

LEGISLATIVE COUNCIL.

Friday, 26th August, 1932.

The Council met pursuant to adjournment, His Excellency the Hon. C. DOUGLAS-JONES, C.M.G., the Officer Administering the Government, President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Major W. Bain Gray, M.A., Ph.D (Edin.), B. Litt. (Oxon.), (Acting).

The Hon. the Attorney-General, Mr. F. J. J. F. McDowell (Acting).

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

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

The Hon. E. A. Luckhoo (Eastern Berbice).

The Hon. E. F. Fredericks, LL.B. (Essequibo River).

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

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

Major the Hon. J. C. Craig, D.S.O., M.E.I.C., Director of Public Works.

The Hon. E. F. McDavid, Colonial Treasurer (Acting).

The Hon. B. R. Wood, M.A., Dip. For. (Cantab.), Conservator of Forests.

The Hon. J. Mullin, A.I.M.M., F.S.I., Commissioner of Lands and Mines.

The Hon. Q. B. De Freitas, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Surgeon-General (Acting).

The Hon. W. Francis, F.I.C., F.C.S., Government Analyst.

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

The Hon. N. Cannon (Georgetown North).

The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

The Hon. J. Eleazar (Berbice River).

The Hon. J. Gonsalves (Georgetown South).

The Hon. A. E. Seeram, (Eastern Demerara).

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

The Hon. G. E. Anderson (Nominated Unofficial Member).

The Hon. F. J. Seaford (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

MINUTES.

The minutes of the meeting of the Council held on the 25th August, as printed and circulated, were confirmed.

ANNOUNCEMENT.

IMPERIAL ECONOMIC CONFERENCE.

THE COLONIAL SECRETARY (Major Bain Gray): I am directed to communicate to the Council the following telegram which has been received from the Secretary of State for the Colonies in Canada, dated 24th August, 1932:—

Now that Imperial Conference has come to an end it is possible to inform you outcome negotiations which I have been conducting on behalf of Colonial Empire. My objective was to secure increased trade from Colonies to rest of Empire, and to afford rest of Empire increased opportunities sell to Colonies. I have sought to obtain wider market for Colonial products, firstly by securing adoption of the principle of reciprocity in those Dominions and India where preferences have not hitherto been granted to Colonial Empire, and secondly by securing new or additional preferences wherever possible on those commodities which you advised were of most importance. All Dominions and India have agreed on first principle, and agreements which have been made to give effect to it. As regards particular commodities, we have obtained preferential advantages for a large number of commodities which were suggested for such treatment. In aggregate, new field of preferred trade thus opened is very considerable, and though it has actually not been possible to

secure equal advantages for each individual dependency, I do not think even from narrow point of view of its individual interest any dependency has reason to complain its interests have been overlooked. I take this opportunity of testifying to the cordiality and friendliness with which my requests on behalf of Colonial Empire were received by representatives of Dominions and India.

As you know in putting forward my requests on behalf of Colonial Empire both before Conference met and during Conference, I invited Dominions and India to suggest on their part what modifications existing Colonial preferences they desired to propose, in order to increase their trade with the Colonies.

The Dominions and India have made a full survey of possibilities developing their trade with Colonies, and I am sure Colonies on their part will be ready and willing to accede to their proposals not only as reciprocal return for preferences received and offered, but also as an earnest of our common desire to secure fullest measure of Empire trade.

These proposals are logically counterpart of advantages Colonies secure. In the first place, as Dominions and India now offer to whole Colonial Empire any preferences given to United Kingdom, they ask that those few Dependencies which at present grant preference to only certain parts of Empire should extend them to all parts, and I feel sure any adjustment taxation which may be necessary to enable this to be done without prejudice to public revenue will readily be accepted by Legislature.

In second place, Dominions and India have asked for grant of new or increased preferences in certain special cases. I am sure Legislature will be glad grant to countries of the Empire who have requested them, those new preferences which will be particularly helpful in enabling them to promote their trade with Colonial Empire.

United Kingdom and Dominions will pass legislation giving effect to Tariff change immediately their Parliaments meet—it is therefore most desirable change in Colonial Tariff should be made as soon as possible, but not before text actual agreement reaches you.

As regards publication United Kingdom will probably announce chief preference United Kingdom is giving to Dominions, but it is not desired to publish precise details Tariff change till introduced in Colonies.

I conclude by assuring you how much I appreciate assistance and encouragement which I have received from all Dependencies in our preparation for these negotiations, and how great a pleasure it has been to me personally to conduct them on your behalf. I look forward on my return to London to co-operating with whole Colonial Empire in building up an increasing trade on foundations which we have here laid.

Mr. CANNON: Is that the end of it, or are we going to hear something more about it?

THE PRESIDENT: You will hear something more about it.

UNOFFICIAL NOTICE.

THE SEWERAGE SCHEME.

Mr. CANNON gave notice of the following motion:—

Whereas the cost of the Georgetown Sewerage Scheme is greatly in excess of the original estimate of expenditure; and

Whereas the Georgetown Town Council and the ratepayers of Georgetown never contemplated that the sewerage scheme would cost practically five million dollars when they accepted liability for eighty per cent. of the expenditure, the Government to bear the remaining twenty per cent; and

Whereas the imposition of excessive sewerage rates in Georgetown has created disastrous economic conditions in the City, which have reacted adversely on the Colony as a whole; and

Whereas representations for a re-allocation of the cost of the scheme have been made by the Georgetown Town Council to Government and the Secretary of State for the Colonies continuously since 1927; and

Whereas in the opinion of this Council it is imperative in the interests of all classes in the community to arrive at an immediate, satisfactory settlement of this question of liability as between Government and the Georgetown Town Council; and

Whereas the Government's proposition of re-allocation of costs on a "fifty-fifty" basis will probably lead to further disputes and delay and will not afford the necessary measure of relief to property-owners in Georgetown; and

Whereas it is desirable in the opinion of this Council to deal with the cost of the scheme as a "Colonial Question" that is, to make the

whole cost a charge on the general revenues of the Colony:

Be it Resolved,—That Government be requested to introduce legislation without delay for the purpose of making the whole cost of the Georgetown Sewerage Scheme a charge on the general revenues of the Colony as from January 1, 1933; and

Be it further Resolved,—That a separate and special landing or bill of entry tax be imposed as from January 1, 1933, at a rate calculated annually to provide the sum required for the Government's annual commitments in respect of the scheme: and

Be it further Resolved,—That for the purpose of a settlement in respect of the year 1932 the Georgetown Town Council be requested to pay to Government the difference between the amount collected by the existing three per cent. bill of entry tax and the total sum required to defray interest charges for this year: and

Be it further Resolved,—That a copy of this resolution be telegraphed forthwith to the Secretary of State for the Colonies.

ORDER OF THE DAY.

MOTOR VEHICLES BILL.

The Council resumed the debate on the second reading of "A Bill to make provision for the regulation and use of motor vehicles."

Mr. LUCKHOO: When the House adjourned I was dealing with the great inconvenience suffered on the Corentyne Coast in connection with the transportation of produce to the markets and by the suspension of the bus service for a short period. The bus service on the Corentyne Coast may be regarded as a public utility service. It cannot be gainsaid that in that part of the country, where there are no railway or other travelling facilities, buses ought to be encouraged to carry both passengers and produce. Your Excellency has agreed to receive a deputation and I hope that when you have heard their views you will see your way to grant them some further concession than has already been granted. I join with my colleagues in deploring the absence of any provision for third party insurance. There might be some difficulty in getting insurance companies to take third party risks, but alternative means should be provided by a bond or some other adequate guarantee to make bus owners realise their responsibility to the public. In the existing Ordinance there is a provision that the Inspector-General on any ground which may seem to him sufficient may at any time suspend or

cancel any certificate. There is no similar provision in this Bill and I think it is very necessary that the Inspector-General should be given full and ample powers to control chauffeurs.

Mr. ELEAZAR: No.

Mr. LUCKHOO: The hon. Member may say "No," but for the protection of the public the Inspector-General should be given that power. I daresay he will not exercise it on insufficient grounds and think that provision should be retained. I am a bit disturbed over the penalties suggested for a first offence. I have no sympathy for road hogs who drive furiously or recklessly to the danger of pedestrians or passengers, but the penalties are too severe and particularly in the case of a first conviction. While I have every desire to see penalties increased the remedy suggested is not within the bounds of reason and commonsense. I have looked through the report of the Inspector-General for the past year and am astounded at the large number of prosecutions for breaches of the motor laws and regulations. During the year there were no less than 598 convictions in 672 prosecutions. The average fines imposed for certain offences, as recorded in the report, are: exceeding speed limit, \$4.72; dangerous driving, \$14.18; negligent driving, \$10.50; reckless driving, \$15.50; drank while in charge of car (two cases), \$3.75. While I have no desire to allow chauffeurs to do injury to the life of the public I think the penalties are too severe. What we want is proper and effective control over motor driving and that aim can be achieved in a far better manner than by so many drastic penal clauses.

Mr. SEAFORD: I was a member of the Committee which dealt with this question. We spent several weeks on it, almost months, and produced what we hoped was a very healthy child. On its re-appearance it has gone through so many operations that it is scarcely recognisable. I specially refer to Part II. That appears like some excrescence which has been drafted on to a healthy body and has caused the death of the child. The Committee came to the decision that it was not possible to have the same rules governing both service in town and country and appointed two sub-Committees to go into the regulations for

differentiation. I regret that Government should have seen fit to ignore the recommendation. As regards third party insurance, as the learned Attorney-General has stated, the Committee appreciated that it would not be possible. It was therefore recommended that a surety or bond satisfactory to Government should be furnished in each case. That was not done in any slipshod manner but after giving full consideration to the matter as the Committee felt that the public needed protection. The Attorney-General said it may cause a hardship in certain cases, but it is Government's duty not to protect the individual but the majority. This Bill after leaving the Committee has apparently gone to other bodies with perhaps more brains than the Committee collectively, but they have not had the time nor the opportunity to go into questions as the Committee did and I appeal to Government not to brush aside the recommendations altogether. It would appear that Government in appointing Committees does so almost like a game of bluff in order to get things through the House in some shape or form. I ask Government to give more consideration to the recommendations of the Committee and not obliterate all the benefits of those recommendations.

THE PRESIDENT: It has been stated that Government has deliberately not accepted the recommendations of the Committee. As Chairman of the Committee I understood that the Bill presented is supposed to carry out the recommendations of the Committee. If that is not the case I would like to know because, as Chairman of the Committee, I have all along endeavoured to formulate a Bill that represents the recommendations of the Committee and I am surprised to hear that is not so.

Mr. SEAFORD: I refer you, sir, to paragraphs 12 and 26 of the report. I also refer you to the report of the sub-Committee on an omnibus service for Georgetown, which was adopted by the Committee as a whole. Neither of those recommendations has been carried out in the slightest degree.

THE PRESIDENT: Third party risk was considered by Government and could not be found possible. That has been omitted from the Bill but Government is

willing to put it back. As to an omnibus service for Georgetown, power has been taken in the Bill to grant such (Members: No). That is what I assume. Perhaps there is some doubt whether the Bill does give Government power. If so, that will be put right. My impression was that the Bill carried out the recommendation of the Committee.

Mr. GONSALVES: Am I not correct in saying that the Bill we are dealing with is not the Bill which the Committee put up?

THE PRESIDENT: No, it has been considerably altered but what the Committee wanted are provided for.

Mr. CRANE: Was the Bill which was discharged a couple days ago the Bill put up by the Committee?

THE COLONIAL SECRETARY: A Bill was in draft before the Committee. It was then finally drafted and published and was up for second reading. That is the Bill that has been withdrawn and this one is a second revision.

Mr. WOOLFORD: I think the proper course would have been to refer this Bill to the Committee, and it should never have been brought before the House until that had been done.

THE COLONIAL SECRETARY: With regard to the suggestion that this Bill should go back to the Committee, the view of Government is that it is not necessary to do so because there are only two important points raised in the debate. One is the question of third party risk or some substituted system of guarantee or bond. On that particular point Government is prepared to take the opinion of the House and to act accordingly if it is definitely shown that the general opinion is in favour of such an arrangement. But as a matter of convenience such legislation will be included in a separate Ordinance, as was the original intention. That would rather overburden this Bill and would be more definitely dealt with otherwise. The other question is whether the Bill provides for what the hon. Member for Demerara River has described as a controlled monopoly. The only doubt is whether it is sufficiently provided for and the Attorney-General will produce a clause dealing

with it quite explicitly and beyond any possible doubt.

Mr. CRANE: May I ask whether Government does not consider that to the whole of this House, and more so to the Members of the Committee, there is due the courtesy of pointing out what is the nature of the revision. We have not had time to compare what was recommended by the Committee with what has been adopted by Government, and it is unfair to ask the Council to assent to this Bill going through before we have had an opportunity to see how the revision affects the recommendations of the Committee.

THE ATTORNEY-GENERAL: I should like to assure the Committee that there has not been any attempt to treat their recommendations with discourtesy. With regard to the question of third party insurance, a very long Bill has been drafted on the basis of the English Act. I do not think it is the intention of this House that third party insurance should be confined to motor buses, and it might be extended to motor cars. The Bill is a very long one and the opinion of Government is that it would overload this Bill if it is incorporated in it. The suggestion of the hon. Member for Eastern Berbice, as to giving power to the Inspector-General to cancel or suspend licences subject to appeal to the Governor-in-Council, has already been considered and I have drafted a clause to put before the House. The question of having regular stopping places would not apply to country stations. The chief criticism seems to centre around the provision relating to road service licence, which has been described as gibberish and drafted by an amateur. That criticism is not a reflection on an amateur but on a very eminent lawyer, because the provision is taken almost verbatim from the Road Traffic Act.

Mr. CRANE: My criticism is to sub-clause (2), which is a rehash of the English provisions.

THE ATTORNEY-GENERAL: I was not referring specifically to the hon. Member but to the general criticism that the whole of these clauses were badly drafted. The actual section in the Road Traffic Act is:—

For the purposes of this section a vehicle used as a motor bus shall not be deemed to be

used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof.

Although I do not admit that a monopoly for Georgetown could not be made under these provisions, I agree with the hon. Member for Demerara River that on the question of monopolies it is more constitutional to provide for them expressly, and I have a provision which will give the Governor-in-Council power to issue an exclusive concession. If a concession is granted on such terms and conditions as the Governor-in-Council may think fit those terms would be part of the contract, and there is no advantage in putting them specifically in the Bill because they might hamper negotiations. There is not the slightest doubt that people who are responsible enough to inaugurate an omnibus service would not object to a form of contract to comply with third party risks. I think those are really the only two material points. The other points are of detail which may be dealt with in Committee.

THE PRESIDENT: I want to allay any fears that the Bill before the Council does not contain the recommendations of the Committee. I know that several drafts were made to put them into shape. I am afraid that in undergoing that process the Bill is considerably altered, but I am sure that it contains the provisions we wanted with the exception of third party insurance, which will be dealt with in a separate Bill. I also understood that it gave power to grant a monopoly for a bus service in Georgetown. We want to get the Bill through as early as possible in order to take steps in that direction and also to control the services of buses in the districts. I think that when we go through the Bill in Committee it will be found that with slight alterations here and there the Bill gives Government power to adopt all the recommendations of the Committee except the one in regard to third party insurance, which is dealt with separately.

The Council divided on the question of the second reading of the Bill and voted:—

Ayes—Messrs. Francis, Dr. De Freitas, Wood, McDavid, Major Craig, Austin, D'Andrade, Professor Dash, Dias, the Attorney-General and the Colonial Secretary—11.

Noes—Messrs. Peer Bacchus, Seaford,

Anderson, Dr. Singh, Seeram, Gonsalves, Eleazar, Crane, Cannon, Woolford, Fredericks and Luckhoo—12.

THE PRESIDENT: The result of the division is 11 for and 12 against (Hear, hear).

DRAINAGE AND IRRIGATION (ADVANCES REPAYMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to make provision for the repayment to Government of amounts advanced by Government to defray the cost of the operation and maintenance of drainage and irrigation works constructed before the application to such works of the Drainage and Irrigation Ordinance, 1927" be read the third time.

Professor DASH seconded.

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

Bill read the third time.

DRAINAGE AND IRRIGATION (COSTS VARIATION) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to authorise the Governor-in-Council to reduce the total cost of works in certain cases under the Drainage and Irrigation Ordinance, 1927, for the purpose of affording relief in the proportion to be paid by proprietors and local authorities" be read the third time.

Professor DASH seconded.

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

Bill read the third time.

SUPPLEMENTARY APPROPRIATION (1931) BILL.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill to allow and confirm certain expenditure incurred in the year ended thirty-first day of December, 1931" be read the third time.

Mr. AUSTIN seconded.

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

Bill read the third time.

STAMP DUTIES (MANAGEMENT) BILL.

Mr. McDAVID: I move that "A Bill to amend the Stamp Duties (Management) Ordinance, Chapter 43, with respect to the cancellation of adhesive stamps" be read the third time.

Mr. AUSTIN seconded.

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

Bill read the third time.

ANIMALS (BREED AND CONTAGIOUS DISEASES) BILL.

The Council resolved itself into Committee to consider clause by clause "A Bill to amend the Animals (Breed and Contagious Diseases) Ordinance, Chapter 272."

Clause 2—Powers of Governor-in-Council in case of emergency.

Professor DASH (Director of Agriculture): There seems to be some difference of opinion as to what form an amendment of this clause should take and there is still some doubt as to whether any amendment is absolutely necessary, but the Attorney-General has suggested that if an amendment is necessary it might be met by adding at the end of the clause the words "notwithstanding such Board may not be in existence."

Mr. CRANE: It seems to me that the best thing to do would be to recognise the fact that the Board has not been appointed since 1927, and it would make it quite clear if the Governor-in-Council desires to exercise such powers as the Legislature confers on the Board to say he may do so in an emergency. It seems to me that we ought to limit this power to a certain time. That would urge Government to bring forward a Bill to create the Board.

THE CHAIRMAN: There is no intention in the new Bill to reconstitute the Board of Agriculture and to give it power

that the Board had. The power that we are now taking with regard to contagious diseases of animals will be contained in another Bill and the future Board will have nothing to do with that.

Mr. FREDERICKS: I understood the President to say when the Bill was under discussion previously that we were going to resuscitate the Board. There seems to be a bit of confusion.

THE CHAIRMAN: The hon. Member is speaking purely as a lawyer. It is the people who own cattle that Government is trying to protect. If the lawyers like to prevent us taking steps to protect cattle I will withdraw the Bill.

Mr. CRANE: I protest against that. Lawyers want to see proper legislation brought forward. I think the confusion is justifiable because yesterday Government told us that it was proposed to re-establish the Board of Agriculture. This morning we are told that Government intends to re-establish the Board but not with the functions and powers contained in the Ordinance, therefore Government intends to appoint a Board as provided for in this Bill. "A case of emergency" suggests that the Board will come into existence again and only in cases of emergency would the Governor-in-Council exercise the power. That indicates that the intention of Government is never to resurrect that Board but to adopt the subterfuge of transferring power to the Governor-in-Council. If this clause was intended to be used only where the breeding of animals is concerned or in cases of contagious diseases it ought to be restricted to those purposes.

Mr. ELEAZAR: This clause is misleading, and it seems to be intentionally misleading. I thought that with the departure of the late Director of Public Works obscuration was a thing of the past. The Comptroller of Customs can do certain things under the Ordinance. Why should he not perform these duties instead of the Governor-in-Council? Government is trying to grasp all the power and to misuse it. Everybody knew that the Board was to be resuscitated and I drafted an amendment to say "until such time as the personnel of the Board is

determined the Governor-in-Council shall exercise these powers." Government is seeking by every means to arrogate to itself the smattering of our rights to govern our own affairs.

Mr. SEERAM: I have no objection to powers being granted to the Governor-in-Council in cases of emergency, but the Ordinance deals with other matters and the Council would be delegating to the Governor-in-Council powers not limited to diseases of animals.

Mr. FREDERICKS: I shall be no party to the public losing any power whatever that they should have in their representatives. While it is true that there can be an implication that this is an inroad on the constitutional liberty of the country, I do not think that that implication has crystallised itself in a manner worthy of recognition. There is no doubt that great power is needed to deal with what may at any time become an emergency. At the same time I think it would be wise to have some amendment which would obviate the fear which seems to exist and at the same time expedite the necessity for the creation of some body to deal with diseases in an emergency. It is unfortunate that in this debate there was a desire to obstruct. I was confused because I heard Your Excellency say that we were going to resuscitate the Board. There is necessity for some body to deal with any emergency and I think the best course is for this House to find a *modus operandi*.

Mr. CRANE: I move that the proposed clause be deleted and the following substituted:—

Notwithstanding that the ordinary members of the Board may not have been appointed by the Governor, the Governor-in-Council whenever in his opinion a case of emergency arises may exercise all or any of the powers which the Board is capable of exercising under sections 13 to 36, inclusive, of this Ordinance.

THE CHAIRMAN: All we are asking for is to confer on the Governor-in-Council powers conferred on the Board of Agriculture.

THE ATTORNEY-GENERAL: All the powers given to the Board are contained in sections 13 to 36, so it makes no difference.

Professor DASH: In view of what has been said I ask leave to withdraw the amendment I suggested.

THE CHAIRMAN: Does the hon. Member wish to press his amendment?

Mr. CRANE: No, sir. I shall refuse to assist Government and in future shall be a critic of Government.

Question "That this clause stand part of the Bill" put, and agreed to.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Professor Dash*).

The Council adjourned until Tuesday, 30th August, at 11 o'clock.