

LEGISLATIVE COUNCIL.*Thursday, 25th 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. (Essequebo 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. Percy C. Wight, O.B.E. (Georgetown Central).

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. C. Farrar (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

MINUTES.

The minutes of the meeting of the Council held on the 24th August, as printed and circulated, were confirmed.

ANNOUNCEMENT.

THE COLONIAL SECRETARY (Major Bain Gray): With reference to the notice of motion by the hon. Member for Berbice River (Mr. Eleazar) for the appointment of a Committee of the Council to draw up the outline of a Constitution which may be considered suitable to the needs of the Colony, the motion will be taken as the first item on Wednesday next.

PAPER LAID.

The following document was laid on the table:—

Petition from the British Guiana Labour Union on the subject of relief works, the Workmen's Compensation Bill, reduction of rents, and a compulsory Government's Old Age Pension Scheme, together with papers relating thereto (*Colonial Secretary*).

UNOFFICIAL NOTICE.

Mr. WIGHT, on behalf of the hon. Member for Western Essequibo (Mr.

Brassington), gave notice of the following questions :—

1. What amount has been collected as Grading Fees by the Customs Department in connection with the Rice Grading Ordinance up to December, 1931 ?
2. What amount has been spent in the establishment of the Rice Grading Office, including salaries and wages to the Rice Grading Officer and his Assistant's ?
3. What amount has been collected by the Customs Department from 1st January to 30th June, 1932, in respect of Rice Grading Fees ?
4. What is the total amount spent for carrying on the Rice Grading Office from 1st January to 30th June, 1932 ?
5. What is the estimated expenditure from 1st July to 31st December, 1932 ?
6. What is the estimated revenue to be received from 1st July to 31st December, 1932 ?

ORDER OF THE DAY.

THE MITCHELL TRUST.

The Council resumed the debate on the following motion by the Attorney-General :—

That, with reference to Message No. 19 of 1932, from the Officer Administering the Government, this Council approves of a case being prepared and submitted to the Supreme Court for a legal decision as to the correct interpretation of the will of Walter Mitchell, deceased, on the question whether legitimacy at time of birth is a necessary qualification of those receiving benefits under the will, and other questions arising out of the interpretation of the will.

Mr. ELEAZAR : I am satisfied that Members have heard sufficient for them to come to the conclusion that Walter Mitchell never intended to exclude natural or illegitimate children from the benefits under his will. I therefore do not intend to detain the House on that particular question. I desire to emphasise the other phase of the question : that this House should state a case for the decision of the Supreme Court. It is a tactical blunder that a representative body, as this Legislature is, should conceive the idea of going to a body which is to interpret its views to propound what those views are. That is a monstrosity, and it appears that that phase never entered the minds of the advisers of Government. They seemed to have overlooked, as I said yesterday, that De Saffon made his will in the time of slavery when there was little or no marriage except among the slave-owners, so quite different conditions prevailed then as compared with when

Mitchell made his will. It is an insult to our intelligence if we are to delegate duties which we should perform to other persons. It is left to our supreme judgment, and we are asking that it should go to some other source as if we have no confidence in ourselves. De Saffon put his estate under the control of the Supreme Court. Mitchell knew that and put his under the control of the Legislature. We are not going to shirk our responsibility, but stand by it. Whatever may be the view of Government of what was in Mitchell's mind, the procedure suggested is wrong and ought not to be pursued. Let us say what we mean and if anybody is dissatisfied let them then go to the Supreme Court to interpret it.

Mr. LUCKHOO : I did not have the advantage of hearing the views of Members on this subject yesterday and was inclined to a case being prepared and submitted to the Supreme Court for a legal decision, but from the remarks of the hon. Member for Berbice River this morning I have come to the conclusion that the wisest and most satisfactory course would be to submit the matter to a Select Committee of this House in terms of the motion of the hon. Member for New Amsterdam. We are not here to interpret the will but to say whether any doubts have arisen as to the construction of the will. A Committee of this Council should be able to decide that without getting a judicial pronouncement on the question. I think it would be more satisfactory if the matter is decided by this Council than that our functions should be delegated to another tribunal.

THE COLONIAL SECRETARY : Government has heard the views of hon. Members, and, in view of what has been said and the tabling of the motion by the hon. Member for New Amsterdam, I move the adjournment of this debate. The primary object of this is to enable the Council to discuss the motion of the hon. Member for New Amsterdam, and also to keep the motion of Government alive and if necessary proceed with it.

Question put, and agreed to.

Mr. WOOLFORD : I beg to move :—

That a Select Committee of this Council be appointed to enquire into the administration of the Trust created by the late Walter Mitchell

and to make such recommendations as may appear to be necessary to give due effect to the bequest contained in the last will and testament of the deceased gentleman.

I made it quite clear yesterday why I was moving this motion and I do not propose to repeat any of the details I gave then, but I should like in support of the motion to give the history of the origin of what seems to be all-round mistakes. I find, sir, that on the 26th July, 1894, a Committee of the Court of Policy made a report and certain recommendations. I have never had an opportunity of seeing that report, but it is perfectly clear from the regulations themselves, which are termed "The Mitchell Scholarship Regulations," that they prescribe as a pre-requisite to the award under the Mitchell will two scholarships open to public competition, and that each scholarship shall be dependent upon a test examination of the Cambridge Preliminary Local Examination. In other words, the awards are confined, and have been confined since 1895, to children who have attained certain educational qualification. On reading the terms of the will of Mitchell he places no such limitation on the objects of his benefaction. He never made it a condition that in order to benefit under his will any child should first be required to pass any examination. Therefore when I and other Members say that these regulations are *ultra vires*, I wish to make it quite clear, speaking for myself, that I do not intend to convey that the Court of Policy did not have power to make regulations but to convey that the regulations themselves were *ultra vires* to the testator's intention. In other words, it was not competent for the Court to make regulations outside the expressed wish of the testator, that benefits of his foundation should only go to scholars who had attained a certain test. It may be very desirable that children in order to benefit from an education advantage such as a scholarship should pass some examination test. It must be borne in mind that Mitchell had in his mind benefits to the community that the Saffon Institution was then conferring. Although De Saffon never said anything in his will about the formation of a school or institution Mitchell did, and no doubt he was influenced to do so by the success of the existing establishment of the Saffon Institution. That was a mixed school,

and the object of the Saffon Institution was to educate, in accordance with his will, ten orphan or semi-orphan children. He wanted to benefit ten heirs in perpetuity and felt, in the interest of the community, that children who were born in poor circumstances should have the benefit of some training; but he did not make an educational test one of the limitations under his will, nor did Mitchell. The regulations gave the Governor-in-Council power to award scholarships after an examination test, but the regulations themselves having been brought into question it appears desirable that a Select Committee should examine the intention of the testator, as contained in the provisions of his will, and try to give effect to his intention as far as possible. It may not be altogether an easy matter to abolish the scholarship test, but it is a matter for consideration as to whether those who have to benefit should be burdened with an educational test at all. There are certain circumstances concerning the administration not only of the Mitchell Trust but also the Saffon Trust that are not giving general satisfaction. In discussing the Mitchell Trust you have to bear in mind the experience gained in the Saffon Trust. We all know, whatever the circumstances were that made it possible, that there have been awards under the Saffon Trust to people who are not necessitous. His will speaks of "orphans or half-orphan children," and he meant by that to create a trust in favour of orphan children, preference being given to those in poor and necessitous circumstances. Without imputing any partisanship or partiality to the awards by the Governor-in-Council, it has happened that awards have been given to people who do not come within the four walls of the provision, therefore it is of the utmost importance that so far as the Mitchell Scholarship is concerned that the awards should be to persons as a result of the report of the Select Committee. The regulations of both Trusts do not conform to the intention of the testators by their will. It may be that there exist in this community people, either natives of the Colony or residing here, and wishing to perpetuate their memory or to do service to the community, looking on to-day at the decision of the Council in this matter; and it will never do for any such person to come to the conclusion that there would be no school or permanent memorial to

perpetuate his name, as he could not depend on the Legislature to respect the intentions that he had instructed his executors to see carried out. It would never do for that idea to get abroad, nor will it act as an incentive to anyone to create a similar foundation. The Fund, which is approximately \$30,000, is not sufficient to establish a College. The amount is sufficient to enable the Trustees to hire a building, create a foundation and establish a school at which the objects of the testator can be conformed to. But whether a Trust is created or the amount of the Fund is insufficient, either by public subscription or legislative enactment the Fund will have to be added to. We have to address our minds at some time or another to the institution of a foundation at which people would be able to say "There is an institution that is doing a vast amount of good," or leave on the mind of the scholar who has benefited the impression "I have reason to be grateful to this institution, and if I am in a position to do so I should like a similar institution created." None of the beneficiaries I have spoken to know who Walter Mitchell was, and the average colonist has forgotten his existence, yet every year three children are being awarded scholarships. I do not think there can be any harm in appointing a Committee and I hope the motion will meet with general acceptance.

Mr. CRANE: I second this motion. I consider that the hon. Member is quite correct in endeavouring to obtain the appointment of a Committee to investigate the conditions under which the scholarship is now awarded and to determine whether or not the bequest under the will is being given effect to as near as possible to the intention of the testator, if not to his actual intention. The hon. Member is correct when he says that one of the conditions imposed now to the grant of the scholarship is a qualification by examination and that Mitchell had no such intention. From the plain terms of the will it would appear that that view is justified. Mr. Mitchell intended that a Church College or some charitable institution should be founded and carried on on lines similar to the Saffon Establishment. At that Church College or institution would be found a large number of children of people who would not be able to educate their children except by a system of this

kind. If you make examination a qualification people most deserving of assistance would not benefit. You may find a child of the better class of parent who will be able to carry off the coveted prize from children most in need of it, although of late years the Education Department has been getting a certificate that a child's parents are in necessitous circumstances. I invite Your Excellency to examine the list of children who have been awarded scholarships, and I am sure you will find that quite a large number of the parents of those children are persons who enjoy a social position and a position of affluence in the community. Some of them are of families you have actually met—people whom it was never intended to benefit.

THE COLONIAL SECRETARY: The names the hon. Member refers to will be found before the awards of 1928. The income qualification was not introduced before 1928, and I think the names the hon. Member is referring to are those before 1928.

Mr. CRANE: What I contend is that Mr. Mitchell intended that a Church College or charitable institution should be established. That indicates the class of person who would not otherwise be able to obtain secondary education without a system of this kind. I was not making the point of income qualification. From 1896 until the present time you will find the names of persons who have been enjoying the benefits of this foundation, but who, if it were properly administered, would not have been eligible under it. They are people who occupy prominent positions in the Civil Service and in Commerce. It was intended for the poor and needy—deserving persons who are unable otherwise to give themselves a decent education—and was never intended to supplement the incomes of persons who can very well afford to pay for their sons. This foundation has been in existence for forty years, and the hon. Member is justified in asking whether Government is going to continue to misapply these funds to purposes that were never intended by the donor. I differ respectfully from the hon. Member for New Amsterdam that anything done by this Legislature or the Court of Policy can be *ultra vires* to a mere will. If the Legislature choose to reverse entirely the will of Mr. Mitchell, no Court can refuse

to carry out its decision. Acts of this Legislature can only be *ultra vires* to a statute of the Imperial Parliament. The question of *ultra vires* does not arise at all and I would prefer to regard it as one of nullity. As to the functions of the Committee, is it to be a Committee to deal generally with the question? If it is going to be limited in its scope then I dissent from its appointment. My learned colleague this morning called my attention to a judgment of the Court of Appeal, which bears out what I said yesterday of the impossibility of getting even Judges to agree on the interpretation of statutes. And if a final interpretation is to be made it is the function of the Legislature and not the function of the Judiciary. It being left to our supreme judgment we should define what is the intention of the testator and ought not to abdicate our functions to someone else who may not desire to exercise them. In the case of De Saffon's will the Supreme Court was appointed and it refrained from acting. Mr. Mitchell came along and does not make the Supreme Court the body but makes us, and we are saying that this question should be sent to the Supreme Court for a decision. That procedure is very desirable between private parties, but it will be derogatory to our position as law-makers to say we shall not make law what we desire it to be but ask the Judiciary what we meant in 1928. If the Committee is to be given the whole range of investigation I am for it; if it is to be limited in any respect as regards its recommendations I prefer that the motion be rejected. I know the intention of the hon. Member is that it should afford a complete investigation of how this Trust is administered and leave no room for any doubts to arise. In that case this Council would have performed a beneficial service to the entire community.

THE COLONIAL SECRETARY: It may save the time of the Council if I intimate at once that Government is quite prepared to accept the motion for the appointment of a Select Committee. The motion does convey the impression that the entire administration of the Trust will be open to consideration and investigation by the Committee. It may be necessary to reverse the policy which has continued until 1895, but, until we examine the report of the Committee establishing this scholarship, I

do not think it would be fair to suggest that the Legislature was entirely wrong when it established the regulations that still exist. The regulations existed without any important change from 1895 to 1928, and the intention of the 1928 regulations has been very largely what is indicated by hon. Members, to extend the benefits of this Trust to children who needed financial assistance to get a secondary education. That was the main object in the mind of Government as a whole, and it was also the main object of Government officers who administered the Trust to give financial assistance to children who most needed it. Our discussion has led us beyond the four walls of the 1895 policy, but I think a very good object will have been served if further investigation leads us to establish a better and more beneficial Trust. This is not, strictly speaking, a Government matter as against a non-official matter. It is a matter in which every Member of the House is personally as well as collectively responsible, and I do suggest that if there are any Members present, or any members of the community who desire to leave a fund for educational purposes, they will avoid this method of imitating one that already exists. We have Mitchell, a Scotsman, referring to the will of De Saffon, and another Scotsman, Blair, in turn referring to the will of Mitchell. In any case we have this very unfortunate mechanism, from the point of view of the administration of the Trusts, that one man keeps referring to the will immediately before him. I feel sure that every Member of this Council desires that the best and most beneficial use of these Trust funds should be made. I should not like hon. Members to think that from 1895 to 1928 my own predecessors, or the Colonial Treasurer's, had been exceeding their powers or that there was any neglect of duty on their part in the administration of the Trust. There were no instructions to them that they should ask any questions at all about the financial standing of families to which the children belonged, so that there was no neglect of duty on the part of any officer administering the Trust from 1895 to 1928. Since then these instructions have come in with the consent of this Council, and I can say from my capacity as Director of Education, and would be supported by the Colonial Treasurer, that the investigation

into the financial standing of families is a matter of very great difficulty. A Select Committee will be appointed after consultation with the hon. Member and it will, I hope, get to work as soon as possible for the benefit of all concerned who are benefiting and who are to be benefited under the Trust.

Mr. ELEAZAR: I hope that Your Excellency will make the terms of reference of the Committee as wide as possible.

Mr. SEAFORD: When Government's motion was before the House the Colonial Secretary made the statement that Government was anxious to get an early decision as the scholastic term begins on the 1st September. There is no hope of the Committee reporting on the 1st September and it seems rather hard that any scholar should be debarred from getting his scholarship. How does Government propose to meet that point?

THE COLONIAL SECRETARY: That point is receiving the attention of Government and it is hoped to make some temporary arrangement by which no hardship will be inflicted on any candidate on account of the doubt. A special case is being dealt with at the moment and I am sure the arrangement will meet with the approval of Members of the Council.

Mr. FREDERICKS: I hope that case will get what it so richly deserves—special treatment that the special circumstances demand.

Motion put, and agreed to.

APPROPRIATION BILL.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill to appropriate the supplies granted in the last session of the Legislative Council" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

THE CUSTOMS BILL.

THE ATTORNEY-GENERAL (Mr. McDowell): I move that "A Bill to amend the Customs Ordinance, Chapter 33, in order to prohibit the importation of motor vehicles constructed with a left hand drive" be read the first time.

Professor DASH seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the second time (*Attorney-General*).

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 second time. The Ordinance was passed on the 10th February, 1931. When it was passed His Excellency told the Council that the Secretary of State desired that it should be considered by the Financial Commissioners before the Governor's assent was given to it. Government only received notification that the Bill had been examined and approved on the 25th June, 1932. The Royal Instructions require that all Ordinances passed in one year shall, unless they require to be reserved for the signification of His Majesty's pleasure, be assented to by the Governor in that year. Owing to the fact that the Financial Commissioners kept the Bill for some considerable time, it was impossible for the Governor's assent to be given within the time prescribed by the Royal Instructions, and it has therefore become necessary to pass the Bill afresh.

Mr. CRANE: When that state of things does arise we ought to have some assurance from the Chair that these are the exact provisions which have been passed in the previous Bill.

THE ATTORNEY-GENERAL: I can

assure the hon. Member that the wording is exactly the same.

THE PRESIDENT: The same assurance can be given as regards the next Bill.

Mr. ELEAZAR: I ask Government to defer consideration of this Bill until the Council is supplied with particulars of the area involved and the amount chargeable. Government itself cannot tell what is the area or what is the amount it intends to collect.

Major CRAIG (Director of Public Works): The areas on which assessments are made are obtained from the plans of the various proprietors registered with the Commissioner of Lands and Mines. The amount collectable is to be found in Appendix "D" of the report of the Director of Public Works, which gives a total up to 1931 of \$163,571, of which there is outstanding \$82,000. The whole matter has been discussed previously.

Mr. ELEAZAR: The area was never defined. The question of the works area was before the House and the information was to be supplied, but it was not.

Major CRAIG: The hon. Member is referring to another Bill. The works area has no bearing on the cost of the scheme, which is divided up at the rate of so much per acre. This Bill provides for the repayment of advances for the operation and maintenance of the works.

THE PRESIDENT: A good deal of inconvenience has been caused not only to the proprietors but to Government in respect of the amount outstanding and I deprecate any further delay in the passing of this Bill. An assurance has been given that the Bills are exactly in the form in which they were passed.

Question put, and agreed to.

Bill read the second time.

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

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 (*Attorney-General*).

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 second time. The same remarks apply to this Bill as to the previous one.

Professor DASH seconded.

Question put, and agreed to.

Bill read the second time.

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

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 (*Attorney-General*).

ANIMALS (BREED AND CONTAGIOUS DISEASES) BILL.

Professor DASH (Director of Agriculture): The Bill which I am about to move the second reading of—"A Bill to amend the Animals (Breed and Contagious Diseases) Ordinance, Chapter 272"—seeks to confer on the Governor-in-Council, for use in case the necessity arises, the power conferred on the old Board of Agriculture under the Animals (Breed and Contagious Diseases) Ordinance, Chapter 272. Hon. Members are aware that the existing Ordinance cannot be operated at present, the Board of Agriculture having ceased to function, and with the possible outbreak of animal diseases at any time it is desired to invest power in the Governor-in-Council to carry out the provisions of the Ordinance. There is draft legislation under consideration, with a view to creating a new Board of Agriculture, which it is hoped to present to the Council at an

early date. In the meantime this emergency Bill is necessary for the reason I have stated.

Mr. D'ANDRADE seconded.

Mr. CRANE: I am not doubting the wisdom of arming the Governor-in-Council with emergency powers. It is always a wise course, except that I am a little disturbed about the frequency with which the Governor-in-Council seek to assume executive and administrative power. There seems to be no objection in this case. On the assumption of office of the present Director of Agriculture the Board of Agriculture was swept away as one of the vicious institutions of the Colony. I understand Government propose to re-establish the Board of Agriculture. That was one of the recommendations of a Committee on which I had the honour to sit, and it is a matter of great surprise to me that between 1927 and 1932 it did not occur to the agricultural authorities that the powers vested in the Board by statute should be exercised by Government in any emergency. Have those authorities been neglecting their duties during that period? If they have been performing their duties then by what authority have they been exercising these emergency powers? It seems to me that the stone which the builder rejected has become the chief corner-stone. I doubt that the Governor-in Council could exercise any of these powers when there is no Board in existence.

THE PRESIDENT: This is purely emergency legislation. As the Director of Agriculture has pointed out, an Ordinance to establish an Advisory Board is now under consideration and will be introduced as early as possible. In the past these powers were in the hands of the Board; in future they will be placed in the hands of the officers. Until the officers are vested with these powers this is to meet cases of emergency.

Mr. WOOLFORD: If you wish to take power I suggest that clause 2 should be amended to read that the Governor-in-Council may exercise any of the powers hitherto exercised by the Board.

Question put, and agreed to.

Bill read the second time.

Notice was given that at the next meeting it would be moved that the Council resolve itself into Committee to consider the Bill clause by clause (*Professor Dash*).

SUPPLEMENTARY APPROPRIATION 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 second time. This Bill gives statutory authority for the expenditure incurred during 1931 in excess of the sum authorised by the Appropriation Ordinance, 1931. This expenditure has been approved by the Council on Supplementary Estimate, but it is necessary to confirm by law any excess which was not saved on the particular heads of the Annual Estimate.

Mr. MULLIN seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

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

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 second time. This Bill is intended to legalise all methods of cancelling stamps other than by initialling and dating. At present the only legal method of cancelling a stamp on documents is by initialling and dating it. It has been found that it would be more convenient if other methods were legalised, for example, the method of perforating by a machine. This method is particularly useful in the Magisterial Department where a large number of stamps are used. The amendment is to bring the law of the Colony into line with the English Stamps Act, which allows any method which would effectively cancel a

stamp and prevent it from being used again for any other purpose.

Mr. MULLIN seconded.

Mr. CRANE: I hope it will not be possible for a person merely to perforate a stamp without initialling it, because that method would be very easy to use for fraudulent purposes. The practice of initialling a stamp is a very salutary one because you can always trace the handwriting and letter formation in determining forgery. Perforation alone should not be the method of cancellation.

The Council adjourned for the luncheon recess.

Mr. ELEAZAR: There is nothing in the Bill permitting the use of a punch to cancel a stamp. A punch is not generally used except in Magistrates' Offices, and if a punch is going to be made legal the stamp should also be initialled.

Mr. McDAVID: Some time ago a Departmental Committee investigated the procedure in Magistrates' Offices and it was found that a Magistrate never had to cancel and initial every stamp. The Committee recommended that it would not only be a convenience but would help to prevent fraud if Magistrates were allowed to use a perforating machine. It is only in the local law that there is no means of validating a cancellation other than by cancelling and initialling. In other Colonies any accepted method of cancelling stamps is legal as long as the means is such as to make the stamp incapable of being used in any other manner.

Question put, and agreed to.

Bill read the second time.

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

Clause 2—General direction as to the cancellation of adhesive stamps.

Mr. ELEAZAR: There is nothing about perforation in the Bill and if perforation is to be one of the means of cancellation there is no reason why it should not be so stated in the Bill. A young man was found to be using chemicals to permit of stamps being

used again and that is the reason why perforation was introduced.

Mr. LUCKHOO: I am inclined to think that this provision might open the door to fraud by private individuals. Stamps have to be initialled and dated when cancelled. Private individuals might use pins to perforate stamps, especially stamps of big denomination, and if those stamps are without any initials or date they might use them again on another document. It is a question whether the date and initials would not be a greater means of preventing fraud.

Mr. CANNON: I am concerned with parties outside of Government. Insurance companies may have to deal with 100 policies at one time and all those policies have to carry a stamp. The companies stamp policies with a rubber stamp, which is as good a cancellation as one could expect. Are they to be deprived of that method?

Mr. McDAVID: They are not being deprived of that method. This is only an alternative method.

Mr. CANNON: Chemicals have been referred to, and I know that they can be used very successfully. You are mistaken if you think you are going to prevent fraud. Every facility should be given.

THE CHAIRMAN: The clause says "or otherwise effectively cancels the stamp and renders the same incapable of being used for any other instrument." The cancellation is to be of a nature to prevent fraud.

Mr. WIGHT: There is nothing to prevent anyone from cutting a stamp and using it on two documents. The whole stamp should be on the face of the document.

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 (*Mr. McDavid*).

MOTOR VEHICLES BILL.

THE ATTORNEY-GENERAL: I move that "A Bill to make provision for the regulation and use of motor vehicles" be

read the second time. This Bill only refers to motor vehicles. It does not refer to general traffic; that will be dealt with by another Bill. The Bill is largely based on the English practice of registration of motor vehicles. Certificates will be issued for hire cars and other vehicles carrying passengers when they are fit for their work and are not a danger to the public. The Police will have the right to stop and not allow them to work on the streets unless they have a certificate of fitness. There will be a definite class of drivers: the professional driver and the ordinary private driver, and they will have different certificates. Unless the Police are satisfied of their ability, drivers will have to go through a definite test. With one exception the provisions of the Bill follow the exact wording of the English Act. There are certain disabilities. Any person suffering from epilepsy and things of that sort will not be granted a certificate, but a man with one arm may be allowed to drive provided the certifying parties are of opinion that it would be safe to the public. There is an age limit for young men as drivers of motor cars or motor cycles, also restrictions on motor cycles and pillion riding. There is also provision for procedure in cases of accidents.

The most important provision of the Bill is power to make regulations. They are to be made by the Governor-in-Council but have to be passed by the Legislative Council, and in them will be provisions for licences for omnibuses, omnibuses routes and fares. There are to be conditions under which licences will be issued to conductors. The powers for making regulations are very wide; and there are definite speed limits for Georgetown and New Amsterdam and others for the country. I, personally, am very disappointed, and many hon. Members may be disappointed too, that there is no provision for third party insurance. I approached representatives of one of the biggest insurance companies here and they will have nothing to do with insuring omnibuses and will not take every driver even if he is certified. In Grenada exactly the same thing occurred. There I approached the representative of the Motor Union on the subject and his answer was decidedly terse. At any rate he would have absolutely nothing to do with it.

Professor DASH seconded.

Mr. CANNON: It has been suggested that a man with one arm may be allowed to drive. What about a man with one leg?

Mr. CRANE: I sat on the Committee which considered the proposed legislation and with the exception of one or two amendments which appear to be necessary I am in general agreement with Parts I. and II. of the Bill. Part III. was never considered by the Committee. Those provisions have been sprung as suddenly on the Committee as they have been sprung on this House. I am going to ask Government not to press those provisions, not only because they are incapable of being worked but because they are going to introduce a great deal of confusion into the regulations of motor bus traffic. As regards the question of third party insurance I understand the only reason for its omission is that it has been found impossible as no insurance company is willing to undertake the risk. Does Government say that is the only mode of obtaining protection of the public using the highway against buses? The public need protection on the highway against pirate buses that injure people. When compensation is sought it is found that the man who brought the bus on the highway has very little if any interest in it, or that the chassis belongs to some garage and the frail wooden top to his brother. Those circumstances are too well known to justify Government in ignoring its duty. There are judgments of the Supreme Court against a good many bus owners which have not been satisfied while the victims go about with half a limb and their future ruined. It is not good enough for Government to say that insurance companies would not grant third party risks. Government requires bonds to be given to ensure the performance of various duties. I therefore cannot see why it would be impossible for Government to require a bus owner to enter into a bond with a surety before he is allowed to operate a bus which may cause untold misery to a family through the bread-winner being killed or maimed by a careless chauffeur. There must be some means of redress to the family of a man who is injured or killed, and it is the duty of Government in licensing these buses to see that everything is done to protect the public.

Coming now to Part II. of the Bill I

have not succeeded in discovering what are the proposals. Does it mean that every bus before it is brought on the highway has to take out what is called a road service licence? The plain interpretation of clause 27 (1) is that if an owner does not possess a road service licence he cannot bring his bus on the highway. And it continues in sub-clause (2) "For the purpose of this section a vehicle used as a motor bus shall be deemed to be so used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof." This is absolute gibberish. And that is the law we are handing down to people when people with a modicum of intelligence cannot understand it. As I see the problem it is threefold. It is a problem affecting Georgetown, the East and West Coasts where an alternative means of transportation exists, and other parts of the country where no alternative service exists. That problem must be given a threefold solution and it cannot be solved by any single expedient. If there is to be in Georgetown a decent and reliable service, with reasonable fares and a regular time-table, there must be a controlled monopoly. If there is a responsible company carrying passengers under strong safeguards against oppression of the travelling public you will have introduced the system best suited to Georgetown. The Committee unanimously arrived at that decision. What the Committee had in mind was that there should be an Ordinance authorising the Governor-in-Council to consider applications from suitable persons and to grant them a franchise in the same way as the franchise to supply electricity or to run a tramway. I protest against Government wasting the time and energy of private individuals on Committees by throwing overboard their recommendations and embodying in the Bill the idea of a single official. If this course is persisted in I shall positively refuse to sit on any Committee. Forced as I am to admit that the only service suitable to Georgetown would be a controlled monopoly, I am bound also to say that on the East and West Coasts, which afford an alternative means of transportation, I object to any monopoly. The bus service on those two Coasts must be run on the principle of "whosoever will may come." On those Coasts we have to maintain at a high cost a railway service and

that service must be given premier consideration. As regards the Corentyne and Arabian Coasts, the river banks of Demerara and Berbice and the islands of the Essequibo River a third set of regulations and conditions ought to be made and prescribed. There is no railway there and you cannot exact the same rate of licence and control the carriage of passengers and freight in the same way as in the other places. It seems to me that no legislation on motor traffic is going to be satisfactory to the public unless you base it on those considerations.

I submit that Part II. of the Bill is an attempt to restrain persons from bringing buses on the road to trade. There should be no restriction to a man's freedom of trade and a road service licence should only be obtained where a controlled monopoly is to be established. Clause 29 (1) says it shall be the duty of the owner of a hire car or motor bus on the happening to such vehicle of any failure or damage of a nature calculated to affect the safety of passengers or of persons using the road to report to the Inspector of Police nearest to the place where the failure or damage occurred. To indicate the absurdity of this provision imagine a driver whose light fails him at Buxton, or has his carburettor choked or a blow out, having to return to Belfield where the Inspector lives to report it. If a car has been damaged but the passengers are not injured, why should the driver return to the Inspector to report it? How is it likely to affect the safety of passengers if a car is dented on one side? It is a useless provision. Then the question arises as to differences of opinion that damage to a car is likely to affect the safety of passengers or persons using the road. But is clause 29 to apply only to road service vehicles? A provision of this kind should affect the whole Bill and should have followed clause 24. If we pass this Bill we would be laughed at. It is for the honour of this Chamber that I am wasting my breath and time in endeavouring to have an intelligible Bill passed. This Bill is a hotch-potch drawn up by a layman, and for the honour of this House and its intelligence I adjure Government not to allow it to pass in this form. Clause 32 (2) says that the Inspector-General may with the advice and consent of local authorities make orders with respect to stations for motor buses.

Do you believe it would be satisfactory to local authorities to say that the Inspector-General should make orders for them? They will collaborate with the Inspector-General, let him scrutinise their orders and take his suggestions, but they are not going to permit him to make orders with their advice and consent. I notice that the Governor-in-Council in anticipation of the power has already made regulations and given notice of them to the public. The proper course is to bring those regulations before this House as a schedule to the Bill.

THE PRESIDENT: They have only been published for general information.

Mr. CRANE: Then it is not too late to have them put in the proper place. We must claim it as a privilege. It is not sufficient merely to put them before us and say those are the regulations you propose to adopt but to print them as a schedule to the Ordinance and empower the Governor-in-Council to alter, modify or annul them, as the case may be. This Bill does not carry out the intention of the Committee, nor does it carry out the intention of Government. The form we want will be found in the Tramways and Electric Lighting Ordinances authorising the Governor-in-Council to issue licences under certain conditions.

Mr. GONSALVES: It is within the knowledge of those who sat on the Motor Traffic Committee that fifteen meetings were held before the report which was presented to the Council was produced. Your Excellency knows that one of the great difficulties we had in connection with the matter was in regard to the bus service. When the Committee decided that the service should be controlled we had in mind the Ordinance which the hon. Member has referred to dealing with the tramway licence, and it was thought that any concession which might be granted by the Governor-in-Council may be based on those lines. Those of us who sat on that Committee must be surprised to find the Bill not in accordance with that report. On page 3 of the report there is a recommendation of the kind of bus service we ought to have in Georgetown and the conditions to be attached to the licence. One of the things that the Committee agreed upon was that the Town Council should be consulted

before any licence was granted for Georgetown. With regard to country districts the services operating were considered unsatisfactory, and the Committee recommended certain by-laws by which it was hoped to overcome that unsatisfactory state of things. The report of the Committee was accepted by this Council and it seemed reasonable to expect that some of the recommendations at least would have been put in the Bill. The Inspector-General is a signatory of the report and I took it that he approved of the draft Bill and regulations submitted by the Committee. This Bill contains matter which was not contemplated or considered when that report was signed. If the original Bill and regulations had been put before the Council Government would have had very little difficulty in getting on the statute book provisions which would have enabled them to have better control than at present of the motor services.

Mr. ELEAZAR: Looking through the names of the members of the Committee who dealt with this question, I observe several who have never been on the Corentyne Coast, except perhaps for a joy ride in a first-class motor car. These are the gentlemen who sat in solemn conclave to decide bus traffic on that Coast. Fancy such persons making a regulation that passengers must not get on or off a bus except at specified points. Then, because insurance companies would not effect third party insurance, we are told that the position must remain as it is. Some sort of insurance must be assured the public. There is a creole saying that there are many ways of killing a dog besides putting a rope around its neck. This Bill is on too elaborate a basis to be carried out and it will take a much longer time for this Council to deal with it than if it is referred to a Select Committee. The bus drivers have gone to one extreme and the Police have now gone to the other.

Mr. CANNON: There is precedent for sending this Bill back to the Committee, and from what I have heard it is not likely to pass the House as it stands. There is some part of the Bible that refers to retribution and it seems to me that is what is coming on the poor people of Georgetown. Had they not wiped out the old tram service, bad as it was, there would have been no necessity for all this trouble. The soap

boxes that are running around as buses are a curse to the city. There is going to be no monopoly if it is left to Nelson Cannon. I predict that no company will start a bus service in Georgetown and make it a success. I appeal to Your Excellency not to waste the time of the Council but refer the Bill to a Committee.

Mr. SEERAM: It is a matter of surprise that the report of the Motor Traffic Committee has been treated with contempt and the Committee given no opportunity of dealing with this Bill before it was brought before the House. Had that been done we would not have wasted so much time. I suggest that the Bill be referred to the Committee. Whatever form of legislation is introduced, bus owners should be given fair play. People in the country are compelled to travel by buses and it is legislation running riot to say that buses must stop at particular points to take passengers or freight. That is not suited to various parts of the country districts. There is absolute necessity for third party liability and if insurance cannot be effected responsibility should be placed on firms to see that the purchasers of buses from them

are able to bear liability in the event of accident.

Mr. LUCKHOO: So far as the County of Berbice is concerned, Part II. of the Bill is entirely unworkable. People there have to get about by motor buses and motor cars and anything in the nature of a road service licence would not meet the requirements of that locality. There is a great deal of justification for the criticism of this Bill. Quite recently there has been a strike of bus owners in Berbice owing to the police preventing them from carrying small articles not regarded as personal baggage. This restriction is causing extreme inconvenience to people on the Corentyne Coast as they have to travel by a passenger bus and send their produce to market by another. The service was resumed to meet public convenience and His Excellency was good enough to grant the bus owners some slight concession. I am anxious to assist Government in making conditions safe for pedestrians, but I am also anxious that nothing should be done which will militate against the convenience of the public.

The Council adjourned until the following day at 11 o'clock.