

# LEGISLATIVE COUNCIL

*Friday, 26th April, 1946.*

The Council met at 2 p.m. His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G., President, in the Chair.

## PRESENT:

The President, His Excellency the Governor, Sir Gordon James Lethem, K.C.M.G.

The Hon. the Colonial Secretary, Mr. W. L. Heape, C.M.G.

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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 the 25th April, 1946, as printed and circulated, were taken as read and confirmed.

## PAPERS LAID.

The COLONIAL SECRETARY laid on the table the following documents:—

- (a) Majority and Minority Report of the Committee appointed to consider and report on the extent, if any, to which it is desirable to shorten the hours during which licensed premises may be open.
- (b) Administration and Development of the Interior—Précis of papers and extracts from despatches, 1942-1945.

The COLONIAL TREASURER laid on the table the following:—

The Schedule of Additional Provision for December, 1945.

## GOVERNMENT NOTICE.

### ADDITIONAL PROVISION FOR DECEMBER, 1945.

The COLONIAL TREASURER gave notice of the following motion:—

That, this Council approves of the Schedule of Additional Provision for December, 1945, which has been laid on the table.

## UNOFFICIAL NOTICE.

### LICENSED PREMISES HOURS.

Mr. CRITCHLOW gave notice of the following motion:—

That, with reference to Legislative Council Sessional Paper No. 2 of 1946, this Council is prepared to consider the recommendations contained therein.

## ORDER OF THE DAY.

### SUBSIDIZATION OF COMMODITIES.

Mr. JACOB asked and the COLONIAL SECRETARY replied to the following questions:—

Q. 1.—How many articles of food and other commodities were subsidized since subsidization began to the end of 1945, with the amount spent on each article, each year separately?

A. :—	1942	1943	1944	1945
Flour .....	\$107,462.50	\$ 931,436.08	\$ 973,796.29	\$ 867,617.32
Split Peas .....		80,934.69	132,431.42	154,405.58
Cooking Butter .....		64,511.55	77,837.69	40,179.66
Condensed Milk .....	26,246.45	165,143.29	293,463.26	259,470.79
Cornmeal .....	5,062.68	11,326.12	9,778.07	10,789.91
Salt Fish .....		51,185.79	223,425.00	245,860.88
Pickled Beef .....		119,449.30	169,873.24	119,177.29
Margarine .....			1,323.97	8,845.47
Fresh Milk .....				86,810.70
Lard Compound .....				12,936.01
Fresh Beef .....		11,742.76	21,010.92	57,544.41
Edible Oil .....	13,173.37		8,925.34	
Diesel Oil .....	8,932.32	18,315.98	15,102.22	12,895.57
Gas Oil .....	16,480.64	45,377.84	19,490.23	37,552.35
Kerosene .....	3,365.46	2,369.36	169.35	91.35
Charcoal .....		8,638.18	14,127.92	18,578.08
Agricultural Implements .....		2,660.11	1,644.05	4,983.37
Mepacrine Tablets .....			7,126.85	
Gasolene .....	885.81			
Pit Saw Files .....		102.00		
Total	\$181,609.23	\$1,513,193.05	\$1,969,531.12	\$1,937,738.74

Q. 2.—How many articles are being subsidized in 1946, with the amount estimated to be spent on each article?

A. :—	Estimate, 1946
Split Peas—(discontinued 26.1.46)	\$ 1,988.51
Cooking Butter	75,000.00
Condensed Milk	113,400.00
Salt Fish	270,000.00
Pickled Beef	175,000.00
Fresh Beef—(discontinued 1.2.46)	7,748.92
Margarine	10,000.00
Lard, Compound	19,000.00
Gas Oil	40,000.00
Diesel Oil	10,000.00
	\$722,137.43

It is anticipated that in addition approximately \$18,000 will be spent to the 30th June, 1946, on maintaining the price of flour at 6½ cents per lb. retail, Georgetown, with consequential higher sale in country districts.

#### DELEGATES' EXPENSES TO W.I. CONFERENCE.

Q. 3.—What amount has been paid to the Members of the delegation to Barbados and St. Thomas, each member separately by way of—

- (a) Aeroplane fares,
- (b) Motor car hire,
- (c) Subsistence allowance, with rate per day,
- (d) Other expenses,

A. :—

## Barbados Conference, 1944.

	(a) Aeroplane Fares	(b) Motor Car Hire	(c) Subsistence Allowance (Actual Hotel Expenses)	(d) Other expenses (Out of Pocket Allowance Rate \$5 p.d.)
Hon. E. F. McDavid .....	\$126.32	\$19.58	\$ 97.50	\$ 95.00
Dr. H. B. Hetherington	126.94	2.50	105.84	85.00
Hon. E. G. Woolford	123.04		84.25	85.00
Hon. J. I. de Aguiar	123.04	2.50	70.25	110.00
Mr. G. O. Case	49.27	7.60	101.00	90.00
<b>Total .....</b>	<b>\$548.61</b>	<b>\$32.18</b>	<b>\$458.84</b>	<b>\$465.00</b>

St. Thomas Conference, 1946.

Figures not yet available.

## SIR GORDON'S TRAVELS ABROAD.

Q. 4:—What amount has been paid to Sir Gordon Lethem, K.C.M.G., on his trips to London and Barbados, each trip separately by way of—

- Aeroplane fares,
- Railway fares,
- Motor car hire,
- Subsistence allowance, with rate per day,
- Other expenses.

A. :—

	London	Barbados
(a) Nil.	(a) Nil.	(a) Nil.
(b) Nil.	(b) Nil.	(b) Nil.
(c) Nil.	(c) Nil.	(c) Nil.
(d) Nil.	(d) Nil.	(d) \$165.61 (two visits)—\$25 per day.
(e) Nil.	(e) Nil.	(e) Nil.

In U.S.A. and Canada on official business, cables, typing, etc.—\$55.95.

## SIR GORDON'S TRAVELS IN THE COLONY.

Q. 5:—What amount has been paid to Sir Gordon Lethem, K.C.M.G., on his travels within the Colony from 1941 to date, each year separately by way of—

- Aeroplane fares to the B.G. Airways, Ltd.,
- Motor car hire,
- Subsistence allowance, with rate per day,
- Other expenses.

A. :—	1941	1942	1943	1944	1945	February 1946 to end
(a) Aeroplane fares to the B.G. Airways, Ltd.	\$568.76	\$1,011.94	\$1,370.41	\$1,332.51	\$911.94	\$297.92
(b) Motor car hire .....	Nil	Nil	Nil	Nil	Nil	Nil
(Travelling allowance) .....	\$ 84.72	\$ 651.76	\$ 568.29	\$ 428.33	\$600.00	\$100.00
(c) Subsistence allowance	Nil	\$ 647.14	\$ 800.00	\$ 438.35	\$450.00	\$782.00
(Rate per day)	—	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 20.00
(d) Other expenses	Nil	Nil	Nil	Nil	Nil	Nil

## BILLS—FIRST READING.

The following Bills were read the first time:—

A Bill intituled "An Ordinance to apply the provisions of the Income Tax (Amendment) Ordinance, 1944, to assessments to the tax in respect of the year of assessment nineteen hundred and forty-six, and to amend the Income Tax Ordinance, Chapter 38, to provide for the making of Regulations by the Governor-in-Council with respect to deductions for exhaustion, wear and tear of property."

A Bill intituled "An Ordinance to amend the Excess Profits Tax Ordinance, 1941, with respect to the standard profits of a trade or business and other matters relating to Excess Profits Tax"—(The Colonial Treasurer).

A Bill intituled "An Ordinance to amend the Customs Duties Ordinance, 1935."

A Bill intituled "An Ordinance to amend the Tax Ordinance with respect to the annual duty payable by a person or company or the agent of a person or company carrying on accident insurance business."

A Bill intituled "An Ordinance to amend the Transport and Harbours Ordinance, 1931, by abolishing the Board of Commissioners constituted thereunder and vesting in the General Manager all the powers now exercised by the Board."—(The Attorney-General).

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

The PRESIDENT: With reference to the procedure in respect of these Bills now read a first time, we can proceed to the second reading of any of them today, but as I have had representations made to me with regard to the Excess Profits Bill I do not propose to proceed with the second reading. We can proceed, however, with the Income Tax Bill.

## ORDER OF THE DAY

## GOVERNMENT PRINTING CONTRACT.

The COLONIAL TREASURER (Mr. McDavid): I beg to move—

"That with reference to Governor's Message No. 18 dated the 25th March, 1946, this Council approves of the Printing Contract entered into with the Argosy Company Limited on the terms and conditions set out in the Message."

I am very glad indeed to be able to bring forward this motion today so soon after the disastrous fire of the 23rd February, 1945. Most people appreciate the fact that the Argosy Co. Ltd., have been able to revive and start again as Government contractors. I referred in this Council to the very notable part the Argosy Company have played as Government Printers. It is said that at one time they were regarded almost as a public department. One of their officials (now deceased), I refer to Mr. Ross, certainly was almost a public officer. We have been able to come to terms with the Argosy Company now that they have reconstructed their premises and their machinery are to arrive. Government has made a contract with the firm subject to ratification by this Council. The terms of the contract I consider extremely favourable from Government's point of view. They provide that the contract should extend over a period of five years from the 1st April and the total payment made under the contract should be \$280,000. The payments for the first year and the second year would be \$65,000 and for the last three years of the contract at the rate of \$50,000 per year. That is the basic term of the contract.

Here I want at once to say why I think it is such a favourable contract from the Government's point of view. For the period February, 1945, to December, 1945, Government has had to pay out a sum not less than \$97,000 to various printing establishments which we had to bring in to carry out public printing during that period, and for the period of three months—January to March, 1946—Government has already paid out \$27,000. Therefore, a new contract on the basis of an annual payment of \$65,000 for the first two years and \$50,000 for the last three years must be regarded as completely favourable, when it is considered that

the item covered by this contract embrace practically the whole field of public printing. If we compare the cost under this contract with the cost of establishing a Government Printery we would see that we are now doing a good thing. We can only gauge the cost of running a Government Printery from what is happening in Trinidad. In that Colony there is a Public Printing Service and it is noted from their estimates that Department in 1944 cost \$176,000 and for 1945, a sum of \$193,000. That is entirely exclusive of any charge for the pensions of the very large staff employed.

A special feature of the contract with the Argosy Company is set out in paragraph 3 of Your Excellency's Message. In view of the very heavy expenditure which the Company has to incur in setting up its printing establishment, the capital expenditure, it has been arranged with the Company to make an anticipated payment under the contract in the first year up to a limit of \$100,000, free of interest, and the balance of the contract sum, that is \$180,000, would be spread over the remaining four years. I have heard the criticism that this advance is being made free of interest. Well, there is very little in that, because obviously had we insisted on charging interest, apart from the complexity of the arrangement, it would simply have meant that the Company would have been charged a little more. In other words, we would have added the interest charge to the \$280,000 covered by the contract. It is certainly simpler to arrive at a lump sum and give them such advances as they require against it free of interest.

Since it is an advance and will be an advance in the first year, Government has also arranged that the advance be covered by adequate security. I may state, as mentioned in paragraph 4 of the Message, it would take the form of a floating debenture or charge on the new premises constructed by the Argosy Company—I should say, on the premises and all the machinery installed

or that will be installed in the premises—during the life of the contract. Since these premises are not on freehold land but on land leased from the Hon. Percy C. Wight, it is also arranged that the Company and Mr. Wight agree at the instance of Government that the lease be assigned to Government if required. I maintain this is a favourable contract, and I would ask this Council to ratify it. It does not have effect until this Council passes a resolution ratifying it. I beg to move the motion standing in my name.

The COLONIAL SECRETARY (Mr. Heape) seconded.

Mr. ROTH: There has been quite a lot of adverse criticism about this contract, but I personally, having listened to the very lucid explanation of the hon. the Colonial Treasurer, think that in the circumstances it is a very reasonable and fair one. I am prepared to support the motion.

Mr. EDUN: I do not think I can support this motion until certain facts have been placed before this Council. I want to make it clear that in a matter of this kind I am going to speak very frankly and, I trust, I will not hurt the susceptibility of anybody when I do so. I am not concerned with the individual, but I am concerned most definitely with the principle involved. I have heard the hon. Mover making comparison between the cost of public printing in Trinidad and that in British Guiana, but I would have preferred to have secured from him figures of the volume of printing in that Island as compared with the volume in British Guiana, and the quality of the printing there as compared with that in this Colony. Without that information I think Government expects the Members of this Council to be led by the nose in ratifying a contract about which they have not got all the information.

I consider this contract a kind of new pattern of lend-lease, for I am not aware that during the interval Government took any opportunity to have an

open tender or to ask every printer to tender for a contract of this kind. I feel sure that if Government had done so in the interest of the Colony the printing firms would have been able to undertake this contract. Having stated that I am not concerned with the individual but with principles in so far as affecting the economy of this Colony, if I am to take the dilatory method in which printing has been done in this Colony in the past previous to the fire, when even the Debates of this Council were not printed and a hundred and one excuses were made that this could not be done or the printers could not do their job, then up to now we are in a state of loss concerning printing.

It is unfair for the hon. Mover to tell us that this contract is the cheapest or best in the interest of economy. I have seen that the Argosy Company have been printing for this Government for a period of thirty-five years. While there is that concern about an attachment between two persons and, perhaps, two units—for instance, 35 years of contract between this Company and the Government is something not to be dispensed with and with which I agree—if in the interest of better printing facilities, better quality printing, we have not explored every avenue to get the work done, it would be unfair to say this contract is the best this Government could have secured. See what we are doing: We are actually handing to the Argosy Company \$100,000 without interest between the time when this contract is signed and the 31st December, 1946, and thereafter we will be paying them \$3,333.33½ per month for 4½ years. What guarantee is there that the volume of work for Government will not increase, that there will be more efficiency than previous to the year when the fire took place? We have no guarantee at all, and to ask us to vote for this *carte blanche* contract and to give away the taxpayers' money is asking us to do an unreasonable thing.

Am I to understand that the contract has been signed and that the funds have been already paid out? I have

noticed that the Printing Committee has stopped giving out work, and the work is now being done by the Argosy Company. Is that work being done under the old contract, or this new contract has been entered into some months ago? That is one of the things I intend to take singular exception to. Government should always take this Council into its confidence in a matter of this kind. Government would have then obtained excellent advice in order to secure better printing facilities than hitherto. We have been complaining all these years about the printing of the debates of this Council. I expected the hon. Mover to tell us something about the printing of the debates and when this contract will be entered into. Without these guarantees I do not think Members will be justified in buying a pig in the pork. Would it be justifiable on my part to ask for the necessary guarantee, that I should see the contract and see whether clauses are there to guarantee the quality, the degree of the work, the quantity of the work, etc.? Up to now I do not believe that we will be able to get anything practically done about the printing state of affairs in the next year with the Argosy Co. Ltd. I think Government is going out of its way to create a precedent which can be easily followed by every industry. I would not have expected the printing industry, being not a pioneering industry, to get Government to hand out advances to it. The printing industry in British Guiana is a well established one and any printing firm can go to Government and say "I can do your work and do it efficiently." I see Government is seeking to carry out the old contract and is telling us about comparison with Trinidad. The only way I can accept comparison with Trinidad is if I get the figures.

I have often raised the issue in this Council that Members in the Executive Council have used their position to benefit themselves. I do not want to raise that issue now, but the whole country is talking about it. It is being bruited all over the town that

because certain Members are in the Executive Council this thing is being done. Why should Government open itself to suspicion and criticism in a matter of this kind without putting the whole facts to the whole country. If Government feels to do these things and to allow the people to be led away with suspicion, then it is Government's mortification, but so long as I am a Member here it is my duty to see that all these contracts entered into are in the interest of the taxpayers and that Government is not handing out money like this without getting guarantees that the work will be done and that efficiently too. Time and again we have quarrelled in this Council that we cannot get things printed. In every progressive democratic country you get the debates of the Legislature printed. It is the first essential ingredient in democracy, but here we do not get to see what we have said for months and we have to depend on our intelligence and memory. Is that fair to a Member of the Legislature? Then the hon. Mover comes and says this is a good contract, an excellent one indeed. But I want to see who and who had tendered, which and which Printing Company had tendered to do the work and whether those other tenders are not more favourable to this Government than this one.

I certainly feel sorry for the *Daily Argosy*—sorry in the sense that it has reached the stage when it can no longer have the confidence of the masses of this Colony. Whatever the *Argosy* says from now on will be considered as nothing short of Government's opinion, standing as it is between Government and the advertisers in its columns, as it were between the devil and the deep sea. I do not know what will happen to this old institution which stood up for the common people. Ever since Your Excellency came to this Colony the *Argosy* has done everything possible to assist in creating a public opinion favourable to the masses, but now it will be degenerating into a mouthpiece of the Government of this Colony. It is pitiable indeed. What is there to prevent the *Labour Advocate*, a news-

paper which is doing service for the common producers and trying to make two ends meet, coming to Government and saying "We want \$10,000. You have lent the *Argosy* money, why shouldn't you lend us some to carry on our work in the interest of the common masses?" Where would it all end? If Government were lending \$280,000 for the purpose of harnessing one of our waterfalls so as to provide hydro-electric power for the establishment of industries in the interior I would be the first to vote for it.

In this case Government is tinkering with the printing problem. I thought it would have shown some little vision and seized this opportunity to emulate the Trinidad Government by establishing its own printery, but it appears to me that Government does not trust its own officers to carry on an establishment of that kind. No one will be misled by the hon. mover's intimation that the Colony will simply advance the Company \$100,000 as a first payment, and \$65,000 per annum over the next four years. In comparing this ideal contract with the Trinidad Government Printery I would have expected the mover to tell this Council the volume of the printing and so on.

One thing we have to guard against in a country like this is a monopolistic tendency among newspapers. We have the capitalist newspaper, the *Guiana Graphic*, which is a wealthy concern, the *bourgeois* newspaper, the *Daily Chronicle*, another wealthy concern, and the *Daily Argosy*, a semi-Government concern. The poor masses are left in the air. If we ask the Executive Council for assistance in a scheme for the education of the masses all sorts of obstacles are put in the way, but in a case of this kind a Member can pull strings.

The COLONIAL TREASURER: I think it is quite unfair and unnecessary for the hon. Member to impute to any Member of the Executive Council the origin of this particular contract. It is not so at all.

Mr. EDUN: I do not say it, but of the Colony that Government should the whole Colony is saying it. Isn't it enter into this contract, having regard true that a Member of the Executive to the circumstances, I would support Council has been promoted to the position of a Judge. These things cannot the motion, but at the present moment be hidden. You cannot stop the common people from talking these things. I am definitely opposed to it.

When you open yourselves to suspicion who can blame the people? I am sorry for the Argosy Co. I regret that the Hon. Percy C. Wight is not in his seat this afternoon. I remember very well indeed his statement in this Council that he was an old man who spent money liberally. I retorted on that occasion that money was not the criterion. In this case I think the Hon. Percy C. Wight and Mr. Oscar Wight could have got all the money they needed from the local Banks. I think they have sufficient financial influence and sufficient security to offer any one of the insurance companies for any sum of money they wanted, but because it is easy to fool the Government and get the best terms without any guarantee they have done so. I do not blame them for it. If I could do the same thing I would be a fool if I did not do it. I am definitely opposed to this motion, and without the whole facts being placed before the Council I think Members should not vote for it.

With your permission, sir, I would like to ask a few questions which I have tabulated for convenience sake, so that the hon. mover may be able to reply to them in due course. I hope I have your permission. May I read these queries, sir?

The PRESIDENT: Yes, read them.

Mr. EDUN: These are the queries I would like the hon. mover to answer:

(Questions not printed).

I shall place a copy of those questions in the hand of the hon. mover and suggest that the debate be adjourned so as to give him an opportunity to answer them. If then it is seen that it would be in the interest

Mr. JACOB: I see that there is a depleted Council. The interested parties in this matter are not here; perhaps they are absent for very good reasons. This motion was not on the Order Paper yesterday, and I think everybody knew it was coming up today. I am embarrassed in this matter. I feel that as Members of this Council those who are interested in this contract should have acted in a different way. I think the independence of the Press should always be maintained, and I have always heard that British Guiana had a free Press. It happens that the contractors are also the publishers of a newspaper, and I think Government has blundered in entering into a contract with a firm which publishes a daily newspaper. Public opinion must hold sway in matters of this kind, and I think that public opinion is not at all in favour of this proposal.

I am disappointed to think that the Argosy Co., a firm which I believe has a good financial standing, should have gone out of its way to secure an advance of \$100,000 from Government when it could have obtained that money outside at possibly 4 per cent. interest. I think Government should have suggested to the Company to borrow the money elsewhere and not embarrass themselves and Government in the matter. I am speaking purely on a matter of principle. I have no feeling in the matter at all, but I think a dangerous precedent is being created because as has been suggested by the previous speaker, others might ask for similar concessions. What would Government say if they did?

I have known of cases in which Government was asked, for instance, to purchase several properties to be run on a co-operative basis for agricultural purposes, but Government refused to



advance the money in spite of good security offered. In this case Government has gone out of its way, without enabling legislation, to lend money to a Company without interest. I think it is most improper. A dangerous precedent is being created, and the independence of the Press is in question. The whole thing is wrong in principle, and if it is not too late it may be wise for the Company to take another course.

I was very interested to hear the remarks of the hon. mover as regards the cost of printing in this Colony and in Trinidad. I do not think we have any printing at all in this Colony. The debates of this Council are not being printed, and the Administration Reports are printed almost two years after they are written. I have asked question and I have spoken to the Administrative officers, but I can get no satisfactory replies. We are told that the contract is for \$50,000 as from this year. I observe that the actual expenditure in 1942 was \$42,000. We are now to pay \$50,000 per annum. I do not grudge the Company this money at all. In fact I think the cost of printing charged by the contractors is very reasonable. I do not think that if Government had called for tenders it would have got a better tender than \$50,000. I am not questioning the amount at all, but I am questioning the work that will be done for this money.

With the printing of the debates and reports in a backward state, what is the position? I do not know how the cost is computed, but I have an idea that since the fire Government has had to pay a great deal more for printing. While as a matter of principle Government should have called for tenders I am not certain that a better bargain could have been struck, having regard to the fact that the *Daily Chronicle* is practically owned by the people who own the Argosy Co. I do not think that is a secret, and I do not think the *Chronicle* would have submitted a lower tender. In fact the three firms which are able to do this work might have

arrived at some agreement and the position might have been worse. So I say that in this small Colony, with the three printing establishments publishing newspapers, it would have been far better if Government had not agreed to advance money in this way to the contractors. The hon. the Fifth Nominated Member (Mr. Edun) has made several points, some of which were very good indeed. I think Government has blundered very seriously in agreeing to what it is now attempting to put through.

The COLONIAL TREASURER: I am not going to attempt to answer the rhetorical questions which the hon. the Fifth Nominated Member (Mr. Edun) wrote out, because I would just like to say with reference to the majority of them, that we are not, of course, purchasing the Argosy Co. We are merely doing what we have done for the last 35 years, and that is to enter into a printing contract. I cannot understand why it should be considered that one of the parties to that contract should have recourse to the private information in the Argosy Co.'s books. The hon. Member did, of course, make one or two good points when he spoke of his anxiety to know the quality of the work which would be performed under this contract, and he also criticized me for not having compared the volume of printing in this Colony with that in Trinidad. As regards the quality of the printing I am quite able to say that the quality of the work produced by the Argosy Co. before the fire was second to none. We have had printing done for Government Department and this Council which, in my experience, was the best I have seen. Certainly I can tell the hon. Member that the work produced by the Government printing establishment in Trinidad is not by any means up to the standard of that produced by the Argosy Co. before the fire. I cannot, of course, say what the quality is going to be under the new contract, but I venture to hope that as soon as the Company's new building has been com-

pleted and their plant has been set up we should, in keeping with the Argosy Co.'s well known standard, get as good if not a better quality than we did before.

As regards volume, Trinidad, of course, is a bigger Colony than ours, and I do not know whether there is more printing work to do, but on the whole I should say that the volume of printing cannot be very much greater in Trinidad than it is here. At any rate the figures I read to the Council as to the cost of the Government printing establishment there are certainly alarming. I am quite sure this Council would not welcome a proposal to set up a new Department here which would run us into an expenditure of \$196,000 a year without the necessary pensionable provisions.

The hon. Member also asked why weren't tenders not called for? Tenders were not invited because we knew beforehand that no printing establishment in Georgetown is equipped to carry out the Government printing. No printing establishment could do the work unless they were prepared to re-equip from top to bottom. During the long number of years the Argosy Co. had the contract—they lost it in my recollection once—the *Daily Chronicle* tendered and were awarded the contract but gave it up before the period was up. They could not handle it, and today the hon. Member well knows that it takes about 15 printing establishments in this Colony, of which the *Labour Advocate*, his own firm, is one, I believe, to produce very unsatisfactorily the work which Government requires to be done. No firm, I repeat, is equipped to tender for the Government printing, and as the Argosy Co. were prepared to re-equip their establishment from top to bottom it was the obvious thing to do to enter into an agreement with them.

The question of the printing of the debates has been brought in. We all know that the printing of the debates

has got into arrears, but I do not think it is quite fair to blame that on the Argosy Co. All the other work given to the Company was well done and done in time. There are many causes which led to the delay in the printing of the debates, but it should not be held up again.

The other curious thing which was brought into the debate, and which I considered very irrelevant, is the fact that the contractors are publishers of a newspaper. I do not quite understand how we could be criticized for not having called for tenders when it is quite obvious that the only people in the Colony who can tender are the people who produce newspapers, and I do not think it is necessary at all to import into this argument the suggestion that because one firm contracts with the Government for printing, the policy of its newspaper is necessarily going to be impaired. I cannot see the connection at all. In the 35 years of the Argosy Co.'s contract I do not think for a moment its newspaper policy was changed because of the fact that they were the Government printing contractors. At one time I recall that the *Daily Argosy* was the most virulent critic of the Government, even more so than the *Labour Advocate* is today.

I think it was the hon. Member for North-Western District (Mr. Jacob) who said he could not understand why the Argosy Co. did not go into the market and obtain what financial assistance they needed. It is not for me to say what the Company could have done. They asked for this advance and they have been granted it under the contract, with what I consider adequate security. It is obvious that if they could have obtained money in any other way they would not have taken the trouble to issue a floating debenture. As the Company were prepared to enter into a fairly long contract of this nature I think their claim to an advance is a reasonable one.

Lastly, the hon. the Fifth Nominated Member (Mr. Edun) spoke of guarantees. Well, this contract does have provision for guarantees, as do all contracts. If the Company fail to carry out the provisions of their contract certain things will happen. Certain sureties have signed the contract which provides that if the Company fail to do any of the work Government would have the right to call upon others to do it and charge the Company with the expense. Every contract of this nature has such guarantees, and I do not think the hon. Member should have any fear that if there is a failure on the part of the Company those guarantees would not be enforced. I consider that Government has made a very good bargain, and I commend the motion to the Council.

Motion put and the Council divided and voted:

For: Messrs. Thompson, Roth, Jackson, Jacob, Peer Bacchus, Austin, Critchlow, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—10.

Against: Mr. Edun—1.

Motion carried.

#### ACQUISITION OF BOOKERS COOPERAGE PREMISES.

The COLONIAL TREASURER: I beg to move—

That with reference to Governor's Message No. 19 dated the 6th April, 1946, this Council approves of the acquisition of the premises at Lot 1 and 2, Cummingsburg, Georgetown, known as "Bookers Cooperage" for the sum of \$180,000.

I am also pleased to be able to bring this motion before this Council. I recall that many years ago the management of the Transport and Harbour Department was very anxious indeed to acquire these premises, and negotiations were actually started with the owners for the purchase. I cannot, however, recall why those negotiations were never concluded. I believe that possibly

the acquisition by the Department of that section of river frontland known as the old Abattoir from the Georgetown Town Council may have had something to do with it. Following that, the larger issue of purchasing the Cooperage premises had to be postponed. Hon. Members who know that site will, perhaps, appreciate that the interposition of Bookers' Cooperage between the Railway Goods yard and the new acquisition from the Town Council is a very unfortunate one for the Department. As Mr. Rooke has said, the whole lay-out of that area, as wharfage and railway goods terminus and as the site where the workshops are situated, is entirely spoiled by the fact that the buildings and land are not continuous. I will refer hon. Members to the Minute by Mr. Rooke on this subject and particularly to paragraph 1 where he advises, with the greatest emphasis, that the Cooperage premises should be acquired whatever the circumstances. The point about the use of the words "whatever the circumstances," as he told me, is that whether the railway is abandoned or continued it would be the best thing for the Government to hold the whole of that river front site; whether we transport traffic along the East Coast either by road or rail, it is very desirable that Government should have the whole of that river front premises adjoining the railway terminus.

Your Excellency's Message refers to the very much more long-range policy of a Government wharf for ocean-going vessels at the railway goods yard. That is something we would all like to see. It may come in the future. It is curious that in Georgetown Government has no deep water wharf at all. All such wharves are privately owned. I think that the purchase of these particular premises and the re-arrangement of the railway terminus would be the beginning to provide Government with a proper wharf for ocean-going vessels. The purchase price, as stated in the Message, is \$180,000 with certain items excluded. I think when that money is spent,

if the motion is passed, Government will acquire a very valuable asset and the acquisition will increase the value of the area which Government already holds. I may say the new General Manager entirely supports what is recommended by Mr. Rooke. The decision for the purchase was arrived at before his arrival, but he gives the purchase his entire support. I beg to move the resolution standing in my name.

The COLONIAL SECRETARY seconded.

Mr. JACOB: I am glad to know that Government intends to do something constructive at this late stage in putting our transport system on a better basis. I have not been able to see the report of Mr. Rooke. I do not know if it has been printed, but I see extracts from it in Your Excellency's Message, No. 19. I have criticized this Government very seriously in the past, and I will continue to criticize Government. Here it is, you have an expert coming out here and advising—I shall read the particular paragraph with reference to this matter, paragraph 5 of Your Excellency's Message, sub-paragraph (2—)

“The general lay-out of the Railway and Marine workshops, together with the Traffic Yard, and all taken together with the wharf or jetties, is shocking. If anyone had expressly set out to model conditions which would produce the greatest difficulties, congestion under any sudden peak, expense in working and general disorder, he could not have succeeded better.”

No worse indictment can be laid against Government in such a matter than this, and written by an expert who ought to know his job. This Department has failed, as I have often called it a bankrupt concern, for many years. Soon after it was taken over by Government it became bankrupt. There you have titled officers with large incomes doing things all over the place and not doing them in a proper way, with the result that the whole Transport Department is to have a general re-modelling and is to be controlled by a single individual

with possibly no responsibility. I have criticized the Board, which was a Government Board so to speak with the Colonial Secretary up to recently as Chairman and with Government “Yes” men. That is according to Government's policy. Here we have an expert coming and telling us that if we had wanted to do something to create disorder, to create havoc, to create all kinds of unworkable and shocking conditions, we could not have succeeded better, and Government says “Very well, we will adopt this recommendation.” The hon. Mover referred to the fact that this recommendation was made some time ago, but for some reason Government did not buy. When that reference was made, I was particularly struck by the recent fact of a commercial concern giving Government land to carry on business while Government goes out of its way to rent land to carry on its own business. That is how this Government has been working and continues to work.

I am a little surprised that Government has now come before this Council and asked for permission to buy Bookers' Cooperage premises. Possibly Mr. Rooke's strong criticism is responsible for this. This Government will have to change its policy, if it wants to earn the confidence of the people, and if it wants this Colony to progress. The Transport and Harbours Department has lost over £1,100,000, more than the whole concern is worth. I think it may be possible for larger sums to be lost in the future unless care is taken to see that the whole concern is properly managed. I do not know if it is the intention to take the Bill today, but if that is so I would reserve my remarks. I will not be present on the next occasion and I will certainly like to say something on that Bill.

The PRESIDENT: It is our intention to get through the Bill!

Mr. JACOB: I am not going to say very much on this motion because I think it is the right step taken at a late stage. As I said, we do things but

at the wrong time. If you acquire the premises it is the best thing, but it must be satisfactorily managed. That, I am certain, is not being done. With regards to the cost, I am not in a position to say what the premises are worth. Government's experts and the sellers have agreed on a price, and I have no comment to make on that. I trust it is a good bargain. Whatever the price, whatever the circumstances, I agree that it is the best thing for Government's transport system to have an outlet to the river. Government did not see that before, otherwise it could have negotiated for it when conditions were different. Bookers' Cooperage has been in a very dilapidated condition for years and years, and Government may have been able to purchase it at a very low price then instead of doing so today at an enhanced price. Government is not so much concerned about the price as it is with the site, and it is understood that once a site is wanted for a particular purpose one may pay ten times the value of it. I think the site is an excellent one and Government should acquire it.

Mr. EDUN: In this case I am wondering whether we are not putting the cart before the donkey. I am of the opinion that the first step should have been to get the Transport and Harbours Department in a better position and after that it would have been the right thing to see what extension is needed. I have been just reading Your Excellency's despatch on the expenditure of £1,000,000 on the whole Department. I think it is justifiable. Despite whatever anybody may say against the Transport and Harbours Department, I am going to make this statement that the wonder is how the railway is running and the steamers are sailing. Our boys in that Department did a very good job in taking raw pieces of iron and making them into proper instruments to work with during the war. If we are thinking of reconstructing the whole thing, I feel sure that the question of an outlet to the river is an essential thing, I agree with the last speaker that it is not a

question of money that is involved. That is a matter for the experts. But I am a bit doubtful whether I would support this expenditure, if, I am to understand, there would be no railways but road traffic instead. I was a bit disappointed in mind when the hon. Mover said "Whether there be a railway or road transportation the site would be a necessity." That is all well and good, but it would be a sorry day for whoever endeavours to scrap the railway in this country. As a matter of policy, we the civil people, have the right to determine that, whatever the expert may say. We must have a railway. We must have it going and properly constructed. I agree with Your Excellency's despatch for \$5,000,000 for the reconstruction of the whole Department. If Government feels that we may have to work on that site for the railway I would support the purchase, but if it is for road transportation I would not support it. If we must have the railway and we must have the site, then you would have my vote in support of it.

Mr. deAGUIAR: I have risen to support the motion, but I would like to say that I do so on the specific case before the Council. I do not wish it to be understood that I am in entire agreement with Government in the purchase of property wherever and whenever it chooses. I accept the motion in this particular instance because there is no doubt that the premises are exceedingly good for the purpose intended and, in my opinion, the price is not high. I have also risen to support particularly the remarks made by the last hon. Member who has taken his seat and to join him in the view he has expressed that Government will at no time consider—I am bold to say—the question of scrapping the railways in this country regardless of any advice which may be given by whoever comes to this country. The railway is too important to an undeveloped place like this to think of scrapping it. You only have to look around and see what happens in other parts of the world. Railways are becoming obsolete and roads are taking

their places, but it is an equally important fact that with development the railway is a natural thing to follow. We must not do that.

Another reason I have for supporting this motion is this. Now that the Government has decided to purchase this property—a purchase in my opinion long overdue, as I think it was suggested before but for one reason or another nothing came out of it—it seems that Government may well consider releasing lands that are being held for a long number of years, I was told and am still being told, with the object in view of providing all sorts of things for the railway. I refer to the lands at Kitty. I have made representations in this Council time and again, and on quite a few occasions I was told that the lands there were being held because it is hoped at some future time undetermined to utilize those lands for the purpose of providing goods yard, terminus and all sorts of things. With the purchase of this site, in my opinion, it is more useful than holding on to the lands I have just mentioned. It seems that Government may well consider what will be the fate of those lands and of the people who at present occupy them. I do ask that, if this motion is passed in this Council, Government would consider this question again in the light of the decision taken today on this motion.

The COLONIAL TREASURER: I never seem to get wisdom in this Council. In moving the Council I either say too little or too much. My only reason for referring to the railway is to explain what Mr. Rooke means by "Government should acquire the Cooperage whatever the circumstances." I do know, having seen Mr. Rooke's report, he was bound to hold on to the possibility of the railway's abandonment. Any expert on transportation in these modern days has got to visualize the possibility of cessation of a railway of sixty miles on the East Coast, Demerara, and eighteen miles on the West Coast Demerara, for other forms of transportation more efficient. I only

mentioned it to explain what Mr. Rooke meant. I am interested to learn that some Members of the Council say the railways must be carried on whatever advice is given by the expert. That is not the question before this Council today. If and when that question should arise, notwithstanding and advice, we must have the first railway built in South America live forever. I am very glad that the motion has met with such a hearty response, and I thank Members who have supported it.

Motion put, and agreed to.

The PRESIDENT: We have now got through the immediate agenda. As I said, we propose to take the second reading of some of these Bills with the consent of Members, but I do not propose to take the second reading of the Excess Profits Tax (Amendment) Bill. I know the hon. the Colonial Treasurer is anxious to complete action about Income Tax. As it is proposed to make no change this year it is advisable to proceed with that. Therefore I call on the Treasurer to move the second reading of the Income Tax (Amendment) Bill and thereafter we will consider which of the other Bills we will proceed with.

#### INCOME TAX (AMENDMENT) BILL.

The COLONIAL TREASURER: I am quite sure that all hon. Members recall that in the Budget Statement I presented in November last there were included certain proposals for the amendment of the Income Tax law so as to enlarge the scope of the tax by reducing the personal allowances and in that way bringing a larger number of persons under the tax, and also to make certain slight variations in the rates of the tax as affecting the middle ranges of incomes. Those proposals caused a certain amount of public comment not to say criticisms. Since they were made the Government has reconsidered the matter and acting on advice, particularly the advice of our Economic Adviser,

it has been decided to postpone any action in regard to the modification and variations of our Income Tax for the present. I hope it will not be implied from that that the time is not ripe when we shall have and must have some change in our basic Income Tax. Probably this decision would meet with some amazement by some Members and with some relief by many others.

The position at the moment is that the Bill before the Council is intended to revive the rates of the tax which were in force last year. Those rates were introduced in 1944 for the year of assessment of 1944 only. They were then revived for 1945 by an Ordinance called "The Expiring Laws Continuance Ordinance." Those rates lapsed at the end of 1945. It follows, therefore, that at the moment there is no authority to levy Income Tax for the current year because there are no rates. The tax can still be levied, and the Bill before the Council is to revive the rates for the current year until the rates previously proposed are in force. As I said, some action has to be taken as to what we have to do about Income Tax in the near future. Opportunity has therefore been taken to introduce in this Bill one amendment. Members would notice in clause 3 that power is given for the Governor in Council to make Regulations which will prescribe the method of calculating or estimating in general cases as well as in any particular trade, business etc., the deduction to be allowed under Section 11 of the Ordinance. That relates to the deductions or allowances which are made by the Commissioners in respect of wear and tear—in other words in respect of depreciation and depreciation allowances.

Members may ask why at this late stage it is found necessary to make Regulations about this? Under the Ordinance as it now stands, allowances are in the discretion of the Commissioners, but in view of what is taking place today, Members may know

there is great interest being shown in mining in this Colony, particularly gold mining. Several organizations seem to be greatly interested and are prepared to invest large sums of capital in the development of gold mining, and these people always want to know and to have in words what are their rates in such an important thing as depreciation, and it is the policy of the Government to be as generous as possible in regard to these allowances, particularly in the case of new concerns that are about to enter the interior to undertake development, especially in respect of gold and diamonds. Therefore in order to enable these prescriptions to be available in the form of something that has status of law, powers are being taken to include rates which will be allowed under specific regulations made by the Governor in Council.

I would like to illustrate what we have in mind by saying that in the case of a new mining venture in the interior it is proposed that the rate of depreciation to be allowed on new machinery will be as high as 25 per cent. That is to say that the cost of its machinery will be spread over four years, and that any new organization of that nature will be allowed to set aside one-third of its profits each year in order to write off the capital expenditure on preliminary and exploratory work. I merely mention that in passing because it is so important that things of that sort should become well known in Canada and other parts of the Empire where new gold-mining ventures take advantage of concessions of this nature which are usual and are prescribed by law. Knowing that we are about to enter a phase of that nature we should do something which would induce those companies to come here. Apart from that there is nothing else in the Bill which is merely to revive the tax imposed last year. I move that the Bill be read a second time.

Mr. de AGUIAR seconded.

Mr. JACOB: I should like to suggest that Government consider the advisability of passing permanent legislation regarding taxes, particularly income tax. Until this Bill was published, business people and others did not know what would be the rate of tax to be imposed on last year's incomes, and it is not at all satisfactory that one should be in such a state of mind regarding business, trade or profession. Now that Customs duties are fixed and are only altered by amending legislation I think income tax and excess profits tax should be similarly fixed. Under the Ordinance one is supposed to submit his income tax returns by the 30th of April each year, but up to then nobody knew what the rates would be on last year's income. Surely that is very unsatisfactory.

The hon. mover referred to clause 3 of the Bill and made reference to the mining industry which is probably not a very good kind of business. It has proved a very risky undertaking all over the world, and extremely so in this Colony. We hear people talking about gold, diamonds, minerals and bauxite, but except in the case of the bauxite industry capitalists have not come to this Colony. One reason is that they do not know what the rate of taxation is or is likely to be. If we want to encourage capitalists to come to this Colony we must have fixed rates of income tax, trade tax, and business tax. Reference is made in clause 3 to a particular trade but I have heard nothing about trade. I think the mining industry may be regarded as a trade. I have not heard anything about business, but there are business concerns the proprietors of which are in a peculiar state of mind; they do not know how to arrange their business, their expenditure, and things like that.

Regarding professions or vocations, possibly the income tax experts know what they are doing, and they want Regulations to strengthen their hands. In this income tax business Government has not the confidence of the public, nor

is it prepared to create a state of confidence in the minds of investors and business people generally. I think there should be a permanent Income Tax Ordinance like the Customs Ordinance, which could be amended from time to time as considered necessary.

Mr. EDUN: I will naturally support this Bill, but I am a bit perturbed by clause 3. I am wondering what reduction will be involved in revenue collection. As I see it, we had hoped to gain very much revenue from this direct tax. As a matter of fact we have derived very much indeed, and the tax has come to stay, but I have been approached by many small businessmen who appear to be very hazy about the whole thing. Since income tax has come to stay I think Government ought to make the people income tax minded. In other words, Government should make the law very simple so that everybody could understand how to make up his returns. In England income tax appeals are heard in open Court, and I think if the same procedure were adopted in this Colony the people would read the reports and be able to know exactly what is their duty to the State, and how much they would have to pay. Quite recently the acting Chief Justice delivered an open decision in a certain income tax matter which was very much appreciated by the public. I think Government should take steps to win the confidence of the public so as to make them regard it as a privilege to pay income tax and not to evade it. I desire to congratulate the staff of the Income Tax Office on the good work they have done in collecting so much money at so little cost. I do not find that in very many Departments.

The COLONIAL TREASURER: I think that we do owe an apology to the Council and to the income tax paying public for this delay in settling the matter. There is no doubt that the correct thing is that at least the rates of tax should be well known a little after the Budget has been introduced. That is the normal procedure, but I think



Members will remember that there was a great outcry at the Budget and to a lesser extent to the proposals themselves, and Government undertook that the whole field would be investigated, pointing out that the Economic Adviser was even then going into the matter. So that there is some excuse for not having come forward with a decided and final policy as regards direct taxation this year until now, but I do feel that it has inconvenienced a number of people, and for that I am very sorry.

I do not, however, subscribe to the view of the hon. Member for North-Western District (Mr. Jacob) that it is essential that the rates of income tax should be fixed and permanent for a long number of years. I seem to remember the Chancellor of the Exchequer going into Parliament with everyone waiting and eager to know whether or not something is going to go up on income tax or come down. It is quite customary for changes to be made, although we would all like to see fixed and permanent income tax rates for a long number of years. I move that the Bill be read a second time.

Question put and agreed to.

Bill read a second time.

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

Clause 2.—

Mr. JACOB: I would like to correct the impression the hon. the Colonial Treasurer has in this matter. I suggested that the Income Tax Ordinance should be made permanent so that one would know what he would have to pay next year, and not what he has to pay for the previous year. Only now does one know what tax he will have to pay on last year's income, most of which has probably been spent. I do not think that is the system in England. In England income tax for the

current year is based on the current year's income. I am not certain about that, but I presume that is so. We are very prosperous now and we can afford to pay what we are paying now, but the time will come when the business people will not be able to pay. The tax for this year should be fixed so that one would know what he has to pay in April next year. Under the present system we are always a year behind.

Clause 2 put, and agreed to.

The Council resumed.

The COLONIAL TREASURER: I move that the Bill be read a third time and passed.

The ATTORNEY-GENERAL seconded.

Question put and agreed to.

Bill read a third time and passed.

#### TRANSPORT AND HARBOURS (AMENDMENT) BILL, 1946.

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

The ATTORNEY-GENERAL: In moving the second reading of this Bill I think hon. Members will have realized from the time that we had Mr. Rooke here that there would be necessity for some such change as this. From the memorandum of Objects and Reasons which accompany the Bill it will be seen that the object of the Bill is to abolish the Board of Commissioners of the Transport and Harbours Department, constituted under the Transport and Harbours Ordinance, 1931, and to vest in a General Manager all the functions and powers now exercised by the Board. This step is considered advisable in order to improve the management of the Department by the appointment of an officer with wide experience in transport

administration. The rehabilitation of the railway and steamer services after the long period of inadequate maintenance caused by the war, will demand specialized administrative ability. It is hoped that within a reasonable time the recurrent annual deficit shown by the Department will be substantially reduced, and the services of the Department improved.

The General Manager of the Department will be subject to the control of the Governor, who may assign to him such duties as he may think fit, subject to the provisions of the Ordinance. It is proposed to establish, in the place of the present Executive Board an Advisory Board of a representative character to advise both the Governor and the General Manager on transport matters.

Before I go further I think it is fitting and proper that I should on behalf of Government express its deep appreciation of the services which have been rendered by the members of the Board of Commissioners and all those who contributed to the maintenance of these services during the difficult years through which we have just passed. The hon. the Fifth Nominated Member referred to this matter in the course of the debate on the motion for the purchase of Bookers Cooperage, and it is desirable that we should here and now express our appreciation of all that has been done in connection with the maintenance of the Transport and Harbours services in the interest of the community. Equipment was difficult to obtain, and there was a great deal of traffic to be carried. As a result of the shortage of motor tyres and the consequent restriction of the use of the ordinary road services, the railway had to do, I venture to suggest, a double share. All that has been done, and we wish to record our appreciation of all that has been done.

Now we have reached the point when we must move forward for the future. It will be appreciated that transport and communications are the nerves

of a community, and although in this Colony we possess very fine waterways we must at the same time maintain our road and railway services in a proper state of efficiency. This Bill seeks to abolish the Board of Commissioners and to vest the executive functions now performed by that Board in the General Manager who is already here and is going into the whole matter of the Transport and Harbour services. But it is proposed that there should still be a body to advise on transport matters without executive functions. It would be purely an advisory body. I wish to emphasize that the executive functions would be performed by the Head of the Department. One of the amendments which I propose to move is that the title be changed from General Manager to Director of Transport and Harbours.

The main point of the Bill is to give executive functions to the person who is in charge, and let him proceed to the reorganization and rearrangement of the whole machinery so that we might have an efficient service, a service of which we may all be proud, and from which we may have the greatest degree of satisfaction.

It will be seen from a perusal of the Bill that clause 3 provides for the establishment of the Transport and Harbours Department. That provision has been taken from Part I of the Transport and Harbours Ordinance, 1931, and is contained in clause 3 (1) of this Bill. Sub-clause (3) provides:

(3) The Governor in Council may, if he thinks fit, by Order published in the *Gazette* transfer from the Licensing Authority or the Prescribed Authority to the Department all or any of the functions, duties and powers vested in the Licensing Authority or the Prescribed Authority under the Motor Vehicles and Road Traffic Ordinance, 1940, and thereafter the said Licensing Authority or the Prescribed Authority shall cease to perform and exercise the functions, duties and powers so transferred.

Hon Members are aware that there are certain functions now performed by

the Licensing Authority, the Police Department, and the power provided in this sub-clause is only permissive. In other words, in the analysis of the functions and duties which are to be performed by the Head of this Department, if it becomes clear that the functions now performed by the Police in relation to licensing and looking after vehicles should be transferred to the Transport and Harbours Department, power is given by this sub-clause to the Governor in Council to transfer those functions which are now vested in the Prescribed Authority under Ordinance 22 of 1940. But if in the light of experience any of these functions and powers could properly be performed by the Police, this sub-clause provides that any of them could be transferred back to the Police Department. In other words, this sub-clause is permissive, and given an opportunity for investigation, and in case that investigation shows that certain powers and functions now performed by the Police could properly be performed by the Head of this Department then those powers, functions and duties would be transferred. We are not attempting to take away in one fell swoop any powers at all from the Police. What we are doing is to say that in case any of those powers which the Police now exercise could properly be exercised by the Transport and Harbours Department, then there would be sufficient power to transfer those functions.

The new Board will be an Advisory Board only. Its functions are provided in clause 7 (1) which reads:

7. (1) There shall be established a Board to be styled the "Advisory Board" (hereinafter referred to as the "Board") which shall consist of the General Manager as Chairman and six other members to be appointed by the Governor.

Sub-clause (3) provides:

(3) The members of the Board other than the General Manager shall hold office for two years.

Hon. Members will appreciate that the General Manager should be there at

all times; he is the functioning person who is able to carry on the policy from one Board to another when the personnel is changed. The functions of the Board are set out in sub-clause (8)—

- (a) to advise the Governor in regard to transport policy and to submit its views on any questions which the Governor may refer to it;
- (b) to advise the General Manager on any administrative question or departmental policy which he may submit for the opinion of the Board;
- (c) in the absence of such reference by the Governor or by the General Manager, to draw the attention of the Governor or the General Manager to any aspect of administrative policy which in its opinion requires attention.

That is necessary, as you have to carry on all agreements. For an undertaking carrying on business it is necessary as a matter of fact to have such a provision operative in the Bill. It should be clear to hon. Members—and I think one hon. Member expressed the view that the first thing should be to get the administration going right—this is a step to implement the recommendation as put forward by Mr. Rooke. You have had one already placed before Council and this Council has approved of the action to purchase Bookers' Coöperage. This is another step, and I suggest to hon. Members it is equally desirable to approve of the step which is being taken to have a Head of Department who will exercise executive functions, and to have a Board which it is proposed to call an Advisory Council so as to deal with questions of policy. Those are the main features of the Bill, and those main features are essential in the successful conduct of the Transport and Harbours Department, as has been advised by Mr. Rooke when he came here and reported on the administration and re-organization of this Department. I think that hon. Members will appreciate fully all the reasons for a Bill of this nature. I beg to move that this Bill be read a second time.

Mr. CRITCHLOW seconded.

The PRESIDENT: As I have explained to Members, it is merely to give Members an opportunity to speak on the principle of the Bill.

Mr. JACOB: I am very grateful for this opportunity to speak on this important measure which strikes at the very root of our new system of government in this Colony. When the West India Royal Commissioners visited this Colony in 1938-39 they reported that there should be a change over in the system of administration and, I think, the recommendations in the interim report are very well known both to Government and the Members of this Council. The recommendations were that there should be instituted in place of the present Board system a system of Advisory Committees comprised of Legislative Councillors with the Heads of the Departments only, who would act with the advice of the Government. Here we have a complete somersault, a complete change over, and I am glad to hear the hon. Mover state that this Bill is to implement the recommendations of Mr. Rooke. Well, it is clear that Mr. Rooke's recommendation in regard to this Transport and Harbours Board is to supersede the general recommendations of the West India Royal Commission.

What are the facts? Here you have this Government with its expert administrative and technical advisers carrying on a transport system which has failed completely. There can be no doubt about that. Mr. Rooke's report—the paragraphs I have read—made reference to it with respect to the purchase of the river frontage for the railway terminus. But it is quite clear that the whole transport system was very badly bungled. I would have thought from the criticisms in this Council year after year Government would have adopted a more democratic policy of placing on the new Advisory

Board, as it is called in this Bill, Members of the Legislative Council with the General Manager so that the responsibility for the dilapidated or chaotic system of the Transport and Harbours Department can be placed on the Representatives of the people in the Legislative Council, but instead of that it is proposed to have a dictatorship system in having the General Manager to do everything for the Transport and Harbours Department. I do not know whether he has any responsibility to anyone here.

The PRESIDENT: I may just correct the hon. Member. The trouble with the old system has been the General Manager had no responsibility, as executive responsibility was laid on this very large Board.

Mr. JACOB: I am afraid I cannot agree with that. The Board as constituted now has a set of members who are Government "Yes" men. Your Excellency knows that Government's policy is being carried out. That is what I am talking about. Even with the present Advisory Committee system Government's policy is being carried out. Your Excellency cannot attempt to convince me otherwise. I am sorry to say the Board is responsible for the chaotic condition of the Department.

The PRESIDENT: The present law gives the present Board of Commissioners executive responsibility. That cuts across everything else. What we are doing now is in complete accord with the recommendation of West India Royal Commission. The function of the Board has a very peculiar character. Executive responsibility was placed on a set of Commissioners and not on the General Manager. Now turn it round the other way, and it is in concord with the recommendations of the West India Royal Commission.

Mr. JACOB: I am afraid I cannot agree with that. The Royal Commis-

sioners' recommendation says clearly an Advisory Committee system with the Head of Department not being the Chairman but an Elected Member or a Member of this Legislature. The Committee is to be comprised of Elected Members only. What is to be the personnel of the proposed Board? It is to be the General Manager as Chairman, two Government Officers, three Members of the Legislative Council and one other person.

The PRESIDENT: I will not contest that. The idea is to have a rather different arrangement. What I was trying to get at was the present law makes the Commissioners executive responsible. I know that the Board as comprised is not in accordance with an executive advisory system.

Mr. JACOB: I shall continue to make my point, that the present advisory system is a definite recommendation of the West India Royal Commission. I am not saying it is the best system, but it is the best for a democratic body. Possibly this Colony is not experienced in democracy, and so this autocratic or dictatorship system with the General Manager having responsibility to no one is recommended. The General Manager comes here and gets his salary and has no responsibility to anybody, possibly to the Secretary of State and the Governor.

The PRESIDENT: I want to point out that it is exactly the same position as the Director of Public Works or any Head of Department. I think you are labouring a theoretical point in name.

Mr. JACOB: It is most unfortunate I cannot agree with Your Excellency's views. Here you have an Advisory Committee having the Director of Agriculture as Vice Chairman with an Elected Member of this Council as Chairman and with no other Government officer on that Committee. You have the Public Works Advisory

Committee with the Director of Public Works as Vice Chairman and an Elected Member of this Council as Chairman. Then you have the Education Advisory Committee with an Elected Member of this Council as Chairman. But in this case you are going to have the General Manager as Chairman with two Government officers, three Members of the Legislative Council and one other person comprising this Advisory Board. Surely this Council has sufficiently capable and competent men to advise the General Manager. If it is the wish of the Government to have the General Manager as a kind of dictator to do what he likes, by all means have it, but do not decry the system. I believe that you say that is in line with the advisory system as recommended by the Royal Commissioners, but it is definitely the opposite. I do not know who should be the Chairman, but I know the General Manager is to be the Chairman and he will have two Government officers with him. There is a kind of brotherhood existing between Government Servants. Then there will be three Members of this Legislature and one other person whom I do not know. We have Members of this Legislature who agree with everything Government says; if they do not approve they just keep quiet. So you are going to perpetuate a rotten system in this Colony.

The hon. Mover referred to the fact that it is time to show and to express deep appreciation to the members of the Board for services rendered. No one grudges doing that. I too would like to say here from the bottom of my heart that I appreciate the services rendered by members of the Transport and Harbours Board, but I would also like to say it places them in an embarrassing position and they are not manly to say "I decline the honour." Can it be said that this Transport and Harbours Board has given satisfactory service to the community, to the taxpayers? Oh, no;

but I think the gentlemen who have been members of the Board have performed those services under very difficult circumstances, and it is time this Legislature upset the whole of that system, abolish and bury it, never to be revived. It is rotten to the core. Here you have the West India Royal Commissioners coming down here and telling this Legislature what to do and, I think, this Legislature will agree with this Bill. Where are we heading? Are we going to give dictatorship principles more prominence or democratic principles? If this Bill is passed we are giving dictatorship principles more prominence than democratic principles.

I have had the pleasure of talking to the General Manager after my last visit to my constituency. Since I have been a Member of this Council for the North-Western District, I think I have been the only Member to visit my constituency so frequently. I have paid ten visits up to last year. My predecessor only visited once and that was when his seat was to be contested. I have travelled on the steamers of the Department on all those occasions except one. On another occasion I refused to go there by plane placed at my disposal by Government because I felt more satisfied travelling on the steamer, as in that way I met the people and discussed matters with them. Since there is a plane service to the North-West District facilities for travelling first class on the Department's steamers to there have been reduced to a bare minimum. There are absolutely no facilities on the Department's steamers. You have no arrangements on the steamers for running water for the shower bath, no arrangements for a good lavatory system. I was requested by my constituency to take the matter up with the General Manager and get him to remedy those things. When I returned from the North-West District I tried to get an interview with the General Manager. I rang him on the telephone and

disclosed my identity to him. I told him I would like to make an appointment with him so as to tell him all about the North-West District. He replied "Yes; but I am afraid I cannot see you. Let me see. If you can come right away I can see you." I did so and found him a nice gentleman. He promised to go to the North-West District on the 18th March, after consulting an almanac, and I asked him to travel on the steamer so as to see conditions for himself. At Morawhanna where a stelling had once been erected there is now a shed and the whole stelling has collapsed. As Mr. Rooke has said about the whole transport system, if they had set out to have a more unsatisfactory stelling they succeeded to a nicety. I wrote twelve letters to people in the district advising of the General Manager's visit, but Colonel Teare did not go.

That is the system I am asked to perpetuate on this Council, to give this gentleman authority to do what he likes. Perhaps the gentleman is not fairly acquainted with democratic methods but is acquainted with military methods. If that is his outlook then he would be an exceedingly poor administrator. I have told the majority of my constituents that it would be the most unwise thing to place the fortunes of this Department in the hands of a General Manager, whether he be Mr. Rooke, Colonel Teare, or who. I am pleading with this Council to carry on the system that we have recommended by experience—the Advisory Committee system with the General Manager as Vice-Chairman to put forward his recommendations to the Board. The members of the Board will not refuse to give him the authority to carry out his recommendations. But to put forward a Bill before this Council and say you will appoint the General Manager as Chairman with two Government officers, one other person and three Members of the Legislative Council as members of the Advisory Board is not good enough. If you agree to this

proposal, you are not carrying out the recommendations of the West India Royal Commission, but may be carrying out the recommendations of Mr. Rooke. I think the whole thing is most unsatisfactory.

I have spoken strongly in this matter, perhaps too strongly, but I regret I cannot see my way to speak in any better strain, and I think the sooner the people realize that they are paying the piper and ought to call the tune and that this Legislature ought to do what they want and that democratic principles should prevail, the better it would be for this Colony, otherwise there will be no progress. Perhaps the Government thinks we are making progress, but those who look around the country know in their consciences that we are not making progress. I regret I cannot support the Bill. I will not be here for some time as I am asking leave of this Council for five months, and I trust Members of this Council will not pass this Bill as it is, but will pass it with the recommendation I made that the Board should be the same as the Advisory Committees of the Education Department, the Public Works Department and the Agricultural Department. I trust when this has been done the Public Health Department and one or two others will also have the same system so that we will be able to make comparison. The people in Jamaica certainly would not allow such a law as this. Why in this Colony when we are attempting to have uniformity of legislation in regard to the payment of officers so that there can be general promotion for the betterment of all concerned, we should adopt a different system in the administration of a Department which has proved so hopeless in the past? Taking everything into consideration, Your Excellency would be well advised to revise this Bill and bring it forward on the lines I have suggested.

Mr. LEE: First of all I would like to join issue with the hon. Member for North-Western District on the nomination of Members of this Council

to Boards, that they are tools or "Yes" men of Government. I would like to say that is not so.

Mr. JACOB: May I correct the hon. Member? I am sorry my hon. friend has got that impression. I did not say all the Members.

Mr. LEE: I accept the hon. Member's explanation, but, Your Excellency, if he knew under what circumstances the Commissioners of this Transport and Harbours Department carried on with obsolete railways and old steamers he would say otherwise. I think the hon. the Attorney-General was right in his praise of the Commissioners and in saying that the thanks of the Colony are due to them. I had felt that they were not doing their duty as they should, but after probing into their activities I am convinced that the men who are there now are rendering good service to the people of this Colony. I do admit that there are difficulties in travelling on the trains and steamers, but Members should ask themselves the question "Can we get new engines and new steamers?" The workshop of the Department is trying with obsolete machines to patch up the rolling stock. My hon. friend says the public want a good system. I hope the public will be strong enough when this Government asks for a loan to change the system entirely. If they agree to the granting or raising of a loan to change the transport system, then they could get what I call a modern or semi-modern system. The Colony cannot afford to put our system of railways and steamers in a condition to meet the needs of the travelling public.

But I do agree with the hon. Member and I plead with him and the Members of the Executive Council in this matter. The Imperial Government sent out Commissioners to enquire into our form of government and to advise on its advancement in order that the people themselves might learn and be able in the future to govern them-

selves. Those Commissioners advised a different system of government. This Bill, as it stands, does not conform to that, because under the Advisory Committee system it is recommended that Members of the Legislative Council should be the chairmen of those committees, and for what purpose? The purpose is that the Members of the Legislative Council will be responsible to Government for the Departments in every respect. Criticism has been levelled against the General Manager being given such wide powers. I agree that in the present circumstances the General Manager should have wide powers in order to reform the Transport and Harbours Department, and I feel that unless he is given strong powers to make changes we are not going to off-set the deficiency of the Department, but we will always have it growing year by year.

If this is only a temporary Bill and Government would give a guarantee that after five years a new Bill would be introduced which would conform to the recommendations of the Royal Commission, I would certainly support the Bill and take my seat. There can be no denial of the fact that as a result of the appointment of Advisory Committees to a few Departments Members of this Council are learning a great deal about the intricacies of the working of those Departments, and on several occasions they have been able to defend Government's policy in this Council. I expect that within the next five years this will be a wholly elected Council, and I can see no harm in amending this Bill to permit of an Elected Member being Chairman of the Board, with the General Manager as Vice-Chairman. It must be borne in mind that the Bill gives the General Manager wide powers, and as an Elected Member I would not like to know that Government is not keeping in line with the recommendations of the Royal Commission.

We do not know what is in the minds of the Imperial Government. The

war is over but nothing has been done by the Imperial Government as regards the investment of money for the progress of the Colony. In my humble opinion Government will have to raise a loan before very long in order to scrap the obsolete rolling stock of our railway. The deficit of the Transport and Harbours Department is going up month by month. Last month, or the month before it was \$10,000 over the estimate. I again urge that Elected Members of this Council should be given a greater share of the responsibility for the working of this Department.

The PRESIDENT: Both Members who have spoken have taken the same line as regards the appointment of an Advisory Committee in connection with this Department, and it comes back to simply what I have done with regard to spending Departments. I think they have failed to remember that the position of the Transport and Harbours Department is quite different from that of a spending Department. The estimates of the spending Departments come before this Council in detail every year, but that is not the case with the Transport and Harbours Department. All that comes before the Council is merely the total figure, but in recent years we have had a page of Appendix giving some details of the estimates of the Department.

The point really is this: we can of course have an Advisory Committee and nothing else, but we have a piece of machinery there which must above all things be run as a business institution. It is a business concern with very large revenue and very large expenditure. The Public Works Department, the Department of Agriculture, and the Education Department are not revenue-earning Departments. They are purely spending Departments, and the Director in each case is in executive charge with an Advisory Committee of the Legislative Council to advise him, but this expenditure is fixed, and revenue does not come into the matter at all.



The Transport and Harbours Department must be put on a business footing, and the reason for not following the model of an Advisory Committee is that we want to have this Advisory Council of a character which we hope will be first and foremost in keeping with the intention to put the concern on as businesslike a footing as possible. I have no objection to scrapping this clause of the Bill and merely having an Advisory Committee, but I do advise this Council that we want to have something a little stronger for this kind of business. It may possibly be temporary, but it is certainly wanted for this next period of years. I therefore do not think Members should labour too much the similarity between the Transport and Harbours Department and an ordinary spending Department.

Mr. LEE: The estimates of the Transport and Harbours Department form part of the Appendix of the Draft Estimates, and the Council has always had the right to raise any question on them and to refer to the Appendix. I think that procedure was adopted as a result of criticisms hurled by Members of the Council, that they did not know how the taxpayers' money was being spent by the Department. That is how the estimates of revenue and expenditure of the Department were attached to the Appendix.

The PRESIDENT: It is put there for information only. It is not part of the Budget. It does not become a fixed thing that cannot be changed. The Transport and Harbours Department is a business institution taking in money with one hand and spending it with the other, and the management must be given power to carry on just as a business firm would do. That does not apply to the Public Works Department.

Mr. EDUN: I think the Council ought to adjourn now. As the hon. Member for North-Western District (Mr. Jacob) will be leaving the Colony shortly I agreed that he should be given an opportunity to speak on the Bill, but I

would like an opportunity to examine the Bill very critically in view of the constitutional issue which it has raised.

The PRESIDENT: I am quite prepared to adjourn the debate on the Bill. In fact I would rather like to take the Customs Bill now. If that is agreeable to Members I will adjourn this debate now.

Debate on the second reading of the Bill adjourned.

#### CUSTOMS DUTIES (AMENDMENT) BILL, 1946.

A Bill intituled "An Ordinance to amend the Customs Duties Ordinance, 1935."

The ATTORNEY-GENERAL: It will be seen that the object of the Bill is to effect amendments in respect of miscellaneous matters connected with Customs duties. Clause 2 proposes to authorise the increase of the drawback of duties paid on petroleum used for agricultural and other industrial purposes. Clause 3 deals with the reduction of the duty on skimmed milk powders imported into the Colony on account of the temporary shortage of locally produced cow's milk, and restores the former rate of duty under the general tariff on tobacco manufactured in foreign countries. Clause 4 enables sugar estates to import free of duty under the British preferential tariff pipes of whatever material to be used exclusively as common sewer mains, and wood preservatives passed as such by the Comptroller of Customs are to be admitted at the same rate of duty as paints. Clause 5 proposes the withdrawal of certain therapeutic preparations from the Table of Exemptions from Duty, and the addition to that table of all equipment and supplies imported for educational, cultural or broadcasting purposes.

I do not know whether any Member wishes me to elaborate on the Bill. I think the several matters require

treatment as suggested in the Bill, and if any point is raised on any matter dealt with in the Bill I will reply to it specifically in the Committee stage. I formally move that the Bill be read a second time.

Mr. CRITCHLOW seconded.

Mr. ROTH: I would like to thank Government on behalf of the industrialists and other workers in the interior, for the concession granted with regard to the control and use of petroleum. Some nine months ago I tabled a motion asking for a reduction duty on petroleum products used in the interior. I understand that the matter has been considered very carefully by Government, and I am now prepared to be thankful for a small loaf rather than have no bread. I can assure Government that this concession will make a very great difference to certain of the industries in the interior, especially the timber industry. The terrific cost of petroleum, the fuel on which the heavy timber industry in the interior depends, is a very serious matter indeed, and has not a little to do with the shortage of timber.

Question put, and agreed to.

Bill read a second time.

#### COUNCIL IN COMMITTEE.

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

Clause I.—

The ATTORNEY-GENERAL: I move that the words "referred to as" be substituted for the word "called" in the third line.

Clause I as amended agreed to.

Clause 2.—

The ATTORNEY-GENERAL: I move the insertion of the words "is now comprised" between the words "Ordinance" and "are" in the second line.

Clause 2 as amended put, and agreed to.

Mr. LEE: I would like to ask whether Government proposes to take the necessary precautions to have affidavits sworn to before withdrawals are made?

The CHAIRMAN: That is allowed for under the present law and will go on.

Amendment agreed to.

The ATTORNEY-GENERAL: I move the insertion of the following new sub-clause (3):—

(3) This section shall have effect and be deemed always to have had effect from the first day of January, nineteen hundred and forty-six.

Clause 2 as amended agreed to.

Clause 3.—

Mr. PEER BACCHUS: I would just like to renew my appeal to Government with regard to the decision to admit skimmed milk into the country duty free. That concession is being granted because of the shortage of cow's milk, but I still think, and I am yet to be convinced to the contrary, that if the distribution of this skimmed milk is not controlled it will interfere with the production of fresh milk in the Colony. I am still of the opinion that the skimmed milk should be handed over to the Controller of Milk for distribution. If skimmed milk is allowed to be sold by everybody I feel certain that it will kill the incentive to produce fresh milk.

The CHAIRMAN: We will certainly take a note of what the hon. Member has said.

Mr. JACOB: I think that with better facilities we ought to be able to produce all the milk required for the people of the Colony, but if it is still necessary to bring this very good food

into the country and to give it to certain people, I think its distribution should be very strictly controlled, because the restaurants and other places which use milk for creams and pastries will be able to buy cheap milk and obtain exorbitant prices from the consuming public. I understand it is the intention of some of the restaurants to use skimmed milk, and the ordinary people will be none the wiser. I therefore suggest that if this milk is being brought in for the benefit of the public its distribution should be strictly controlled. In other words business people should not be allowed to reap the benefit of the low rate of duty.

The CHAIRMAN: I think the hon. Member's point is very germane and should be kept before us.

Clause 3 agreed to.

Clause 4.—

Mr. EDUN: I suggest that in the last line of sub-clause (a) after the words "sewer mains" the words "and water pipes" be inserted.

The CHAIRMAN: The intention is only to grant exemption to this

particular kind of pipes. I do not think we want to add water pipes just yet.

Mr. EDUN: It is a mere suggestion.

Clause 4 agreed to.

Clause 5.—

Mr. EDUN: Is Government satisfied with the quality of the service we get from the local broadcasting station?

The CHAIRMAN: We will take a note of that question.

The Council resumed.

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

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a third time and passed.

The Council was adjourned until Thursday, 2nd May, 1946, at 2 p.m.