend drivers and have to exercise their discretion because of the difficulties that will naturally affect the offender's way of earning a living. I have not found magistrates unduly harsh in this matter of suspending drivers, and I do not think Government will be well advised to pursue this matter of suspension after the first offence of careless driving.

It was suggested by the hon. Nominated Member, Mr. Hubbard, that a person's character may be involved, and the magistrate should have the power, as it were, to stop him from driving. I think, on the other hand, that the Police have the power of not issuing a licence to someone if they think the person will not be competent to handle a vehicle on the road. That is the first responsibility, and I am sure that under the able direction of the hon. the Attorney-General, the Police should be properly advised with respect to the granting of licences to people to drive vehicles. I cannot but express the opinion that the laws as they are at present are adequate in respect of the suspension of drivers, and I do feel that this Council should not seek to give further powers to the magistrates who would be, I am sure, obliged to carry out the directions of the Legislature when they are given, and to interpret the law in no other way than it is written.

**The Minister of Labour, Health and Housing** (Mrs. Jagan): We have heard much on this point, but I would just like to make one or two remarks. I feel strongly about this particular Clause, because I feel that too many people are being killed on the roads.

Only yesterday a few minutes after I left this Chamber, I saw a little boy who had been knocked down by a truck through careless driving. No matter how much compensation the mother of that little boy gets, he will be permanently handicapped. At the age of nine he will start with a handicap, and that will prevent him from living a normal life.

Parents in British Guiana are alarmed. A great many deaths arise from careless driving. Everyone here knows that people are on the road today who are not handling their vehicles properly, and some of them do not care sufficiently about what happens. Some are ready at any moment to take a risk that could in a matter of seconds mean the death of one or more people.

If a person is brought to court and found guilty of careless driving on more than one occasion, I feel that that person, should know that if he commits the offence a second time he might find his licence withdrawn.

I heard a lot of talk this afternoon that you cannot prevent accidents by increasing the penalties. That is not true. You can prevent a lot of accidents by removing a lot of careless and incompetent persons from behind the wheels. The Medical Department and the Health Department in British Guiana are fighting in two directions to save the lives of Guianese. They have done a wonderful job in the last few years in lowering the infant mortality rate in British Guiana. Our nurses spend long hours to see that babies live and children survive the attacks of illnesses and disease. What is the use of all that if, when we allow the children to walk to school, a careless driver comes along and knocks them down or barely misses killing them? There are more near-accidents than one can imagine. Every day I am sure many people miss losing their lives by a hair's breadth.

We all remember the words from a Gilbert and Sullivan operetta — "let the punishment fit the crime." If the case of careless driving before the magistrate is of a severe nature, let the magistrate decide what penalty should be imposed, and then the offender should be given a strong warning that further offences of that nature would mean his suspension as a driver for three months, 10 months, or two years. I think the magistrate is capable of knowing what the period of suspension should be.

I know this, that if the law stated that on the conviction for a second offence the licence of the offender might be removed or suspended for three months, there are people, daredevil drivers, who would say, "What have I to lose?" But the certainty that the licence would be removed would serve to make them think first how they would be able to get along without their licences.

[MRS. JAGAN]

I think all of us here must first think of ourselves as possible victims of careless drivers, and not only should we fear the hardship that might be caused by the removal of a licence. I am very interested in preserving the life of the person who may be killed or ruined in health by the careless driver. I do not think much sympathy should be given to anyone who comes up with a second offence for careless driving.

**Mr. Jai Narine Singh :** We are all in agreement with what the hon. Minister has just said, only that she does not seem to appreciate the difference that exists between dangerous driving and reckless or careless driving. Under this Clause I think we are dealing with Section 37 of Chapter 280. Let me read from Section 36, which relates to reckless or dangerous driving :

"36 (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable, on summary conviction, to a fine . . ."

and so on. What I am saying is, we want to see more vigilance exercised by the Police. Take the City of Georgetown. The limit for the City is 20 miles per hour for a motor car, but in practice the normal speed is about 30 miles per hour, and you can see that on the main or major roads. They travel often at 35 miles per hour. That is where we need more alertness from the Police, and that is where the Attorney-General's Road Safety Association comes in.

Let the people who drive in the City be familiar with the Traffic Ordinance, so that they cannot say that they do not know. People go into the courts and say that they were driving at 25 miles per hour, but they did not know they were committing an offence by exceeding the speed limit by five miles. There has

been some confusion in the minds of Members about the difference between the offences of reckless or dangerous driving and careless driving or using the road without consideration for other persons.

**Mr. Campbell :** I have escaped so many times on the streets of Georgetown by a hair's breadth that if Government can do anything to make drivers of motor vehicles fear the law I would be in favour. It is not often that I agree with the Minister of Labour, Health and Housing, but I wholeheartedly agree with what she has said today.

Clause 6 put, and agreed to.

Clause 8.—*Removal of vehicles.*

**Mr. Ram Karran :** I beg to move, as suggested by the hon. Member for Georgetown Central, the deletion of the words "and for the purpose of any such proceedings a certificate signed by the Commissioner of Police shall be *prima facie* evidence of the expenses incurred" in subsection (6) of the new Section 58A.

**Mr. Burnham :** Something has just struck me with respect to Clause 8(6) — that the debt is recoverable from the owner of the vehicle. I wonder if the Minister or the Attorney-General can tell us why they have chosen the owner, because there may be circumstances in which the owner of a vehicle may not be responsible for the vehicle being on the road, or at the particular spot at that particular time. One can imagine circumstances in which an owner lends his vehicle to someone else who was not his agent or servant, or the vehicle may have been taken without the owner's consent. I am wondering whether Government would not see fit to substitute the word "driver" for the word "owner", because there are many circumstances in which it may be unfair to tax the owner, unless there is provision that it is a good defence for the owner to prove that he was not responsible, either directly or indirectly, for the vehicle being on the road at the particular time.

**The Attorney-General:** As far as I know this Bill has been gone into very fully by people who have experience in these matters — the police and others who have looked at similar laws. I do not think that from a practical point of view it is too much to expect that if a person has a car which is registered in his name he should be charged with the expenses of removing it if it has to be towed away by the police. If it is lent to someone it is up to him to secure reimbursement. It would create a great deal of unnecessary work on the Police to find out who was really responsible. The person who is the registered owner of the vehicle is the person to whom the State looks as the person responsible for maintaining it in proper condition.

**Mr. Burnham:** I have a very high regard for the Police but I will not take my information on the law from them. I think we should take our information from one qualified at the Inns. This subsection is so worded that if "A" takes "B's" car without permission and commits an offence, "B" will have to pay the expense of removing the car. I cannot understand the difficulty the Police will have in finding the driver of a vehicle. Don't they find the driver when they wish to prosecute for a driving offence? How in justice and fairness can you make a person liable for the removal of his car from a road if it did not get there as a result of his act, or with his consent or approval? We are not to be guided by what the police think. They are to carry out the law. We are to make the law.

**The Attorney-General:** What would you suggest?

**Mr. Burnham:** I would suggest the addition of a proviso to this effect:

"Provided that it shall be a good defence by the owner that he was not responsible for the vehicle being on the said road."

**The Attorney-General:** This matter has been very carefully considered. If

the hon. Member will look at the earlier subsection, 58A. (1) he will see that it provides:

"58A. (1) It shall be the duty of the owner, driver or other person in control or in charge of any vehicle —

(a) when the vehicle has broken down on a road in such circumstances that the defects cannot be remedied within a reasonable time or the presence of the vehicle is likely unnecessarily to obstruct or to cause danger to other persons using the road, to remove or take all reasonable steps to secure the removal of such vehicle as soon as practicable."

The only person who really can be traced is the owner, because he is registered, and I think it is unreasonable to expect the police to chase up and down the country to find who was the person in control of the car, or whose fault it was that it broke down in the middle of the road. Surely, from the practical aspect it is not unreasonable that you cannot trace those people. If you could trace them you could ask them to remove the car. It is only when every effort possible has been explored to get the car removed from the road that it is towed away, and the police cannot be expected to be philanthropists in this connection. There are enough cars around this City which should not be where they are at the moment, causing obstruction to the road and thereby increasing the hazard and danger, and involving the Police in a good deal of expense if they cannot recover it from someone.

**Mr. Burnham:** The Attorney-General and I are *ad idem*. I concede that the owner should be reasonable when the car is on the road, but I suggest that there should be a provision that it shall be a good defence for the owner to say that the vehicle was not where it was found as a result of his act, his consent or approval. The police will not have a difficult time because the onus of proof would be on the owner to show that he was not responsible for the car being there.

It may well be that after this Ordinance comes into operation that for ten

[**MR. BURNHAM**]

years the hardship to which I have alluded may not arise, but in the eleventh year it may arise and somebody may have to spend a lot of money in the courts.

It is said that we should credit the police with some discretion. If the Police Department spends \$60 for the removal of a vehicle that amount will not be charged to the Police Vote. The policemen are not going to say: "We have prosecuted "A" for using "B's" vehicle without his consent and charge the amount to the Police Vote". I am sure the Police Department will go ahead and sue the owner of the vehicle in order to recover the cost of removing the vehicle. I am of the opinion that, unless you insert a proviso the owner of the vehicle has no defence, so long as the vehicle is registered in his name and is found in the particular spot. That is all the Police Department has to prove. The owner may be sleeping when the vehicle is stolen.

Perhaps it is felt that if we insert the proviso it will make things difficult for the Police Department in so far as recovering the money for removal is concerned. I feel that if the Government gives this point a bit more consideration it will yield to my request. I do not think this Government is anxious to press people unduly.

**Mr. Ram Karran:** What has been introduced as an afterthought is not a very strong argument. He argues that the owner may be sleeping when the vehicle is stolen. I am sure the owner of the motor vehicle would be glad to pay something to get it back. It may be impossible to find the man who is responsible for putting the vehicle there.

**Mr. Burnham:** Assuming that it is impossible to find the man who left the motor vehicle there, who should bear the expenses, the owner or the State? I feel that the State should bear the expenses caused by a wrong-doer. If "A" steals my money, why should I be called upon to pay for his upkeep when the magistrate sends him to prison? The hon. Minister

of Communications and Works is saying that because it is my car which is stolen I should pay to get it back. It would have been better if the hon. Minister had not entered into this argument.

I beg to move an Amendment to Clause 8 by the insertion of the following proviso to subsection 6:

"Provided that it shall be a good defence by the owner that he was not responsible for the vehicle being on the said road."

**Mr. Ram Karran:** I fail to see how this Amendment can solve the problem. The owners of vehicles will be able to go to the police and say that their wives and relatives may have been in possession of the car which created the obstruction. They will also go to the magistrate and say that they are not responsible for the amount spent in removing the vehicle and the police will not be able to recover it. If we want to adopt the Amendment moved by the hon. Member for Georgetown Central, I would say that in every single case, except when the owner drives the vehicle himself, the cost should be paid by the owner of the vehicle.

**Mr. Burnham:** The hon. Minister of Communications and Works has the difficulty of a layman. The owner of the car is responsible if he knows the person who drove the car, or if it is used with his consent. I will not quarrel with the Minister because I do not expect him to know that part of the law. The police must prove to the magistrate beyond a shadow of doubt that the defendant is guilty before a magistrate will award damages. There will be no difference of opinion as to my interpretation of the law on this point as between the hon. the Attorney-General and myself.

**The Attorney-General:** I may point out to the hon. Member that subsection (6) states:

"Expenses incurred in the execution of duties imposed by subsection (2) of this section may be recovered and enforced in a summary manner before a

magistrate under the Summary Jurisdiction (Petty Debt) Ordinance by or on behalf of the Commissioner of Police as a civil debt from the owner of the vehicle . . .”

I have every confidence in the reasonableness, intelligence and fair view which the Police Department and other Government Departments will bring to bear in so far as the recovery of expenses for removing vehicles is concerned. If a man's car was stolen and left on the highway as a road hazard, I doubt whether the police would press for the recovery of the cost of removing the vehicle. It is not a question of *ipso facto* the owner or the person who is in charge of the vehicle will have to pay for its removal.

I should like to point out that the provision has been inserted for a good reason. I will appeal again, I hope with success on this occasion, to hon. Members to put some small degree of confidence in the reasonable approach by the Police Department and other Government Departments in matters of this sort.

So far as the case adumbrated by the hon. Member for Georgetown Central is concerned — I even thought he said that it was unlikely to arise in 10 years — the Government would give the careful serious consideration and would probably not press for the recovery of the amount. If Government pressed for recovery then the hon. Member could do something about it by having the Ordinance amended in 10 years' time which would be the appropriate time for pressing this Amendment.

**Mr. Burnham:** I have no guarantee that I will be in this Chamber for the next 10 years. It is quite possible that I may be in another chamber above where the wicked cease from troubling and the weary are at rest. If I am in the land of the living and in this chair the question may not be brought by me. I am glad to hear that the hon. the Attorney-General has confidence in the Police Force. I am sure he will find an exception here and there in the Force. We, who work

in the courts, know how little discretion some policemen have. In a criminal case a magistrate can say that it is frivolous, but in a civil case so long as the policeman can prove that he spent the money the magistrate will award damages. No discretion is left in the hands of the magistrate so far as this matter is concerned. I cannot see any lawyer denying this point of law.

It must be remembered that in a criminal case if the magistrate finds that the policeman has acted without discretion he can reprimand, discharge or dismiss under 42A or 42B, or impose a nominal penalty. I see nothing wrong in this Council inserting the necessary legislation in order to make the law work smoothly. I feel that if someone in this Council recognizes that something is wrong in the Bill an attempt should be made to correct it at this stage.

You are making our policemen into Judges, for I understand our system to be that our Judges and Magistrates make decisions, not policemen. I would ask the hon. the Attorney-General to see with me this once and accept this proviso to protect hard cases.

**The Chairman:** I shall put the last Amendment first. The question is, that this Clause be amended by the insertion of the following proviso at the end of subsection (6):

“Provided that it shall be a good defence by the owner that he was not responsible for the vehicle being on the said road.”

The Committee divided and voted as under:

<i>For</i>	<i>Against</i>
Mr. Davis	Mr. Hubbard
Mr. Gajraj	Mr. Ajodha Singh
Mr. Jackson	Mr. Saffee
Mr. Burnham	Mr. Rai
Mr. Kendall. — 5	Mr. Ram Karran
	Mrs. Jagan
	Mr. Beharry
	The Financial Secretary
	The Attorney-General
	The Chief Secretary.

— 10

*Did not vote*  
Mr. Bowman

**The Chairman:** The Amendment is lost.

Clause 8 put, and passed as amended.

Council resumed.

**Mr. Ram Karran:** I beg to report that the Motor Vehicles and Road Traffic (Amendment) Bill has been considered and passed in Committee with two Amendments, and I beg to move that the Bill be now read the Third time and passed.

**Mrs. Jagan:** I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

#### **MOTOR VEHICLES INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL**

**Mr. Ram Karran:** I beg to move that the Bill intituled,

"An Ordinance to amend the Motor Vehicles Insurance (Third Party Risks) Ordinance"

be now read the Third time and passed.

**Mrs. Jagan:** I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

#### **LAND REGISTRY BILL**

**Mr. Speaker:** Council will now resume consideration of the Motion for the Second Reading of the Bill intituled

"An Ordinance to provide for the registration of land and for matters connected therewith."

Yesterday at the hour of adjournment the hon. Nominated Member, Mr. Davis, was speaking.

**Mr. Davis:** I was making the point that in my judgment it would be necessary to go into very large schemes of surveying so as to have all areas well defined. I feel it would be a severe strain on the limited number of surveyors available, and besides that the cost would be very heavy indeed.

I know that plotting can be done bit by bit. I did not find much favour with that because I think it would tend to cause tremendous confusion. One can imagine the results if in one part of the country, for instance Corentyne, you have conveyance by transport and in another part of Corentyne you have conveyance by this system. It would be unrealistic to introduce the system that way.

Another thing that worries me about the adoption of these measures *in toto* is the question of squatters. Around the Mahaicony area, high dam, and Perseverance-DeKinderen area there are several people who have established themselves on the land, and I suppose you can call them squatters; I wonder how this bit of legislation will affect them. These people have been living there for a number of years. They have no title, not even a lease. Thus there are people who can claim title, perhaps by prescription.

Part II, Clause 8 (2) of the Bill states:

"There shall be established and maintained in each district a land registry and the land registry in Georgetown shall be the Principal Land Registry."

That of course confidently supposes that registries will be studded all over the Colony. We should like to know how many there will be and where they will be, because when we consider staffing and recurrent expenditure we can quite see that it will run into considerable amounts of money—and that again brings us back to the question of costs.

Also in Part II, at Clause 10, it is stated that sworn valuers may be

appointed. I would like to ask the hon. the Attorney-General what will be the qualifications of these valuers and what will be their respective values.

In another portion of the Bill, Part X, reference is made to leases. In fact the hon. the Attorney-General himself spoke about leases of three years' duration, to be exact. I take it that in due course these leases will be registered, but in what part of the general register? It must be remembered that these land registers will be supposed to have complete and over-all information about land.

May I inquire whether these leases will assume a new status? It is known that people who have leases experience tremendous difficulty to raise loans on bits of property, using their leases as security. I would therefore like to know whether those leases will acquire a new status.

Another form of conveyance is the system of licences, but as far as I can see the Bill does not provide for licences. The Land Registration Committee's Report, on the basis of which the hon. the Attorney-General says this Bill has been drafted, deals with the question of licences at page 17, paragraph 30. I may pause here to pay tribute to the very comprehensive Report of the Committee headed by Mr. Edward de Freitas. It is, in my judgment, a very worthwhile document. Licences of occupancy, as the hon. the Attorney-General will appreciate, form a very important part of our land system, and many acres of good land are held under licences of occupancy, but I have not been able to find any reference to such licences in the Bill. I would like to know if there is any special reason for that.

I would like to refer to Part IV, Clause 27 of the Bill, which has been slightly referred to by the hon. Member for Georgetown South (Mr. Jai Narine Singh). It deals with the question of unoccupied land being deemed to be the property of the Crown until the contrary is proved. I consider this to be a harsh

bit of legislation. There are many people with such lands which they have been unable to develop properly through lack of finance, and I think Government should proceed very cautiously against such lands.

I would also like to touch very briefly on the question of credit. It is appreciated that such strips of land which have been developed in this country have been developed through extensive credit, and that the transport system has been used as a safeguard by those who lend money on land. This safeguard has been used by the Banks and by people who lend money on mortgages, and even by merchants who rent machinery on the hire-purchase system. They are protected by the transport system because before property can change hands transport has to be advertised for a period of weeks.

That system is going to be down-graded by this legislation which will enable a person to go to the Land Registry and get title to a piece of land within a matter of hours. We know that people who lend money in such circumstances usually secure themselves by a mortgage, but some people have been able to obtain credit merely on the strength of their title, and the knowledge that their property cannot change hands in a matter of hours. I feel, therefore, that this new system of land registration will completely change the system of credit in this country and is likely to have serious repercussions, because people who lend money will be more cautious in doing so, for the reason that titles can change hands within a matter of hours.

Nevertheless, land registration is a very modern system of conveyancing, as a land register will provide an efficient and comprehensive picture of land holdings in this country. I do not say that I am against the principle of the Bill. There are features of the Bill with which I am not in favour, but on the general principle I accept it and promise it my support.

**Mr. Hubbard:** The hon. the Attorney-General's introduction of this new land law bears testimony to his close study of the subject. I welcome the Bill and wish to compliment its authors on their monumental contribution to our social development. As we were told yesterday, and as we know from experience, there has been great need for the reform which this Bill seeks to accomplish. I have no doubt that when the Land Registry is established and titles are given for several areas of land which are now left idle the benefits will be apparent to everybody. So far as this matter is concerned, I am sure that the social and economic consequences will be good. Under the new system a man will be able to get a title for land where it was impossible to obtain a title before, and a title is an asset which will enable an individual to obtain credit. In our rural areas agricultural credit is very sadly needed at the present moment. I am of the opinion that the consequence flowing from this Bill will make an economic contribution to the life and welfare of the people in this country.

I am very happy to be associated with this piece of legislation because, as far as I can see, it may well be the most important piece of legislation coming before this Council for consideration. This law, important as it is, is merely a reform of the law relating to the land, and much more important will be the legislation that will have to come here at some later stage in our history, if not during the life of this Council. I am sure that legislation will have to be brought forward to change the system under which people are holding land at the present moment.

It is known that thousands of people are in possession of land but they are merely tenants at will. In time they can benefit from this legislation which is being introduced today, but a good deal will have to be done before their possession of the land can be regularized under the law. I have no quarrel with any of the proposals in this Bill. It appears to be a care-

fully thought out Bill; it has been drafted by persons well acquainted with the business of land transactions, and I am quite satisfied to leave the details for the scrutiny of a Select Committee of this Council.

So much time has been spent on debating this Bill that I will say no more than to compliment the Government for having brought it forward, and to say a word of praise to the hon. the Attorney-General for his very interesting and educational dissertation. I should also like to offer to the authors of this Bill, the Committee who sat so long and so studiously and worked so carefully, the highest praise not only from this Council but from the general public.

**Mr. Burnham:** The general concept and reasons for this Bill enjoy my support, for I confess that in a number of cases there is too much obscurity surrounding the titles of land in British Guiana. I also concede that if there is to be development in this country and investments in land, the titles should be clear, and one should have some guarantee that when one is dealing with an individual who claims to be the owner of a part or parcel of land that he is in fact the owner and that his title is indefeasible.

I feel that if we can find some system of indefeasible titles it will also be better for those who lend and those who borrow. I did not have the advantage of hearing the hon. the Attorney-General when he made his remarks on the Bill. If I repeat what he has said I do so because perhaps, we have arrived at the same conclusion travelling from different points. I think that in the case of credit corporation loans there have been some difficulty because of the uncertainties that surround the titles to land in this country. Many persons to all intents and purposes own land, but they are unable to raise loans on it because they cannot produce any title documents.

I agree with the Bill in principle, but there are certain aspects which do not find my support. For instance, unless I

am somewhat myopic, it would appear that if there is provision for appeals to the Full Court from the Commissioner, there is no provision for an appeal from the Full Court to the Federal Supreme Court.

**The Attorney-General:** In the Federal Supreme Court Ordinance.

**Mr. Burnham:** The hon. the Attorney-General assures me that there is provision in the Federal Supreme Court Ordinance. I would like to accept that and I am sure he will point it out to me and remedy my oversight. There is another point, however, which gives me some concern, and it is that the right to oppose a liquidated debt has been taken away. In its place there has been substituted a system of caveats. As I understand it many of the debts on which opposition suits may rest at the moment must be registrable as caveats when this Ordinance comes into operation. Although this causes me some concern, since I have had the assurance of the hon. the Attorney-General that this Bill is likely to be sent to a Select Committee, it is possible that my views on these points will find expression and possibly earn agreement from some, if not all of the other Members of the Select Committee.

Another criticism which I have to make of this Bill is that the draftsmen—those who promulgated it—in their anxiety to give clear, clean, indefeasible titles, are suggesting that after the partition officer has partitioned and allotted lands he may call upon the Registrar to register the titles accordingly. What will happen to partition appeals and those persons who are seeking to disturb, and very often with success, the allotments and awards of the partition officer.

If one peruses this Bill carefully, one finds that if it suffers from any besetting sin it is the anxiety to give clean, clear and indefeasible titles as quickly as possible. However, what may be

quick may not always be right and just and may eventually turn out to be unwise.

[*An interruption.*]

**Mr. Speaker:** I would ask hon. Members not to make it so very obvious that they are not interested in the proceedings.

**Mr. Burnham:** A Bill of this sort is a highly technical affair and can be better dealt with in a Select Committee. I will have the advantage of reading through the three reports of the Committee whose brain-child this Bill is. I do not propose at the moment to speak at any length on the Bill. If the necessity arises, I propose to take advantage of my right to speak at length on the Third Reading of the Bill.

**The Attorney-General:** I am glad to hear that the Bill has the support of hon. Members who have spoken so far as the principle is concerned, and I hope the Bill will be passed eventually without much difficulty. I think the hon. Nominated Member, Mr. Hubbard, made a good point when he said that it may well be a monumental contribution to the development of British Guiana. I thank him for the happy phrase which I am sure is a tribute to these selfless men who have been working on the Land Registration Committee and who are the architects of this important Bill.

I would personally like to assure the hon. Member who last spoke that an appeal from the decision of a Commissioner of Title would automatically go to the Federal Supreme Court. Under the Federal Supreme Court Ordinance, Section 9(2), provision is made for appeals from Full Court decisions. So there is an automatic right of appeal from the Full Court to the Federal Supreme Court, although the Bill says that the decision of the Federal Supreme Court would be final.

The hon. Member for Georgetown South said that he thought unclaimed vacant lands should vest in the Colony

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and not in the Crown. I appreciate his sentiments sincerely, but I think the point raised is a distinction without a difference.

I believe British Guiana is unique in having Colony as well as Crown and Colony lands. Elsewhere in the Commonwealth, land in public ownership vests in the Crown which is the symbol of the State so long as the territory is in the Commonwealth; and it is remarkable that territories that have passed through the stage which we are now passing through have elected to remain within the Commonwealth. I did not know that there is anything derogatory in keeping the residual right of having land vested in the Crown, but it is a point that can be looked into and dealt with in Committee stage.

The Members showed their anxiety over Clause 27, which provides that all waste, forest and unoccupied land should be deemed the property of the Crown until the contrary is proved. That is a severe power, almost amounting to confiscation, but I would point out that the Crown in such cases is a repository or trustee, because this Clause goes on to state that any person who comes along and wishes to say that the land, although vested in the Crown, belongs to him may do so.

It is my view that in this Bill safeguards are provided for all eventualities that are likely to arise concerning the rights of people who claim land either now or at some future time.

Claims will be invited by the Commissioner in a registration area. The first thing he will do is to publish a notice that he wants everybody who desires to apply to send in their claims to him. The widest publicity will be given through publication probably in the newspapers, and when everybody is informed that they should put in their claims, great care will be taken to ensure that no one is left out.

If land is likely to belong to a person who has not put in a claim, that person does not forfeit his right. The Commissioner is enjoined to give that person title—even if no claim is put in. To quote Clause 26:

"If the Commissioner is satisfied that any person who has not made an application is entitled to any unregistered land in the area he may proceed as if that person had duly made an application, and if in such case the person is entitled to the land under a document of title the Commissioner may call upon the Registrar of Deeds or the Commissioner of Lands and Mines to supply him with a certified copy of such document of title."

So that the Commissioner would be required to go out of his way to look after the interest of any conceivable person who might claim land, and it is only if after thorough investigations have been carried out and still no claim is made that ownership will be vested in the Crown. There is the idea that eventually land will belong to some one because it has been proved in the past that an abundance of waste lands not belonging to anybody can cause embarrassment to the Administration of the country.

The hon. Member for Georgetown South referred to the fragmentation of land, and I can appreciate his anxiety. Government is concerned with the increasing fragmentation of land, but fragmentation is not really bound up with a system of conveyancing; it is a problem by itself and it really comes within the responsibility of those concerned with either the development of agricultural lands or the development of urban lands. If it is the wish that we should legislate against fragmentation of land — and I know that the Minister of Natural Resources has this point very much in mind — it may well be that before long other legislation will be introduced.

There has been some anxiety as to whether Commissioners of Title, who will have a heavy responsibility, will be adequately qualified not only on paper but in experience. I can assure this Council that the Government has this point very

much in mind because a Commissioner of Title who has not the experience might well, with the best of intentions, create many problems and engender a number of appeals against his decisions. As in all such cases, the Government appoints fit and proper persons to the posts in its wisdom, and of course in relation to the people who agree to undertake the responsibilities.

I think there is some understandable confusion in the minds of certain Members with regard to the partitioning law as it would affect the proposals of the Land Registry Bill. The District Lands Partition and Re-allotment Ordinance provides that if an area of land is owned jointly by two or more persons and at least half of them apply for the land to be partitioned, partition officers would be assigned and the land divided up if it is surveyed. That law has been difficult to implement because partitions take a long time. There has been a shortage of surveyors and partition has been hampered because officers have not been able to deal with claims of ownership with prescriptive rights.

But the idea is this, that a Commissioner of Title will be invested with the powers of a Partitioning Officer, and therefore if he has to deal with land held under joint ownership and partitioning is desired, he will be able to do what a Partitioning Officer does but more quickly and more cheaply. Survey teams will work with the Commissioner of Title in the areas.

Sir, I have a few more points to make and I would very much like to finish. I would not be more than 10 minutes.

**Mr. Speaker:** I am not rushing you. Do you wish to go on until five o'clock?

**The Attorney-General:** I can finish in 10 minutes.

**Mr. Rai:** We can sit for another 15 minutes.

**The Attorney-General:** So that within the Registration areas partitioning in future will be absorbed in the work done in declaring titles and will be done by the Commissioners of Title. Though the District Lands Partitioning and Re-allotment Ordinance will still apply, it is anticipated that eventually the work of partitioning will be overtaken by the Commissioners of Title who will not have the powers of partitioning outside of the registration areas.

It is fully recognized by the Government that this legislation is not going to provide a magic panacea for the land problems of British Guiana. Hon. Members have expressed their anxiety about the inherent difficulties in actually dealing with the problems involved in giving declarations of title and so on, and that is fully recognized. I believe that it may take years before the whole country is surveyed and a complete register is compiled. We shall proceed as fast as possible, but in the first instance we wish to start with a small registration area in which the Commissioner will feel his way. As experience is gained we shall be able to get more staff and possibly increase the pace of the work. It is a matter, very much of trial and error in the first instance. The problems, though formidable, will be solved in British Guiana just as they have been solved elsewhere.

The hon. Nominated Member, Mr. Davis, was concerned about sworn valuers. They come within the same category as all the appointments I mentioned just now. Fit and proper persons will be appointed to be valuers, and it is not necessary to have a professional qualification. There are recognized valuers in this City today, and it is by their experience and their integrity that they are accepted. I have no doubt that that criterion will be adopted by the Government when appointing sworn valuers.

Mr. Davis was also anxious about leases. He asked that as many people were unable to raise money on leases,

## [THE ATTORNEY-GENERAL]

would this legislation give leases a new status? The answer is "No," because a lease is no more or no less than a contract to give possession of land for a certain period. The lease will be registered so that anybody who looks at the entry in the register of that land will see that a lease, even a long lease, has been issued, but the rights of both the lessor and the lessee under that lease will not be altered. It is nothing new that people cannot raise money on leases unless they be leases of 99 years, because what a lender requires as security is something that he can negotiate and turn into money easily if the borrower fails. Whereas freehold can be sold easily, a long leasehold also has some value, but a short lease is worthless, and nobody will be able to raise any money on a short lease at any time, whether under this Bill or not.

The last point was that the whole system of giving credit may well be altered if and when this system of land registration comes into force. I feel that that is not a substantial fear, rather indeed the opposite, because although transfers of property will be achieved far more quickly, nevertheless all those who have interest in such property will be even more secure than they are at present. Of course, as the hon. Member for Georgetown Central (Mr. Burnham) says, at the moment a creditor can relax and take no steps to protect his interest until there is an advertisement of the sale of property belonging to a person who owes him money. But is it asking too much that a creditor should take steps to secure his interest? There are adequate provisions in the Bill to secure all reasonable interests, whether they are those of creditors or otherwise.

I hope I have been able to deal with the main problems raised by hon. Members. Government welcomes the suggestion made by the hon. Member for Georgetown Central that the Bill should be considered in a Select Committee, and I think all those Members who have a particular interest in the Bill and would

wish to be members of the Select Committee will no doubt be included by Your Honour. I formally move that the Bill be read a Second time.

Question put, and agreed to.

Bill read a Second time.

## COUNCIL IN COMMITTEE

**The Attorney-General:** I ask Your Honour's guidance as to what is the proper procedure under Standing Order 50(15) which says:

"(15) A bill, while under consideration in Committee may, on motion made in the Council, be withdrawn from that Committee, and be referred to a Select Committee, and the reference to the Select Committee may be in respect of the bill as a whole, or to specific clauses."

**Mr. Speaker:** I think the Council should first resolve itself into Committee to consider the Bill, and while under consideration in Committee you should ask that the Council resume, because the Motion to refer the Bill to a Select Committee has to be moved in Council.

**The Attorney-General:** I formally move that Council resolve itself into Committee to consider the Bill Clause by Clause.

**The Financial Secretary:** I beg to second the Motion.

Question put, and agreed to.

Council in Committee.

Clause 1. — *Short title and commencement* — passed as printed.

## BILL REFERRED TO SELECT COMMITTEE

**The Attorney-General:** I beg to move that Council resume for the purpose of moving a Motion in Council that the Bill be withdrawn from the Committee of the whole Council and referred to a Select Committee.

Agreed to.

Council resumed.

**The Attorney-General:** I beg to move that the Land Registry Bill, 1959, be referred to a Select Committee composed of Members of the Council nominated by Your Honour.

**Mr. Gajraj:** I beg to second the Motion.

**Mr. Speaker:** The question is That the Bill be referred to a Select Committee.

Motion affirmed.

**Mr. Speaker:** After I have received the consent of Members I shall nominate the Select Committee and announce its personnel to the Council. The sitting is now suspended until 5.15 p.m.

#### RESUMPTION

### LAND REGISTRY BILL

#### APPOINTMENT OF SELECT COMMITTEE

**Mr. Speaker:** Hon. Members, immediately before the adjournment of this Council a Motion was passed that the Land Registry Bill be referred to a Select Committee. I stated then that I would announce the names of Members whom I intended to ask to sit on the

Committee as soon as I could get their consent. I have now obtained their consent, and I beg to announce that the Members of the Select Committee will be as follows:

- The hon. the Attorney-General — Chairman.
- The Member for Georgetown Central (Mr. L. F. S. Burnham)
- The Member for Georgetown South (Mr. J. N. Singh)
- The Member for Central Demerara (Mr. B. S. Rai)
- The Nominated Member, Mr. R. B. Gajraj
- The Nominated Member, Mr. R. E. Davis.

I have fixed the quorum at three. I am sure that the Members of the Select Committee will get down to work as soon as practicable.

#### ADJOURNMENT

**The Chief Secretary** (Mr. Porcher, acting): Hon. Members feel that we should continue with the meeting of the Constitutional Committee. I therefore beg to move that this Council adjourn until 2 p.m. on Wednesday, 25th March, 1959.

Agreed to.

*Council adjourned accordingly, at 5.30 p.m.*