

# LEGISLATIVE COUNCIL

*Friday, 22nd February, 1946.*

The Council met at 2 p.m., the Hon. W. L. Heape, C.M.G., Colonial Secretary, in the Chair.

## PRESENT:

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G. (in the Chair).

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

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

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

The Hon. C. V. Wight (Western Essequibo).

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

The Hon. J. W. Jackson, O.B.E. (Nominated).

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

The Clerk read prayers.

The minutes of the meeting of the Council held on Thursday, 21st February, 1946, as printed and circulated, were taken as read and confirmed.

## PAPER LAID.

The COLONIAL TREASURER (Mr. McDavid) laid on the table the following report:—

The Report on the Accounts of the Patoir Fund for the year 1945.

## ORDER OF THE DAY.

### RICE MARKETING BILL.

A Bill intitled "An Ordinance to provide for the establishment, constitution powers, duties and functions of the British Guiana Rice Marketing Board and for purposes connected with the matters aforesaid."

The ATTORNEY-GENERAL: The Treasurer wishes to refer to one or two points in the Rice Marketing Bill, and to make one or two minor amendments which are permissible at this stage.

The COLONIAL SECRETARY: Are they consequential amendments?

The ATTORNEY-GENERAL: Just slight verbal amendments.

The COLONIAL SECRETARY: I will now call upon the hon. the Colonial Treasurer to move the third reading of the Bill.

The COLONIAL TREASURER: I beg to move that the Bill be read a third time and passed, but before you put the question, sir, I should like to take opportunity to make just a few brief remarks. The first remark relates to the report in today's issue of the *Daily Chronicle*, and I may say that the report in that paper is in my opinion an excellent summary of what took place in the Council yesterday, but there is one part of the report in which I am quoted as having said something which may, if not corrected, lead to some misgivings in the minds of readers. In a paragraph headed "Use of Reserve Fund" the Colonial Treasurer is reported to have said that that fund "would be used (1) as a working capital and (2) as a reserve to push into effect any possible reduction of the price which might be obtained in the export market." The words I complain of are "push into effect." They really have no meaning but they may be interpreted to mean some attempt on the part of somebody to enforce a reduction. What I did say was "to cushion the effect of any possible reduction in the export price." It was a most unusual word to use but I meant by that that the reserve fund would be used to ease the effect of any reduction in the export price. In other words, that the fund would be used to maintain the price paid to the producer even if the export price was by any chance reduced in the early post-war period. I hope I have made the point clear.

As the hon. the Attorney-General has mentioned, there are one or two consequential amendments which it is permissible to move in the third reading of the Bill. One occurs in clause 31. Hon. Members will remember that we amended sub-clause (2) of that clause by substituting for the words "manufacturer, a rice farmer" the composite words "rice producers." We did that

on the suggestion of the hon. Member for Western Berbice (Mr. Peer Bacchus), and although it was mentioned by the Attorney-General that there may be a consequential amendment further down in the clause I omitted to bring to the notice of the Council that those two words occur in sub-clause (4) (a). In that paragraph the words "manufacturer, a rice farmer" also occur, and for the sake of uniformity it is proposed that the words "rice producer" be substituted for those words.

Hon. Members will also remember that there was some debate on clause 9 which deals with the execution of documents by the Board. There was some talk as to the use of the word "person" in the singular and I suggested at one time that it would be proper to add the words "or persons." but we were at that time advised that that was unnecessary because under the Interpretation Ordinance the singular includes the plural. I am now advised that for the sake of clarity and to make assurance doubly sure it would be best to include the words "or persons" after the word "person" in paragraph (b) of sub-clause (1) of clause 9, and also in the new sub-clause (2) which we inserted yesterday concerning the signing of cheques. As the hon. the Attorney-General has said it is really a verbal amendment.

Another point is as regards the question of decentralisation of the activities of the Rice Marketing Board. That is a matter which is being very much canvassed at the present time, and the new Board will certainly have to give the matter very careful consideration to see how far and to what extent it will be possible to give effect to the legitimate desires of those concerned. The desire for decentralisation of course emanates from two sources, firstly from the producers in the outlying districts who very reasonably want the purchase transactions by the Board expedited as much as possible, and especially where transport difficulties exist and secondly it emanates from merchants and other people in

Berbice who would like to see the use of New Amsterdam and Springlands as ports resumed. Those people think that direct shipments from those two places to the Islands would benefit the rice industry. Of course the expediting of purchase transactions is a matter which calls for the utmost that the Board can do to accomplish its success. As a single buyer the Board has a monopoly and must meet all legitimate demands arising out of such a position.

As regards direct shipments from Berbice that is, of course another matter and will require very careful consideration indeed for technical reasons to which I need not refer now. I think it would be safe for me to say that as some Members know, rice is exported from British Guiana at the present time in uniform grades which are made up of what is known as blends of the various qualities of rice produced throughout the Colony. That process of blending is, of course, a very valuable procedure for getting the very best out of the rice produced in the whole Colony. However, as I said, the new Board will have to take these matters very carefully into consideration at the very earliest moment.

The other point to which I should again refer is the date of the coming into force of this Ordinance if and when assented to. The last clause of the Bill provides that the Ordinance shall come into operation by proclamation published in the *Gazette* and I hope it will be convenient to bring the new Board into operation on the 1st April. I have suggested that date because the 31st March is the end of the financial year of the parent Board, and of course it would be a very convenient date for the handing over.

Lastly, I would like to refer again to the question of the Rice Producers Association. His Excellency, while in the Chair, did say that he hoped not to assent to this Bill until the Rice Producers Association Bill was before the

Council. The Attorney-General and I are actively considering the draft of that Bill, and we feel sure that very shortly the Rice Producers Association Bill will be ready to be laid before Council. With those remarks I beg to move that the Bill be now read a third time and passed. May I take it that the amendments to which I have referred will be accepted by the Council? Perhaps I had better repeat them.

The COLONIAL SECRETARY: I think it would be well for the hon. the Colonial Treasurer to read the amendments, and if the Council agrees we would put them in the Bill without any voting.

Clause 9.—*Execution of documents.*

The COLONIAL TREASURER: In sub-clause (1) (b) I propose the insertion of the words "or persons" after the word "person," and a similar amendment in sub-clause (2).

The ATTORNEY-GENERAL: The point is that although under the Interpretation Ordinance the word "person" includes the plural I think that in order to remove it from any possible doubt or any quibble it would be better to insert the words "or persons."

The COLONIAL SECRETARY: It is a pity we did not do it yesterday. I take it that Members agree to the amendments.

Mr. PERCY C. WIGHT: I rise to a point of order. Is it correct procedure to make these amendments at this stage, or should we go back into Committee?

The COLONIAL SECRETARY: I am asking the Council to agree that it should be done this way in order to save time.

Mr. WIGHT: That is your ruling, sir.

The ATTORNEY-GENERAL: We are not going wrong. It is quite in

order and in keeping with the provisions in May's Parliamentary Practice. It is a verbal amendment. The point was considered yesterday in the Committee stage but at that time I expressed the view, having regard to the Interpretation Ordinance which makes the singular include the plural, that it was unnecessary to insert the words "or persons," but as I desired to put it beyond doubt I suggested to the Treasurer that it would be well to insert those words. It is merely a verbal amendment and we are permitted to do it at the third reading.

The COLONIAL SECRETARY: Is the hon. Member satisfied?

Mr. WIGHT: I am afraid I am not, but I think the hon. the Attorney-General should know more than I do.

Clause 31.—*Purchase of bags by Board and the re-sale thereof.*

The COLONIAL TREASURER: The next amendment is in sub-clause (4) (a) of clause 31. I propose the substitution of the words "rice producer" for the words "manufacturer, a rice farmer."

Amendment agreed to.

The COLONIAL TREASURER: Those amendments having been accepted I move that the Bill be now read a third time and passed.

Mr. SEAFORD seconded.

The COLONIAL SECRETARY: Does any Member wish to speak on the third reading?

Mr. EDUN: I regret very much that it was not possible for me to attend yesterday's session for the reason that I was bereaved, my only surviving sister having died. Reading the newspapers this morning I observed that Members of the Council generally gave every consideration to the amendments I had submitted. However there was

one particular amendment which I had contemplated asking Government to put in the Bill had I been present yesterday. I refer to my suggestion to insert an additional paragraph (c) to clause 8 (1) to read:—

"(c) All Managers, all Secretaries and Members of the Board shall do everything reasonably possible to promote and protect the Rice Industry and shall do nothing to impede or which will tend to impede the progress of the Rice Industry."

That is a very necessary provision, and I am of the opinion that if it had been included in the Bill it would have meant that every member of the Board would have given an honourable undertaking to protect the rice industry. My proposal did not find favour with the Council, however, and I do not think I can say anything more.

I still maintain that the attitude adopted by Government in rushing this Bill through was in order and that it should be passed before the General Election. I say that because I have taken the opportunity to do everything possible to delay the consideration of the Bill by this Council because I believe that the purport of the Bill is to effect a strangle hold on the rice industry, and that there is no hope for expansion in the Bill. For that reason I adopted the attitude of strong opposition to the passing of the Bill. Unfortunately I did not vote against the second reading, but it was simply an oversight on my part. I am taking this opportunity at the third reading to oppose it in order to put myself constitutionally right. You are aware, sir, that certain cablegrams were sent to H.M. Secretary of State for the Colonies and air mail letters were sent to the Chairman of the Anglo-American Caribbean Commission, and I have been notified by Government that replies have been received. With your permission, sir, I would like to read those two replies in order to have them recorded in the proceedings. The first is dated the 12th February, 1946, and is addressed to me. It reads as follows:—

"Sir,—With reference to my letter, No. C108/9/7 of the 23rd January, I am directed to inform you that copies of the resolution have been received by the Anglo-American Caribbean Commission, but that the view is held that the matters raised therein appear to be for consideration of the Legislature of British Guiana.

I have the honour, to be,  
Sir,  
Your obedient servant,  
(sgd.) W. L. HEAPE,  
Colonial Secretary."

The second letter is dated the 18th February, 1946, and addressed to me and Mr. Jenaraine Singh. It reads thus:

"Gentlemen.—I am directed to refer to your recent interview with the Governor on Thursday, 24th January, and to the telegrams which were despatched immediately thereafter at your request to Mr. George Hall, Secretary of State for the Colonies, and to Mr. A. Creech Jones, Under-Secretary of State for the Colonies. I am to say that a telegram has now been received in reply, in which the Secretary of State requests that you be informed that he has considered your requests, but that in his opinion the proper constitutional procedure has been followed in the presentation of the Rice Marketing Board Bill, whereby opportunity has been given for the Bill to be debated in Legislative Council. He states that he therefore sees no reason for his intervention in the matter."

I have the honour, to be,  
Gentlemen,  
Your obedient servant,  
(sgd.) W. L. HEAPE,  
Colonial Secretary."

Now, sir, both of those replies that have been received insist that the Legislative Council of British Guiana has the power to determine a matter of this kind, with which opinion I also agree. But, sir, I do not remember the date on which this Council by a motion prolonged its own life without reference to the Electors, and in my humble opinion that was an illegal procedure. Subsequently after the prolongation of this Council's life—

Mr. C. V. WIGHT: To a point of order! I know that the President has stated that we rise to points of order in here quite correctly at certain times, but some hon. Members do so without really any point of order. This is on a point of order. Should we debate on the third reading now? The hon. Member has been given the discretion or paid the courtesy of being allowed to express an opinion on the Rice Marketing Board, but he has now diverted to the illegality or otherwise of the prolongation of the life of this Council, an entirely different thing. Hon. Members of this Council are busy men—

The COLONIAL SECRETARY: I think the hon. Nominated Member has been given every chance to give his views on the Bill. He should confine his point to the Bill.

Mr. EDUN: It is essential that I refer to the Constitution of this Council in dealing with a matter of this kind.

The COLONIAL SECRETARY: The hon. Member had his chance.

Mr. C. V. WIGHT: It is not relevant.

Mr. EDUN: It is relevant. The point I wish to make is this: This Council cannot deal with this matter illegally.

The COLONIAL SECRETARY: I suggest that the hon. Member continue with the Bill. He does not agree with the Bill because it is an illegality.

Mr. EDUN: That is a question I wish to raise with his Majesty's Secretary of State for the Colonies. This Council has taken an illegal action so far as the Rice Marketing Board Bill is concerned. I want to ask this Government to give a deputation of four the opportunity to proceed to England to interview His Majesty's Secretary of State for the Colonies in order to thresh out this matter fully

and I want to ask His Excellency the Governor to give the members of the deputation priority consideration for passages. Apart from that I want to suggest also that two proponents of the Bill ought to go and two opposition Members ought to go so that both sides of the case can be heard before His Majesty's Secretary of State for the Colonies, and nothing should be done in the interim here. I know I am asking this Government to pass sentence on itself but, I think, if the hon. Mover feels that there is justification for a Bill of this kind—I do not want to go back to the various arguments and to repeat myself, though repetition in a matter of this kind is inevitable if one wants to make this point despite whatever the President may say or rule—

Mr. ROTH: We have had the pleasure of listening to the hon. Member for four hours on the second reading, and I move that the question be now put.

The COLONIAL SECRETARY: I hope the hon. Member will be able to finish what he has to say.

Mr. EDUN: I am going to finish.

The COLONIAL SECRETARY: How much longer?

Mr. EDUN: I think I am coming to the point.

The COLONIAL SECRETARY: Another ten minutes?

Mr. EDUN: I do not think I can give an undertaking that way.

The COLONIAL SECRETARY: We will see. I sympathize with the hon. Nominated Member, Mr. Roth. However, carry on.

Mr. EDUN: This is a place of business. I do sympathize with the hon. Nominated Member, Mr. Roth, considering his disability. In any case what I ask is that a deputation of four—

two from the opposition side and two from the Government side—proceed to England at the cost of the Board to interview His Majesty's Secretary of State for the Colonies on the Bill. I want Government to refuse it, because I feel that the principle involved in this Bill is of such constitutional dimension that it is in the best interest of everyone in this Colony that it should be threshed out finally and be determined in England. I do not know whether Government can take on a challenge of that kind. It is too afraid. Why should it fear that judgment might be passed against it? Why should it fear the consequence? Let us have the matter threshed out. I urge that in all sincerity because I feel if this matter goes before His Majesty's Secretary of State for the Colonies in a personal interview the whole situation may be changed.

I think I am privileged to raise this question of a breach of faith with the rice producers of this Colony. I am sure that the hon. Mover will not deny that in 1932 there was a memorandum issued somewhere which contained the text that whatever profits are made they will be distributed to the rice producers. Subsequently after the outbreak of war the Defence Regulations came in, and that was changed. Section 22 of the Defence Regulations says, if there are profits the profits shall be used in order to increase the price of rice and of padi. But that was not done except on two occasions in five years. Then there was a subsequent amendment to the Regulations which the hon. Mover read to us today, in which was stated definitely that the funds can be used for the purpose of providing pure line seed padi and other such things as padi storage bonds and subsidization of bags. That, I do maintain, is a committal of a breach of faith. No matter how much the hon. Mover may try to palliate the situation, the fact remains that a pledge was broken and it was broken without consultation with the rice producers. If they had been consult-

ed and had agreed, then it would have been another matter altogether. They were never consulted. The Defence Regulations were changed over and over in order to suit, perhaps, the financial whims and administrative caprices of the Board.

I do not wish to detain the Council any longer. With these few remarks and especially with this challenge I have issued today, is this Government prepared to send such a deputation to England in order that the principle of this matter may be threshed out before His Majesty's Secretary of State for the Colonies? If not, a deputation would go in any case. But will the Government be prepared to give priority passages to such a deputation as early as possible? It is no use going back to old ideas, but the hon. the Colonial Treasurer made a point just now. He said that the surplus will be used now to cushion the price of rice locally and abroad.

The COLONIAL TREASURER: Oh, no: I said to cushion the effect of reduction in the export price of rice. That is to say, to benefit the rice producer by maintaining the price to him notwithstanding the export price or to cushion the price paid to the producer for his rice.

Mr. EDUN: That is, to stabilise the local price. Whatever price is got abroad will not effect the local price at all!

The COLONIAL TREASURER: Not the local price but the local price paid to the producer.

Mr. EDUN: Will the hon. Mover tell us why when Mr. Gajraj made the suggestion to the Central Rice Committee, telling the Governor and me there: "We will hand you over the whole industry but can you give us a guarantee that the price of rice will be maintained for a couple of years?"

Mr. C. V. WIGHT: I must rise again to the point of order! The third

reading is being taken and the hon. Member can only discuss matters arising in the Bill. What have we to do with Mr. Gajraj, His Excellency the Governor and telegrams? He can only speak, I submit, on matters in the Bill itself. That is relevant. He can speak on nothing else.

The COLONIAL SECRETARY: The hon. Member who was speaking said just now he will conclude. I hope he will.

Mr. EDUN: It may ease the situation. I do not know what is happening to Members here. They become so figgety about things.

The COLONIAL SECRETARY: I sympathise with the hon. Member (laughter).

Mr. EDUN: I do not think I will continue any longer, but I wish to oppose the third reading of this Bill. I do not know what procedure will be adopted, whether you will take a division or not.

The COLONIAL TREASURER: I will delay the Council for just three minutes. I would like to deny, if a denial is really needed, that this Bill has been rushed through and also to deny even more strongly that if it has been rushed it was done in order to secure its passage before the General Election. I think, hon. Members will realise that nothing can be farther from the truth than that. In moving the second reading I referred to an undertaking given by me on behalf of Government in November, 1943, that such a Bill will be introduced in this Council as soon as possible after the close of the war. I personally have been subjected to some criticism already for the delay in bringing this matter to the Council, because I was the person responsible for doing so. Lastly, even if a new Council comes into this Chamber and feels that the Rice Marketing Board is something to the detriment of the rice industry even when this Bill

has become law—assuming that the hon. Nominated Member, Mr. Edun, is a Member of that Council—all he has to do is to get a resolution passed for the introduction of legislation repealing this Ordinance and providing for the liquidation of the Board. I issue a challenge to him—if we are both alive and we are Members of the Council then — to come into the Council with such a proposition and secure its passage.

Question “That this Bill be read a third time and passed” put, and the Council divided and voted:

For:—Messrs. Thompson, Roth, Jackson, Peer Bacchus, Gonsalves, Percy C. Wight, Austin, Luckhoo, Critchlow, Dr. Singh, C. V Wight, Seaford, the Colonial Treasurer, the Attorney-General—14.

Against:—Mr. Edun—1.

Motion passed.

Bill read a third time.

#### LEGAL PRACTITIONERS (AMENDMENT) BILL.

The ATTORNEY-GENERAL:  
beg to move the first reading of the following Bill:—

A Bill intituled “An ordinance to amend the Legal Practitioners Ordinance with respect to the examination preliminary to Articles of Clerkship.”

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read the first time.

Notice was given of the second reading at the next or a subsequent meeting of the Council.

#### CUSTOMS (AMENDMENT) REGULATIONS.

The ATTORNEY-GENERAL: I beg to move that the Council approves of the Customs (Amendment) Regula-

tions, 1946. These amendments have been submitted to hon. Members and approval of them by this Council is now sought. They are made under Chapter 33, section 9, sub-section (4) of the Ordinance. As will be seen from Regulation 2, the object is to revoke Regulation 18 made by the Comptroller of Customs and published in the *Official Gazette* of the 19th July, 1911, (reprinted as regulation 636 of the Customs Regulations, 1912, which were then the consolidating regulations, the new regulation submitted is before hon. Members. Further, Regulation 21 made by the Comptroller of Customs and published in the *Gazette* of the 19th July, 1911 (reprinted as regulation 638 of the Customs Regulations, 1912) is being revoked and a new Regulation 21 substituted.

These amendments, I may point out, arose as the result of representation made by Class I Clerks for an increased rate of pay for overtime duty in connection with the loading and discharging of ships. The question was first taken up with the shipping firms who have to pay for such services, and they submitted a letter setting out the rates they are agreeable to pay in respect of overtime services of Government employees. The Commissioner of Labour was consulted and he offered no objection to the increases which appear in these Regulations. The matter has been before the Governor in Council and has been approved by the Governor in Council. I have no further observations in regard to these Regulations, and I beg to move that this Council do now approve of them.

Dr. SINGH seconded.

Question put, and agreed to

Regulations approved.

#### 1946 APPROPRIATION BILL

A-Bill-intituled “An Ordinance to appropriate the supplies granted in the current session of the Legislative Council.”

The ATTORNEY-GENERAL: The LETTING OF HOUSES (IMPLIED TERMS)  
BILL.

"Objects and Reasons" appear in the preamble to the Bill. It is the usual Bill to appropriate supplies required for the services of the Civil Government of this Colony and for other purposes for this year. Hon. Members have already had full opportunity of expressing their views on the detailed provisions, and I do not know whether they wish again to emphasise any point they had made before. I beg to move that the Bill be read a second time.

Mr. SEAFORD seconded.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE

Clause 2—*Treasurer to defray expenses of Civil Government.*

The ATTORNEY-GENERAL: A word has dropped out at the beginning of the third line. I ask permission to insert the word "on" after the word "commenced."

Question put, and agreed to.

Clause passed as amended.

The Council resumed.

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

Mr. SEAFORD seconded.

Question put, and agreed to.

Bill read a third time.

A Bill intituled "An Ordinance to provide that houses let for human habitation shall be and shall continue reasonably fit for the purpose of the letting."

The ATTORNEY-GENERAL: Hon. Members will appreciate from the "Objects and Reasons" which accompany the Bill that this is not new legislation. Section 212 of the Local Government Ordinance, Chapter 84, formerly section 219 of the Local Government Ordinance, 1907, (No. 13), as substituted by the Local Government (Landlord's Liability for Repairs) Ordinance, 1921, (No. 5) was repealed by the Public Health Ordinance, 1934, (No. 15). It is considered desirable that the provisions of the repealed section should be re-enacted. As I have said, this is not new legislation in this Colony and, perhaps, it may not be inappropriate if I may be allowed to give a short survey of the history of the legislation dealing with this matter.

The Roman-Dutch Law, which was the Common Law of the Colony up to December, 1946, imposed on a landlord the duty to maintain the thing let in a proper state so that the hirer could make proper use of it. He was bound to compensate the hirer or lessee for damage caused to him by essential defects in the thing let. The remedy of the tenant was limited to abatement of the rent to the extent to which he had been deprived of the means of enjoying the occupation of the house or had himself gone to expense in placing the house in a proper state of repair. This duty was apparently not considered adequate to protect the tenant in British Guiana, and the Local Government Ordinance, No. 13 of 1907, at section 219 provided:

"In any contract for the letting of a house or room for human habitation, whether furnished or unfurnished, there shall be an implied condition that the house or room is in all respects reasonably fit for such habitation; and in the event of a breach of such condition, any inmate of such house or room who suffers any loss by injury to health

or otherwise in consequence of such breach shall be entitled to recover damage from the person responsible for such breach."

The object of section 219 of the Local Government Ordinance, 1907, was clearly to enlarge the remedy of the tenant as regards the matters for which damages could be recovered. Under the Roman-Dutch Common Law it was limited to an abatement of the rent to the extent of deprivation of occupation or expense of placing the house in a proper state of repair. Under the Ordinance damages were recoverable by the tenant for loss by injury to health or otherwise. In 1921 the Local Government (Landlord's Liability for Repairs) Ordinance, No. 5 of 1921, substituted a new section 219 for the previous one in the 1907 Ordinance as follows:—

- "(2) In a contract for the letting of any house or room for human habitation, whether furnished or unfurnished, there shall be implied therein the following conditions:
- (a) That the house or room is at the commencement of the tenancy in repair and in all respects reasonably fit for human habitation; and
- (b) That the house shall be kept during the tenancy in repair and in all respects reasonably fit for human habitation.
- (3) In the event of a breach of either or both of such conditions, an inmate of such house or room who suffers loss by injury to health, or in any other way whatever, in consequence of such breach, shall be entitled to recover damages from the landlord of such house or room.
- (4) This section shall take effect notwithstanding any agreement to the contrary and that agreement shall be void.
- (1) In this section the expression 'landlord' means any person who lets to a tenant for habitation the house or room under any contract referred to in this section and includes a landlord's successors in title."

This Ordinance of 1921 was incorporated in the latest compilation of the laws Chapter 84, section 212—and gave the tenant even wider protection than did section 219 of the Local Government Ordinance, 1907. The condition of fitness for habitation was to be implied as existing both at the commencement of the tenancy and as an undertaking to keep the house in a habitable state during the tenancy. The right to recover damages was extended to an inmate in order to meet the decision in a case decided in England in 1906, (*Cavalier v. Pope*) in which it was held that the wife of a tenant could not recover because there was no privity of contract between herself and the landlord. The parties were unable to contract out of the statutory implied conditions.

Section 212 of Chapter 84 was repealed by the Public Health Ordinance No. 15 of 1934, along with a number of other sections, but whether the repeal was intentional or accidental is a matter of which hon. Members should be more aware than I am. From 1934 there has been no liability on a landlord to repair his house.

It will be seen that since 1907 the policy of the law has been to protect the tenant against personal injury caused by defective premises, except for the period between 1934 and the present time. Under the English Common Law there is no liability on a landlord to repair his house, except by express covenant, and in respect of a furnished house there is an implied liability that the house is fit for occupation at the time of the tenancy, but as regards a house at a rental not exceeding £40 a year in London and £26 elsewhere there is to be implied a condition that the house is reasonably fit for human habitation at the commencement of the tenancy and an undertaking that it will be so kept during the tenancy. Before an inmate could recover damages notice of a defect must be given to the landlord.

I hope hon. Members will pardon me for giving this short history of the law relating to the letting of houses in this Colony because it is nothing new. I know that there is a great deal of controversy in connection with this proposed legislation, and I wish to point out that we are now considering the question of a Landlord and Tenant Bill. It is proposed to incorporate in that Bill provisions such as these, and if that Bill becomes law this *ad hoc* legislation would be repealed.

I appreciate that hon. Members are more aware of the conditions which prevail in this Colony than I am, but at the same time it will be appreciated that there is a great demand for houses, and consequently the law of supply and demand operates. There is no choice; people have to live somewhere and they have to put up with the conditions in the houses they are occupying, because the moment they move out somebody else is ready to move in. The law of supply and demand operates in effect to put the landlord in an extremely strong position. If there was a surplus of houses then, of course, the position would be different. Where a landlord did not carry out the necessary repairs in order to make his house habitable a tenant would give notice and find another house, but the difficulty at present is that he has to remain in a leaking house because he has nowhere else to go. He has to put up with the prevailing conditions because he cannot get another house. In many cases the landlord is anxious for him to get out because he can get another tenant to pay more rent on account of the great demand for houses. I wish to emphasize that from the point of view of protecting the interest of the tenant it is fitting that we should have some legislation whereby tenants, who because of the circumstances prevailing are compelled to live in a house, should be entitled to have reasonable repairs carried out.

I think that point of view will appeal to hon. Members. There is, of

course, I presume the landlord's side, but it provides its own protection in the present circumstances. There is a Rent Restriction Ordinance which prevents landlords from obtaining more rent than a house is reasonably worth. That applies up to a certain point. With those observations I move the second reading of the Bill and commend it to the good sense and fair dealing of Members of this Council to see that those who are placed in a position where it is Hobson's Choice have some sort of protection by means of reasonable repairs to the houses in which they live in order that they may be made habitable.

Mr. CRITCHLOW seconded.

Mr. ROTH: I am sure the Council is very grateful to the hon. the Attorney-General for his elucidation of the position regarding this Bill, and I personally would like to congratulate those responsible for sponsoring and bringing it forward. Never has such a piece of legislation been so urgently required as this is to-day. As a matter of fact, within the next few hours there will be a meeting of tenants of the City to discuss the situation, and I sincerely trust that the Council will support and pass this Bill. I have great pleasure in supporting it.

Mr. GONSALVES: There is no disputing the fact that there has been a request for a long time for a provision of this kind, but there has equally been a request for a Landlord and a Tenant Bill as indicated by the hon. the Attorney-General. As far as I remember, Government gave the Town Council the impression that the two Bills would be dealt with at the same time. The hon. the Attorney-General has said that this is *ad hoc* legislation. In other words, we are going to burden the Statute Books with this proposed Ordinance when the other Bill will probably be ready within a month. I presume that the hon. the Attorney-General or the Legal Draughtsman is working on that Bill which Government has intimated will be ready

as soon as possible. I therefore have to assume that the Attorney-General's office is working on that Bill, and in view of the expedition with which that office has been moving lately with regard to legislation there is from my point of view every hope that that Bill will be ready in a month's time. The war was the excuse for everything that could not be done, but now that it is over everything has begun to get moving, and I have it on good authority that the hon. the Attorney-General has been working very hard and turning out Bills which have been held up for a long time. How far down on the list is the Landlord and Tenant Bill I do not know. I hope it will not be allowed to slide up and down the list as if it were on a greasy pole.

I am not against this Bill in any way. I am supporting it with certain amendments, but I am taking the hon. the Attorney-General at his word that it is an *ad hoc* Bill, and that its provisions will be inserted in the Landlord and Tenant Bill. I presume that that will be an easy matter. I suggest therefore that consideration of this Bill can reasonably be held over for the short period within which the hon. the Attorney-General can give an undertaking to introduce the other Bill. I observed that in introducing this Bill he omitted to mention that representations had been made to Government regarding this Bill and suggesting that certain amendments should be made. He has been silent on that point and rather gave the impression to those Members of Council who did not know what has taken place, that nobody has said anything with regard to the Bill. I am sorry that has happened.

The ATTORNEY-GENERAL: I expected the hon. Member to deal with that phase of the matter. It was not because I had any intention of being silent about it.

Mr. GONSALVES: I had nothing to do with those representations. The

letter happens to be signed by a legal gentleman who happens not even to bear my name. His name begins with the third letter in the alphabet while mine comes a little further down.

With regard to the Bill itself I may say that I really came here with the understanding that a suggestion would be made that the representations which have been made in a largely signed petition by property-owners should at least be given some consideration. I happen to be the representative in this Council of Georgetown South and to be the representative on the Town Council of the Werk-en-Rust Ward which is in Georgetown South. There is only one properly constituted Association in the City which is dealing with this question, and it is called the Werk-en-Rust and Wortmanville Ratepayers and Tenants' Association. As I understand it, that Association represents the point of view of both landlords and tenants. How that is done I do not know, but there it is. As the Association was formed for the purpose of giving instructions to the representative of the Ward, I asked what it would like me to do in any matters affecting its interests. I hold in my hand a letter from the Secretary of the Association in which he says that a letter has been sent to the Colonial Secretary embodying what took place at the last meeting of the Association, and making certain suggestions with regard to the Bill. The letter states:

- "2. I am therefore directed to suggest to Government that two additional clauses be embodied in the Ordinance:—
- (a) Giving landlords protection against damage to property by tenants. Tenants should be made to pay for any damage caused other than by wear, age, defective material and defective workmanship.
  - (b) Making it obligatory on tenants to notify landlords by registered letter post of any defect not known to landlords who should

within a reasonable time effect necessary repairs."

In the letter to me the Secretary of the Association states:—

"In the course of our discussion other questions arose which are understood to be dealt with in the form of a petition by landlords, so we have not embodied them in our suggestions to the Colonial Secretary; moreover we consider the two safeguards as suggested in our letter to the Colonial Secretary to be sufficient to give the landlords a reasonable measure of protection."

Those are the suggestions which have come from landlords and tenants in Georgetown South represented as they are by the Association. If the petition has been considered and Government approves of any of its recommendations I shall expect that the necessary amendments will be made when the Bill reaches the Committee stage. I should certainly like to hear from Government whether it accepts any of the suggestions made in the petition.

In referring to the shortage of houses in Georgetown the hon. the Attorney-General made no mention of another factor which is well known to Government. I refer to the shortage of materials. Government and the Town Council have jointly embarked upon a housing scheme in Wortmanville, but progress with the work has been exceedingly slow because of the scarcity of materials. Two months have gone by but one building is not yet halfway through because of the shortage of materials. Those are things which ought to be considered. One agrees that a tenant who pays rent is entitled to have a proper house to live in. On the other hand a landlord is entitled to protection. It cuts both ways.

In a very eloquent speech the hon. Nominated Member. Mr. Roth, has

congratulated Government on the introduction of this Bill which, I agree, has been very expeditious, but I hope there will be even greater expedition with regard to the other Bill. I trust that when the Bill comes before the Council the hon. Member will speak with the same feeling as he has spoken to-day.

I know that there are a few Members who desire to speak on the second reading of the Bill. The hon. Member for Western Essequibo (Mr. C. V. Wight) proposes to speak on it, and as Mayor of Georgetown I think he should express his views. He is at present engaged at a meeting of the Georgetown Sewerage and Water Commissioners but I expect that he will arrive here later. Then there is the hon. Member for Georgetown Central (Mr. Percy C. Wight) who is a landed proprietor and has his own views.

I do ask that the points I have raised be seriously considered. If this is an *ad hoc* Bill and Government has undertaken to produce a Landlord and Tenant Bill, the question arises whether there is any wisdom in passing this Bill today and repealing it in a few weeks when the other Bill is brought forward.

Mr. CRITCHLOW: In supporting the Bill I trust that Government will not accept the suggestion of the hon. Member for Georgetown South (Mr. Gonsalves) that it should be deferred. I cannot understand some members of the Town Council who have said that they are anxious to see such a Bill introduced and put into operation, and are now asking Government to delay the Bill.

Mr. GONSALVES: I have not asked Government to delay the Bill. Unfortunately the hon. Member does not appreciate what I said. I said that if this is an *ad hoc* Bill for a short period until the Landlord and Tenant Bill is brought forward there is no wisdom in passing this Bill. I am not opposed to the Bill at all.

Mr. CRITCHLOW: That is exactly what I am saying—that this Bill should not be held up for three weeks. I would like to be fair to both sides. I agree that there should be a Landlord and Tenant Bill, and I have some suggestions to make regarding that Bill as well as this Bill. I see no provision in this Bill for the imposition of a fine on a landlord who refuses to repair his house. One does not want to wait until something happens to get damages. We want to prevent a landlord from allowing something to happen by compelling him to repair his house. I hope that provision will be made in this Bill for fines against landlords.

My suggestion with respect to the Landlord and Tenant Bill is that we should follow the law in England where a landlord can be fined or imprisoned if he charges his tenant excess rent. It is nothing strange. In the *Daily Chronicle* of February 4 reference is made to the new Housing Bill in England in which there are penalties against landlords who charge their tenants more rent than the assessor fixes.

As regards the shortage of materials it is an easy matter for a landlord to prove that he has applied to the Controller and cannot get materials to repair his house. Before the first World War the excuse of the landlords was that they had no money. During the war just ended and up to today their excuse is that they cannot get materials. I am very grateful to Government for doing something to compel landlords to repair their houses. I hope the Bill will be passed and not held up until the Landlord and Tenant Bill is introduced. It is amazing to me how landlords and tenants have combined to form one Association. I am in sympathy with the hon. Member for Georgetown South (Mr. Gonsalves) because I do not know how he can represent both sides when their interest clash. (laughter).

Mr. PERCY C. WIGHT: I am opposing this Bill as strongly as I

can. In my opinion it is an absurd proposal to put before this Council. I can speak with some amount of authority as a very large property-holder up to some time ago in connection with the Investment and Loan Association which was established for the purpose of finding dwellings for people. The Argosy Company, Limited, of which I am Governing Director, started the erection of new premises at Bel Air Park, but the work has been held up for months because we cannot get materials. Government has done everything possible to assist the Company by making arrangements with a firm in Essequibo to supply us with timber, but we cannot get it as the sea punts have proved quite unserviceable. Luckily for the Company the Control Board allowed pitchpine and white pine to enter this country, but we have had to pay from 19½ to 21 cents per foot for boards which were formerly sold at 5 cents per foot. On the local supply of greenheart at 10½ cents per foot the firm had to pay freight at the rate of 4 cents on every foot of material shipped.

I am asking hon. Members to weigh carefully the remarks made by the hon. Nominated Member, Mr. Roth. I know that he is an attorney with respect to a property in the City which has been purposely sold by him in order to avoid being in the position of a landlord and tenant. I am also in a position to say that the house in question leaks like a sieve. He knows that. I say it without hesitation, every house I own leaks. I particularly like houses with slate-covered roofs but when the slates are shifted by high wind the roofs leak and you cannot easily get the leaks stopped. I have a leak over my own bed and cannot get it stopped. It is disgraceful to bring a Bill like this and talk about contract. What contract? A tenant is a monthly renter of the house. I have not increased one penny on the rent of any of my properties. I have got rid of every tenement room or building wanting repairs, because it is not a profitable investment

to me.<sup>3</sup> Government has allowed a paltry three per cent. on the Town Council's valuation. I have attended here and argued that it is an absurd figure, but to no avail. I am now painting a house in Camp Street where one of my sons lives. I started to repair it and almost had to put it down as the building was in such a disgraceful condition and I could not get materials locally to repair it. I have had to use white pine boards for flooring.

The hon. the Attorney-General has rightly said there is great demand for houses. I know that today I can get twenty persons individually to rent my house in Kingston despite its leaking condition and bad windows. I see in the Bill that I must give twenty-four hours' notice to a tenant if I want to inspect my property. That is only asking me to close everyone of my houses and not rent them out. When they have been closed for six months the Municipality will collect no taxes on them and, therefore, I will just keep them closed for the pleasure of opposing an Ordinance of this description. I certainly appeal to this Government to withdraw this Bill and let the other Bills which the hon. the Attorney-General is paying attention to be brought forward for consideration. There is to be a law to prevent a man increasing his rent above a certain amount. What a great absurdity? What a tremendous waste of time and money? I can assure you it will not satisfy anybody. Ask any hon. Member who lives in a house, whether he owns the property or not, and he will tell you that if there are leaks of small dimension he has to shift his furniture from one side to another. You leave your house this morning after a rainfall with a leak on the west or east side of the roof, and the next downpour you find that same place does not leak but other spots.

I can see no useful purpose will be served with a Bill of this sort. The hon. Member for Georgetown South (Mr. Gonsalves) will tell you that the Municipality is very anxious over this

housing problem. The hon. the Attorney-General has given no reason why this Bill has been brought forward. Is it the result of a petition from a few people who are tenants and have never owned a property? I can see nothing in what he has said to make me support the Bill, though I am reluctant to oppose Government. It is absolutely foolish in the extreme to tell me:

"Provided that the condition and undertaking aforesaid shall not be implied where a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fair for human habitation....."

What is reasonably fair for human habitation? It is actually playing with words. Every man who owns a property looks upon it as an asset and will not allow it to depreciate because a tenant occupies it. A man may rent his house to a person who has children, and those children play "bat and ball" in the yard and as a result every window-pane of the house is broken. Today you can get no glass to replace those panes in Water Street for love or money, not even in the "Black Market," and yet you bring this Bill here to sensible people and ask them to consider and pass it.

Mr. KING: When I first read this Bill, I must admit, I was somewhat kindly disposed towards it. Then in the newspapers to my surprise I saw statements made in the Town Hall by responsible persons in the community and one by an hon. Nominated Member of this Council suggesting that landlords should be gaoled for not looking after their properties. If landlords are to be gaoled for that, then tenants who abuse the property of the landlord should be hanged. The hon. Member had been very evasive as to the obligation of tenants in respect of the houses they occupy. In view of the statement made by the hon. the Attorney-General that the Landlord and Tenant Bill will shortly be before this Council for consideration, I do not feel now that I should support this Bill whether it is an *ad hoc* measure

or otherwise. I was prepared before I heard that the Landlord and Tenant Bill was so near completion in draft to support this Bill, subject to some amendments providing for some obligation on the tenant to protect the landlord's property and to give notice to the landlord of the existing condition of the house calling for repair. The tenant can very well hide such condition from the landlord until he is in a position to take action against the landlord.

We know, as lawyers, of actions brought in the Courts of this Colony by unscrupulous tenants against landlords. There was a decision, published recently in the newspapers, given in an action brought in the Supreme Court by a tenant against his landlord for \$1,000 damages either by Sir Charles Major or Sir Anthony De Freitas. The learned Chief Justice castigated the plaintiff for the wanton and deliberate attempt on his part to fleece his landlord. The action of that tenant is not singular in that respect in the Courts and, I think, protection is due to the landlord just as much as to the tenant. Unless and until some provision is made that the landlord will be protected and the tenant will be under an obligation to protect the property of the landlord and certainly to give notice to the landlord that certain repairs ought to be accomplished and the landlord given some reasonable time within which to accomplish those repairs before being mulcted in damages and/or made responsible for such action by a tenant, I cannot support a Bill of this nature. I feel that if this measure will be in the Landlord and Tenant Bill which is coming before this Council very shortly, then it is not necessary for this Council to consider the provisions of this *ad hoc* Bill as the hon. the Attorney-General has stated.

What amazes me is that in 1934, when the sections in the Public Health Ordinance repealed the then existing section in the law making the landlord

responsible, there was a howl in this Colony against the repealing of that provision, and for ten years in spite of several applications to my knowledge asking to replace the section which was removed Government has done nothing until now. Why rush this measure when within the next month or two you will have a Bill preserving the rights of both parties before the Council for consideration and the Council will then have the opportunity of deciding in what way the landlord and the tenant must be protected against the faults of each other? I appeal to the Council to allow the matter to remain over until that Bill entitled the Landlord and Tenant Bill is presented and is fully considered, as it will be I presume. The Council will then be in a far better position to decide what rights a tenant should have as against what rights a landlord should have. In view of the statement made in the Council that the Landlord and Tenant Bill will soon be presented, I am sorry I will have to enter my opposition to this Bill.

Mr. LEE: If the memory of hon. Members of this Council takes them back to not too long ago they will recall that Government gave an undertaking to introduce this Bill as early as possible. I may say that when in this Council I asked Government under "Questions" about this particular section that was not reintroduced in the Public Health Ordinance, Government in its reply promised that it will as soon as possible introduce a law to give this power or right to the tenant, as is now presented in this Bill. That was over seven years ago and are we to wait for the introduction of the Landlord and Tenant Bill that may take another seven years from now? I feel, sir, that it is within Government's knowledge that several tenants—I am not saying there are no good landlords; there are several of them and also several good tenants—are living in houses which are not fit for human habitation. There are several bad landlords who will not repair their buildings, and several bad tenants who run away with the rent. Are we

as Members of this Council going to protect those tenants who are living in houses which are not habitable? The question is: Are we going to protect these poor people from the landlords who will not repair their houses though they collect rent from them? I appeal to this Council for humanity's sake to pass this Bill. If hon. Members are so mindful I would take them around and let them see the "rabbit holes" in which the people live and which should be pulled down. The Town Council will not serve notice on the landlords to pull down those shacks.

Mr. PERCY C. WIGHT: The hon. Member must not make statements which are not true. He knows that the Town Council served notices on 280 to 300 persons to repair their tenement houses. He knows that as well as I do.

Mr. LEE: Yet, Mr. President and Members of this Council, people are still living in those buildings. Notices may have been served but has action been taken in respect of those notices? Is it fair to those people? I will take any Member of this Council through the slums of Georgetown and let him see how unfair and unjust is the treatment of the landlords to these poor people. I do agree that the landlord ought to be protected, and in this Bill provision can be made for reasonable notice to be served on the landlord of the state of disrepair of his building, whether the period be a week, or a fortnight, or a month. A month's notice to a landlord to effect repairs to a house occupied by tenants will do no harm. Hon Members ought to see and hear some of the sufferings of these tenants who have already suffered much on account of this Bill having not been passed during the past ten years. In my own constituency there were two cases, in one of which a tenant's leg was injured and he had to remain in bed for a whole month through the house in which he lived being in a state of disrepair. I will not burden this Council with what happened in the other case, but I do think it is unjust to say that a landlord should

not be responsible for keeping his tenement rooms in a habitable state, while on the other hand you desire to protect the landlord by saying he must be given notice of the condition of his building.

I am told that this matter was discussed by the Werk-en-Rust and Wortmanville Ratepayers' Association and the question was asked: What protection are we going to give the landlords when in many instances the children play cricket in the yard and break the window-panes causing the rain to get into the house and the occupant to contract fever? That is only a matter for discussion and there should be a way of protecting the landlord in that direction. I am prepared to protect the landlord, but if hon. Members of this Council would only take a walk through some of the places they would as a result say to some landlords: "You are not just to your fellow man of this world." I practise in the Courts and I do not say that the tenants do not bring fictitious claims against the landlords, but nothing has been published in respect of those families, who cannot take valid claims against the landlords to the Court and who cannot get legal and medical assistance because they have no money. Some Members of this Council who are members of charitable institutions can say whether those people who are given gifts at Christmas are not deserving of more help and better living conditions. I leave them to judge.

Mr. GONSALVES: Before the hon. Member takes his seat, I want him to address his mind to this, as he was not present to hear it—the Landlord and Tenant Bill is practically ready.

The COLONIAL SECRETARY: I may make this point clear. The all-embracing Ordinance which Government has promised for some years will be introduced in the Legislative Council in 1946. I cannot promise any earlier date.

Mr. LEE: May I ask my hon. friend and legal colleague what is to happen to those people who are injured between now and when that Bill is brought? If he says in this Council it is provided that no injury would occur to those people in the interim, I would bow to his suggestion to await that other Bill. I had spoken to the Attorney-General and he promised it two years ago. The hon. Member for Western Essequibo had asked questions about it and was given the assurance by this Government that it would be brought. I do not think it was less than two years ago, and still it has not yet been brought. The Bill is still being drafted and will be forever being drafted. What harm is there to introduce—

The COLONIAL SECRETARY: I would like to explain again to Members that the Bill will be brought forward as early as possible, but that is no reason for delaying this *ad hoc* Bill now before Council.

Mr. LEE: I bow to your ruling!

Mr. EDUN: For some weeks I have been in the role of a critic of Government, but at this time I would be lacking in my duty if I do not commend Government on the introduction of this Bill today. It is a move in the right direction. Conditions in the City of Georgetown, especially in the slum area, give me the creeps, and I want to say definitely that if there had been a law ten years ago for landlords to maintain their properties in proper condition, what adheres today would never have been. You had as a result ten years of laxity in which the landlords just milked their properties for rent without spending any money on repairs. That has brought conditions to this sad state. It was indeed refreshing to hear the woes and wailings of a landlord in the person of the hon. Member for Georgetown Central (Mr. Percy C. Wight). I cannot understand the inconsistency of certain Members. I regret the hon. Member for Demerara River (Mr. King) is not here in his seat. He was at pains to reply to the

hon. the Fourth Nominated Member, Mr. Critchlow, who had suggested that landlords should be gaoled for increasing their rents. Just recently that particular Member did not have any heartaches in wanting to gaoil the producers of rice for attempting to keep their padi in their houses. That is quite an elasticity in the exercise of one's conscience.

I believe there is a shortage of building materials, but when I saw week after week the exchange of properties and agents making money and the proprietors of properties making huge profits—they did make huge profits during the war in buying and selling properties—I wondered what Government was getting from those exchanges. I am yet to know whether they have paid Income Tax on those profits, as they did not think of repairing their houses. Those frequent exchanges in the ownership of properties did not do us any good and, I think, the time has come when Government should carry out such a measure as is proposed. The new Landlord and Tenant Bill will come up in due course—you have promised, sir, that it will be in 1946—and I hope it will be debated and passed. But I do not see anything in this Bill that will be harmful to a landlord. What is amusing indeed is this: Although we had Elected Members of this Council during the year 1934, not one of them thought of protecting the tenants and poor classes at all. The Public Health Ordinance took away the right of tenants to sue for damages as the result of the landlords not repairing their houses. For ten years that went on and it has resulted in the general state of disrepair existing in respect of the houses in Georgetown, especially the tenement houses. I compliment the Town Council and the Government for endeavouring to meet the situation with the Building Scheme which is being carried out at Wortmanville. The need for this Bill is urgent now, and there is no harm in the Council passing it so that tenants will know where they stand. I heartily support this Bill.

Mr. de AGUIAR: I have listened to a number of heated arguments this afternoon regarding this Bill, and I do not think hon. Members will disagree that there is a lot to be said on both sides. In the discussion we have had, certain Members have introduced matters which to my mind will probably lead us to some confusion in considering this Bill. I have heard it said it is necessary to bring this Bill at once because a similar provision which existed in a previous Ordinance was allowed to lapse in the passage of another Ordinance. That may be true, but I have not heard it said, whether or not the provision in that Ordinance was allowed to lapse, that the Common Law right of the individual was taken away from him at the same time. When we are considering matters of this kind, we must be reasonable. We should not draw red herrings across the trail in order to bolster up a case and so put through a measure.

The Bill in itself looks very harmful. We are told it repeats something that had existed before. We are also told that it will be again lifted and included in another Bill which will come before Council very soon, at least some time during this year. That, to my mind, is just where the danger lies and, I think, the time is opportune to deal with it now that this Council has the opportunity to be favoured with the views of both sides on the question, otherwise what I fear will happen is that when the other Bill comes before Council hon. Members will be told that we are only doing the same thing we had accepted in Council not so very long ago, and there is no reason why we should waste much time about it. That is the position as I see it. If that reason is sound it seems to me, especially in view of the fact that Government is apparently not mindful to grant the postponement asked for, that we should proceed and see what is wrong with this particular Bill,

My first objection to this Bill will be, that I see no definition of a tenant. There is, however, a definition of a landlord. Who is a tenant? Am I to understand that if a person is living in a house and invites a friend or a relative to stay with him or her for a month or two and during that time an accident befalls that relative or friend, that person will be regarded as a tenant? Or am I to understand that that person will fall within the category of an inmate? To whom must the landlord be responsible? Must he be responsible to anybody who goes into the house? Who is an inmate, and what relationship must that inmate bear to the tenant so as to make the landlord responsible for that inmate? I see no provision in the Bill placing certain obligations on a tenant or an inmate as the case may be. I am in the happy position of not owning property of this kind. I do own property but perhaps a better class of property, and I must admit if anything is required to be done to the house I expect my tenant to inform me. Why should the obligation be placed on me, the landlord, to visit that house every day? Even if I did inspect it every day I would not discover some of its defects. A tenant must also have some obligation imposed on him. It must be remembered that clause 4 of the Bill is very wide, and that is where I think all the trouble comes in. It reads:

"4. Where the property or the person or the health of an inmate of any house to which section three of this Ordinance applies is, by reason of a breach by the landlord of the condition or the undertaking in the said section mentioned, injuriously affected, such inmate shall be entitled to recover damages from the landlord of the house in respect of such injurious affection."

I heard the hon. Member for Georgetown Central (Mr. Percy C. Wight) refer to leaks. I am going to put the proposition another way. If a landlord visits his house to-day when there is no rain he cannot see a leak, but if it rains another day and

there is a leak, and an inmate contracts a cold which eventually develops into something else, am I to understand that in such circumstances the landlord will be held responsible for the injury to that inmate? I cannot visualize that that is the intention of Government, but that would be the interpretation of this clause if it is passed and if a tenant or inmate sued a landlord for damages. Hon. Members have cited cases. I am not a legal man, but to my lay mind it seems that clause 4 is very wide. Some Members feel that it protects the tenant. I am not against that but it seems to me that it is imposing too heavy an obligation on the landlord, and one which in my opinion he will be unable to carry out. If a landlord cannot comply with this Ordinance when it is passed, what would be the result? He would always be faced with the possibility of being taken to Court and being mulcted in heavy damages.

I can pick a number of holes in the Bill. For example, there is no provision for a landlord to receive notice of an accident. A tenant may sustain injury as a result of a broken board in the floor, but says nothing about it until perhaps three months after when he complains that his leg was broken. I submit that there should be some provision that in such circumstances he must give notice to his landlord that he has suffered injury, so that the landlord might have an opportunity either to provide medical treatment for the tenant, if he desires it or ignore the matter. This is a one-sided contract, if I may say so, and I do not think the Council is justified in passing a Bill which only takes care of one side of the picture. I am in favour of protection being given a tenant, but at the same time I must see that the landlord receives his just due and not be called upon to pay damages which normally he should not be called upon to pay.

Certain extraneous matter has been introduced during this debate. One hon.

Member suggested that a fine should be imposed on a landlord who refuses to repair his house. I have heard nobody say that a tenant should be fined for damaging his landlord's property. We cannot provide for those things; those are Common Law rights. Let us see in what way we can afford protection to both sides. Some Members seem to think there is a great deal of urgency about this matter. The hon. Member on my right said that we should have had this Bill eleven years ago. I do not agree with him. I do not think a person ever loses his Common Law right. We should not allow a Bill of this kind to pass unless we are satisfied that both sides are being treated fairly. That is all I would like to say. I am in favour of the Bill but I cannot support it in its present form. We must protect the interests of the landlord as well, and I am perfectly satisfied that there is justification for such a step being taken.

Mr. SEAFORD: I have listened with great interest to all that has been said and I am quite satisfied that there is no Member here who does not wish to give the utmost protection to the tenant, but at the same time I feel that all Members here, even those who support the Bill in its present form, feel that some protection should also be given the landlord. As one Member has put it, there are good landlords and bad landlords, and good tenants and bad tenants. It has been pointed out that there is no provision in the Bill which protects a landlord if he can prove that he cannot repair his property because of lack of materials. There is nothing to protect him in the case of an action for damages for injury sustained by his tenant. It has been said that the Common Law would apply in such cases. I do not know.

I agree that there should be an obligation on the tenant to notify his landlord of any defect in his house in respect of which the landlord would be liable in the event of an accident. A landlord cannot examine his house

every day or every week. I know perfectly well that Government always endeavours to hold the scales evenly and to be fair to both sides. I therefore suggest that Government should not put the Bill through in its present form, because I do not think it would be accepted by the Council as a whole, and it would rob the tenant of the protection which it is sought to give him. Government should consider the points put forward by Members before putting the motion for the second reading of the Bill.

Mr. JACKSON: I am sure that anyone who has listened to this debate must realize that the Bill in its present form cannot be accepted by this Council. There is no doubt that there is need for the protection of tenants, but there is also need for the inclusion in this Bill of some measure of protection for landlords as well. It is true that another Bill will be introduced shortly which will cause this Bill to be repealed, because sections in this Bill will be included in the other Bill, but I think that this Bill should not be accepted by the Council in its present form. I think Government should invite suggestions from Members for amendment of the Bill and, as was done in the case of other Bills, there might be a conference between the hon. the Attorney-General and the legal Members of the Council, including the hon. Member for Central Demerara (Mr. de Aguiar), because I know he appeared in the role of a lawyer in connection with Town Council matters.

I do not think it is the wish of Government to rush this Bill through in its present form. I think there should not only be amendments but additions to the Bill so as to give landlords some protection. The Bill has been described as a one-sided measure. As a matter of fact it is one-sided in all its proposals, and I think it would be difficult to make proper amendments off-hand. In the circumstances a conference is absolutely necessary. I am in sympathy with the principle of the

Bill. There are certainly houses which should be demolished. There are landlords who have not been doing their duty by their tenants, and I know too that there are tenants who have not been playing the game. I should like it to be distinctly understood that I am in thorough sympathy with those who have to live in houses which are in a state of disrepair, and that I certainly wish them to live under better conditions, but I do urge that careful consideration be given to this Bill and every effort made to make it consistent with the obligations of landlords and tenants alike.

Mr. C. V. WIGHT: This matter has given rise to a certain amount of difference of opinion. Even on the Town Council there is a difference of opinion. Some years ago (I think it was about 1940) the Town Council wrote Government requesting the re-enactment of this section of the Ordinance. Government replied stating that the section would be re-enacted in a comprehensive Bill—a Landlord and Tenant Bill. Quite recently the Town Council wrote asking what was the position and Government replied that in the meantime this Bill would be proceeded with, and that the Landlord and Tenant Bill would be introduced later in the year. We are in the second month of the year, and later in the year might be December.

Personally I feel that there is urgent necessity for a Bill of this kind. The housing situation became more acute when certain landlords decided in order to obtain possession of their houses to remove both the front and back stairs and even the roof, and also to allow their premises to become so dilapidated that their tenants would be forcibly ejected. That, I think, was really the urgency for this measure, but other circumstances have arisen since. We have had Defence Regulations prohibiting building operations except by permission of the Control Authority. Building materials have to be obtained through that Board, and there is always the Rent Assessor's Court.

Quite recently there was a tenant before the Rent Assessor's Court who was obviously setting for an action against his landlord, at the instance and on the advice, unfortunately, of one who is well known. I think he worked at the Transport and Harbours Department where, I think, the letter to his landlord was typed for him to sign. In the letter he informed the landlord that his house was in a dangerous condition. It was not my case. I happened to be in Court and the brief was pushed into my hand. I was therefore able to exercise a certain amount of impartiality in the matter. The tenant informed his landlord that the steps of his house were in a very dangerous condition and called upon him to be warned that anything might happen. He even resisted action by the landlord to repair the house and insisted that he should remain in it. It was obvious what his intention was—that some inmate, probably a child, should slip down those stairs, and then he would bring an action for damages against the landlord.

On the other hand, there are landlords who have intentionally taken down staircases and ruined the condition of their houses in order to eject their tenants. The whole situation is tied up with several Ordinances and several Regulations. Under the Defence Regulations one cannot build a house without the permission of the Town Council and the Control Authority. There is no doubt that the scarcity of materials has prevented several landlords from repairing their houses. What, therefore, is going to be the position if this Bill is put into force immediately? Quite a large number of people in the City are living in houses which are not fit for human habitation. Are the owners of those houses to put them into immediate repair? When they go before the Rent Assessor is he going to give them immediate possession of those houses? If he does, where are the tenants to go? It seems to me that an equitable solution of the problem would be to pass this Bill at once but suspend its enforcement for a period of say three

months so as to enable landlords to put their houses in order. I hear a lot of laughter but I am not surprised, because those who laugh are largely interested. I do not know whether their properties are in a dilapidated condition. We should have this Bill passed immediately, and landlords would then know that it is the intention of those in authority to see that their houses are put into proper repair. The Town Council has made many closing orders which are not effective because of the fact that it does not desire to turn people out of their houses. They must have somewhere to live.

Government has started a housing scheme in Wortmanville which we hope will be completed in two or three months, and that is why I have suggested that period of postponement of the enforcement of this legislation. Under that scheme about 200 persons will be able to find accommodation in those houses, and that will relieve a certain amount of the present congestion. Rather than postpone the Bill let us pass it and suspend its operation for whatever period is agreed upon. I think three months would give landlords ample time and give the hon. the Attorney-General an opportunity to bring forward the Landlord and Tenant Bill. I think the immediate passage of this Bill would have the effect of passing sanction against those landlords who are deliberately endeavouring to turn people out of their houses in the teeth of the Rent Assessor.

There are, of course, amendments to be made in the Bill. Government is in possession of a petition from landlords. There is no doubt that a landlord is entitled to notice from his tenant of any defect in his house, and that should be distinctly stated in this Bill. Government has given its assurance with regard to the introduction of a Landlord and Tenant Bill, but it has not tied itself down to any specific time. That seems to me to be a serious omission. There is also the point that many small landlords may be ruined by actions for damages. The term

“landlord” does not necessarily connote wealth. One judgment will ruin a small property owner.

There is also the point to be considered that the Town Council may approach Government very shortly on a mandate from the people to grant exemptions from rates and taxes for a period in cases where new buildings are put up or improvements made to existing ones, as was done some years ago. The question will be considered at the statutory meeting of the Town Council on Monday.

The hon. Member for Georgetown South (Mr. Gonsalves) represents the district in which there is an Association which represents both landlords and tenants. How that is accomplished in this particular instance I do not know. If the Association has arrived at any decision the Town Council has not been informed of that decision. I speak subject to correction. The hon. Member may have been informed. I think that decision should be of some interest because the Association represents both landlords and tenants in the Werk-en-Rust and Wortmanville Ward. How it is going to be achieved in a Bill of this kind is very difficult for one to foresee. I think the suggestion I have made meets the views expressed by hon. Members who have spoken—that the Bill be passed and its enforcement suspended for three months.

Mr. PEER BACCHUS: I am going to move that the second reading of this Bill be postponed for six months. I feel that the Landlord and Tenant Bill should be ready within that time, and that an *ad hoc* Bill which protects only one party of a contract is not worthy of consideration. Any proposal for consideration should be one in which both parties are protected. As in this case, protection is required for the tenant and there should be the same for the landlord. The Bill has been rightly termed, a one-sided contract. If we are going to

make amendments to this Bill, I feel certain that we are going to encroach upon the provisions of the draft Bill which the hon. the Attorney-General has under consideration. It is certain that if one has to give security to both landlord and tenants the discussion must include the provisions of that Draft Bill and the hon. the Attorney-General is not prepared to discuss its provisions. I think this Council would be well advised to postpone the second reading of this Bill for six months.

Mr. PERCY C. WIGHT: I am going to support that, and I want to say that everyone here knows fully well—

The COLONIAL SECRETARY: The hon. Member has spoken once before.

Mr. PERCY C. WIGHT: I have seconded the motion and, therefore, I can speak, but you rule that I must sit down!

The COLONIAL SECRETARY: Yes; you will have another opportunity later.

Mr. LUCKHOO: I would like to make a few remarks on the Bill. In its present form the Bill is not acceptable for reasons advanced by several speakers, particularly by the hon. Nominated Member, Mr. Jackson, and the hon. Member for Central Demerara (Mr. de Aguiar). It appears to me that this Bill has to be knocked into shape. As it stands it does not place any obligation on the tenant in any form and, therefore, I think in a matter of this sort there should be mutual responsibility between the two parties. You have on the one hand the duties of the landlord and no corresponding obligation on the part of the tenant. The Bill is practically useless as it stands, because discussion on it will be an absolute waste of time. I agree to the suggestion made that a Committee of

the Council be appointed to go into this matter and report to this Council. The legal men who are Members of the Council should be appointed on it, and let them give their services in whatever direction amendments can be made. As it stands, I think the Bill is not acceptable and I rather prefer the motion moved by the hon. Member for Western Berbice that this matter be considered six months hence. That will give an opportunity for redrafting this Bill, knocking it into shape and trying to meet the various points raised by the various speakers.

Mr. PERCY C. WIGHT: I rise to ask definitely of you how you have ruled against me. There is a motion before the Council seconded by me. You have made a definite statement that I have spoken before and I have no right to speak again. I have seconded the motion for a postponement of consideration of this Bill for six months. You have anticipated what I wanted to say and ruled me out of order.

The COLONIAL SECRETARY: I ruled that you could not speak again on the Bill, but I would give you an opportunity of speaking again on the amendment. You cannot speak again on the Bill. That is how I understand it.

Mr. PERCY C. WIGHT: I do not question it, but I do not quite agree with you. With all due respect to you that ruling does not satisfy me.

The COLONIAL SECRETARY: You will have an opportunity to speak.

Mr. THOMPSON: I do agree that this Bill is necessary. I would certainly like to see in the Interpretation clause the definition of the term "tenant", because it is not clear to us as it stands. The tenant has his side of it and so has the landlord, but what I am worried about is this: Why should there be such a howl over the penal clause? Sufficient a man reads it he has

nothing to be afraid of. One hon. Member suggests prosecution and another suggests hanging. Neither will operate as long as the parties concerned keep within their proper spheres. I think, that with some amendment we can certainly have this Bill working right away. I agree that the tenants should report to the landlord the state of disrepair of his house. It is utterly impossible for the landlord to know the state of his house except those dwelling within it make a report to him. Then it is the duty of the landlord to visit his property as often as he likes. It is true that the children of tenants play in the yard and damage the property. Therefore there should be an obligation on the tenant to keep the place he occupies in order. We hear that building materials are not obtainable; but since the landlord still collects rent, an effort should be made by him to have the building in good condition or he should close it.

I know there is a shortage of houses in Georgetown. If a man is determined to remain in a house which is in a state of disrepair and the landlord makes it quite clear that materials are unobtainable to repair it, I think there should be certain obligations resting on that tenant for continuing his occupancy. If the landlord can prove to the letter that he cannot obtain materials to repair his house, it is his duty to make that perfectly clear to the tenant, and if the tenant still desires to remain in the house the landlord should be protected in that case. Only to say that materials are not obtainable and the landlord must go along collecting the rent is not good enough. So long as the landlord wants his rent he should make every effort to have the building repaired.

I do feel that if this Bill is put into effect it would create the urge to have the Attorney-General rising faster to the occasion in bringing forward the Landlord and Tenant

Bill. We need not postpone this Bill for three months later, but rather we should pass it and let it be operative. Landlords should be made to do what they could in the matter with the co-operation of the tenants. We have that Ratepayers' Association in Georgetown which has been referred to and in which the two parties are working together. That Association should be able to put forward something workable. It is useless the landlord going one way and the tenants another way, as they will certainly find themselves at cross purposes. Since that Association is operating, let the landlords and tenants get together and put something workable before this Council, and I am sure we will have a Bill satisfactory to all concerned.

The ATTORNEY-GENERAL: There is one thing which, perhaps, stands out, and that is practically all hon. Members agree it is desirable to have a Bill of this nature. In other words, it is fitting and proper to preserve the interests of the tenants who are paying their rent and particularly in these very difficult times when there is a great demand for houses and people are not able to get houses once they have vacated the ones they are in. I wish to express my personal appreciation of the criticisms which have been offered with respect to this Bill. No one pretends it is perfection, but I will emphasize that this Bill does nothing that was not done before, and all these criticisms which have been levelled against it are perfectly in order in relation to what had been on the Statute Books for all these years to which reference has been made regarding this offence. It existed as long as the life of the Local Government Board Ordinance, many years ago when conditions, I venture to suggest to hon. Members, were not as bad as they are today in relation to the buildings occupied by people. Consequently it is desirable, if we are to look after the affairs of the people, to see that

they are in no way victimised. On the other hand I appreciate the position of the landlord. Usually they are made fools of by tenants occupying their houses and not paying the rent, but that does not exist today. But where the landlords themselves fear they are going to be made fools of is by the tenants breaking window-panes and doing acts of that nature and bringing an action in the Court for damages against them through those defects. No honest or decent citizen should encourage or wish to encourage that, and least of all this Council should not by any legislation do that. It should do nothing even to make one begin to suggest that is the idea behind this Bill.

The whole facts are obvious and clear to everybody. Largely and fundamentally it is a matter of the economic condition at the present time resulting from the war and from the fact that there is a greater demand for houses than can be supplied. The result is that the landlords for practical purposes are in a stronger and impregnable position than the tenants. There are to one landlord about 500 to 600 tenants, because the property-owning public so far as houses go is very small as compared with those who have to rent houses. It is a different story where each person owns his own small house. There it is his business if he cannot get shingles to repair his house and he can take as long as he likes about it; but here we have a small percentage of persons owning property as against the large number who have to rent. Consequently you must have a howl where the landlords cannot get materials to repair their houses and where they can get materials but are not prepared to expend except a small fraction of the rents on the houses. We have to balance the picture. I appreciate to the full the criticisms which hon. Members have made, but it has to be borne in mind that many of those

points have a legal implication and are purely legal matters. So far as notice is concerned, there is a case I may refer to—the case of *Morgan v. Liverpool Corporation*:

“The tenant of an industrial dwelling house sought to recover from his landlords his medical expenses in damages for loss of work incurred by reason of an accident suffered by him when, in opening one of the windows of the house, as soon as he had unlatched the top sash it fell owing to the breaking of the sash cord and severely crushed his hands. He based his claim on the alleged failure of the landlords to perform their statutory obligations under the Housing Act, 1925, to keep the house “in all respects reasonably fit for human habitation” and alternately under the Increase of Rent etc. (Restrictions) Act, 1920, to keep the house in “good and tenantable repair.

“The presiding Judge of the Liverpool Court of Passage gave judgment for the plaintiff on the ground of the failure of the landlords to keep the house “in all respects reasonably fit for human habitation.

“Held by the Court of Appeal, Kings Bench Division, that whatever was the effect of the provisions of the above-mentioned Acts upon a landlord’s responsibility for the condition or state of repair of houses coming within the scope of those Acts (upon which, as implied to the facts of the case, the Court was not unanimous) it was a condition precedent to the liability of the landlord that notice of latent as well as of patent defects should be given to him by the tenant, whether or not the landlord had a right of access to inspect the state of repair of the house; and that the absence of such notice in the present case was fatal to the plaintiff’s claim.”

I only mention that to show the difficulty as to notice which had been referred to by hon. Members. The Court held that the landlord was not apprised as to the fact of the state of the house and consequently the tenant could not recover. The hon. Member sitting on my left (Mr. C. V. Wight) stated that it is desirable to put that as a matter for discussion but not to have it in the Bill. So far as that is concerned I have no particular objection.

The hon. Member mentioned the fact that there was a petition sent to the Government in that connection by certain landlords with regard to this Bill and they made suggestions along the lines indicated by the hon. Member. But one would quite clearly appreciate the fact that there is argument on both sides of the picture and, perhaps, it is more desirable to have the matter placed before the Council so that the various points of view can be expressed in order that Government will be in a position to know exactly the line which can be taken in respect of this matter. We want to be fair obviously to the landlord on the one side, and we want to be fair obviously to the tenant on the other side. Government wants to see each has his rights preserved and that no one benefits as against the other. Government wants to hold the scales evenly between both.

We have heard the expressions of views by hon. Members, and from those views one can conclude that the principle of the Bill is accepted, but it is admissible that there may be certain amendments which can be put in for its good working. So far as the Landlord and Tenants Bill is concerned, I said it will be presented shortly. I appreciate the desire of hon. Members that it should be put before Council as soon as possible, but I cannot give an undertaking that it will come before Council either in April, or May, or June, because having given an undertaking I will have to endeavour to do so. It is receiving attention, and I wish to give hon. Members strong assurance in regard to that. It will be put before Council some time during this year. But at the same time the houses occupied by tenants can be windowless or roofless as the case may be, and consequently, as the hon. Member for Western Essequibo has said, let us get along with this Bill to meet the difficulties and contingencies which are present. Having done that we can later have the all-embracing Landlord and Tenant Bill.

The hon. Nominated Member, Mr. Critchlow, asks why not have a fine imposed on the landlord. This is not a matter for a fine. It is a matter of contract entered into by the landlord and the tenant that if something happens in the course of the occupancy of the house and injuries are obtained either from the non-repair of the house or otherwise the tenant is looked after by way of damages and not by way of a penalty in that form.

Mr. CRITCHLOW: To a point of order! What I want to make clear as regards a fine is this: I was speaking in respect of those houses which are assessed at a certain rental value and the landlords are collecting more from the tenants than what is assessed as the rent.

The ATTORNEY-GENERAL: The hon. Member's point is not particularly appropriate to this Bill, but it will probably be dealt with in the comprehensive Landlord and Tenant Bill. It does not strictly arise within the four corners of this particular Bill. I think that the interests of all parties will be best served as the result of the suggestion which came from the Chair, that this matter should go before a Select Committee of this Council so that the various points of view advanced can be threshed out. In addition there are points which I cannot elucidate here for purposes of amendment. Certain points have been put forward on behalf of the owners of properties and also by the Wortmanville-Werk-en-Rust Ratepayers' Association which will receive full and serious consideration because the matter affects such a large number of people. It is rather a debateable point to bring the hammer down on one side or the other in a decision. It is perhaps not so easy. For instance, the landlords say the tenants should be made to pay for damages caused other than by wear. That tends to make it very difficult. I hope I have satisfied the

hon. Member that Government has those representations before it and they are receiving consideration. Now it is proposed by the President to ask this Council to agree to put this Bill before a Select Committee in order that the points advanced this afternoon can be elucidated and decided upon. I think that will meet all the objections raised to the Bill as it stands. I think that the principle itself is a worthy one, is desirable and ought to receive acceptance by hon. Members.

Mr. PEER BACCHUS: In view of the statement made by the hon. the Attorney-General, with the consent of my seconder, I withdraw my amendment.

The COLONIAL SECRETARY: The hon. Member for Georgetown Central (Mr. Percy C. Wight) does not wish to speak?

Mr. PERCY C. WIGHT: I thank you for the honour but I decline it. I am glad that on second thought you deemed it fit to allow me to speak.

Mr. GONSALVES: Permit me to follow on what the hon. the Attorney-General has said. He is correct in saying—and so far as I am concerned I accept what he says—that the Bill is accepted in principle. I am not disputing—

The COLONIAL SECRETARY: Is the hon. Member speaking on a point of order?

Mr. GONSALVES: No; I am elucidating the point of view of what has been said that the whole of this Bill be referred to a small committee in order to consider the same questions the hon. the Attorney-General referred to. No amount of discussion here will bring any solution and, therefore, I agree with the suggestion made.

Mr. LEE: May I be permitted to speak on the suggestion which has been

made? I would like to ask whether it is not possible to have the members of that committee selected now.

Mr. CRITCHLOW: I hope, sir, the members of that Committee will not be only Elected Members.

The COLONIAL SECRETARY: The question is "That this Bill be considered by a Select Committee with the view of the insertion of any necessary amendments which have come out as the result of the debate." I want to make it quite clear, that this suggestion will in no way postpone the Bill. It merely gives an opportunity for necessary amendments to be made in the Bill. I would like hon. Members to consider that. If it is agreed that it should go to a Select Committee I would announce the personnel now.

Mr. C. V. WIGHT: I would like to say something on that. I am going to lay the blame for this impasse entirely at the feet of Government, and I do so knowing full well what I say. The reason I say so is that we will have this Select Committee going into this particular Bill and there is a letter from Government to the Georgetown Town Council away back in 1940 in which Government stated: "The Landlord and Tenant Bill is being at present drafted." So I take it that the Select Committee, which is now to sit to deal with this Bill, will also deal with the Landlord and Tenant Bill which is being drafted since 1940 and this is 1946. I am not worrying whether this statement is correct or not, but what I am saying is that we are proposing to set up a Committee to discuss this Bill, and we ought to get ahead quickly with the discussion of that Bill which the Town Council was told in 1940 was presently being drafted. The Select Committee can discuss both Bills at the same time.

The COLONIAL SECRETARY: I am not suggesting that this Committee

which hon. Members wish to be appointed should consider the all-embracing Bill at all. The whole point is this: We want to do something quickly. The all-embracing Ordinance is going to take some time. It is going to be introduced in this Council in 1946, but no precise date I can give. We cannot wait any longer, is the opinion of Government. The Bill which has been introduced in the Legislative Council this afternoon does not find universal favour. Some Members have pointed out defects in it. The principle, however, is accepted and I now wish this Council to agree to go into a Select Committee, the Members of which I shall nominate now, and report in fourteen days. Then something will be done. We cannot afford to wait for the all-embracing Bill. We want the principle of this Bill to come into force now. When the all-embracing Ordinance is ready, then we will repeal this Bill.

I do not want any red herrings drawn across the trail. If we have failed in the past, let us put it right now. I do not think it will be proper to proceed with the second reading of this Bill as it stands. I am very anxious indeed, and also Government is very anxious indeed, to get a proper Bill enacted as soon as possible to meet the immediate emergency. There is no doubt in the minds of the majority of Members and in my mind that Government must be fair to balance the protection required for the tenants. I now ask hon. Members to agree to the appointment of a Select Committee to consider this Bill and no other Bill and to report within a fortnight.

Mr. EDUN: What I want explained is what is going to happen to the motion on the second reading of the Bill.

The ATTORNEY-GENERAL: We need not put it today.

Mr. EDUN: I am asking that it be put.

Mr. LEE: If I may be permitted, all hon. Members have agreed on the principle of the Bill. It is only a question of time and the wording which should be employed in respect of the Bill. Why not permit the second reading of the Bill now, and after the Select Committee has gone into it and reported we will then in the Committee stage make all the amendments necessary? I think that can be done. Proceed with the second reading and postpone further consideration in Committee.

The ATTORNEY-GENERAL: I appreciate the points made by the two hon. Members with regard to the second reading of this Bill. While we are all very anxious to have this Bill passed into law, yet at the same time we do not wish to find other issues put forward later, so that when we finally pass this Bill we know it is receiving the full support of everyone. We want to see protection given to the tenants without any undue trouble so far as the landlords are concerned. Therefore the point is, we are endeavouring to examine the points put up by the landlords so as to see whether those points should receive acceptance or be amended, or not accepted at all. Consequently, as hon. Members have agreed to the principle we only wish those points cleared up. I wish to emphasize that the defects pointed out in the Bill are not defects as the Bill is as it was before.

Mr. LEE: If it is to be as the hon. the Attorney-General, proposes when the Bill comes back into Council, each of us having already spoken on the second reading, we will not be able to speak again unless the Chair gives permission.

The COLONIAL SECRETARY: I will see to that.

Mr. LEE: We will not be able to say anything, but if the second reading is passed we can speak.

The COLONIAL SECRETARY: Hon. Members would be allowed to speak again.

The ATTORNEY-GENERAL: I beg to move that the Bill now before this Council be referred to a Select Committee to be appointed by the Chair.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

The COLONIAL SECRETARY: I appoint the Attorney-General as Chairman, the Hon. H. N. Critchlow, Hon. J. I. deAguiar, Hon. J. W. Jackson, and Hon. J. Gonsalves as members of that Committee.

It is now 5 o'clock and I adjourn the Council until Wednesday next at 2 p.m.