

LEGISLATIVE COUNCIL.

Thursday, 27th July, 1944.

The Council met at 12 noon, the Hon. E. G. Woolford, O.B.E., K.C., Deputy President, in the Chair.

PRESENT

The Hon. E. G. Woolford, O.B.E., K.C. (New Amsterdam), Deputy President.

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

The Hon. the Attorney-General, Mr. E. O. Pretheroe, M.C., K.C.

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

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

The Hon. J. A. Luckhoo, K.C. (Nominated)

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

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

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

The Hon. F. Dias, O.B.E. (Nominated).

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

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

The Hon. Peer Bacchus (Western Berbice),

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

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

The Hon. C. P. Ferreira (Berbice River).

The Clerk read prayers.

MINUTES.

The minutes of the meeting of the Council held on the 21st July, 1944, as printed and circulated, were confirmed with the following amendment by the hon. the Attorney-General:—

"Deletion of the words "the Standing Rules and Orders" appearing in the first paragraph after the words "Order of the Day," and the substitution therefor of the words "Standing Rule and Order No. 9"

ANNOUNCEMENT.

RICE FARMERS (SECURITY OF TENURE) BILL.

The DEPUTY PRESIDENT: Hon. Members will recall that at the last meeting the second reading of the Rice Farmers (Security of Tenure) Bill was under discussion and the hon. Member for Demerara River (Mr. King) was speaking. I propose with your concurrence that the debate on that Bill be adjourned and another Bill, the Soap Bill, be proceeded with instead. There are some reasons for that altogether apart from the absence of the hon. Member. The particular clause that was affected by the discussion at the moment was the right the Bill offered to give the District Commissioner the power to fix the standard rent. I am

told that Mr. Laing is not in a position, if the Bill passes the third reading, to give effect to it through a shortage of staff and other things. There are other reasons at the moment why the Bill should not be further debated to-day, although it is hoped that the second reading will be taken very shortly. It may be possible to resume the debate on the second reading to-day. The hon. the Attorney-General will therefore move the suspension of Standing Rule and Order No. 9 to alter the Order of the Day.

ORDER OF THE DAY.

SUSPENSION OF STANDING RULE AND ORDER NO. 9.

The ATTORNEY-GENERAL (Mr. Pretheroe): I beg to move that Standing Rule and Order No. 9 be suspended to enable the business on the Order of the Day to be taken in a different order to that arranged.

The COLONIAL SECRETARY (Mr. Heape) seconded.

Question put, and agreed to.

SOAP BILL, 1944.

The ATTORNEY-GENERAL: I beg to move the second reading of—

A Bill intituled "An Ordinance to control the manufacture and importation of soap; to provide for a standard of quality thereof and for purposes connected with the matters aforesaid."

In doing so I would like to refer to the fact that quite a number of suggested amendments have been forwarded to Government concerning this Bill. That procedure is very much appreciated because it gives an opportunity to examine the amendments in peace and quiet before coming to this Council. As the result of those suggestions hon. Members have typewritten sheets setting forth certain amendments. Actually three suggested amendments are amalgamated in that one. I cannot here give the reasons why the other

amendments suggested have not been accepted, but I can say generally that this Bill in spite of its long title is not one to control the manufacture of soap. At the moment there is hardly any soap industry in the Colony. The object of the Bill is not to control the manufacture of soap so much as to give those interested a sheltered opportunity to start a local industry in the manufacture of soap. So you see there is a great difference between giving people a sheltered start and controlling an established industry. Therefore this Bill is quite short.

The Chairman of the Minor Industries Committee, when he first saw me on this matter after sending in his report to the Government, brought to me a draft Bill, which contained 54 clauses and was 72 pages long—I am speaking from memory. I said to him "Good gracious this is an enormous document you are going to inflict on the Council. At the present moment it is quite impossible to deal with a Bill of such length dealing with a minor industry." After some consideration he agreed it is much better to introduce a simple Bill, one we can control and, if the industry prospers, expand to meet the new conditions. In other words, as you may have noticed, during the last two or three years now I have been trying to introduce a new system on a very small scale at first and then expand the legislation as and when the scheme thrives and increases. That is just the policy adopted in regard to Old Age Pension. In conversation with him the Chairman of the Committee said that Jamaica had in fact adopted a similar attitude by sheltering local soap manufacture and the people were making over a million pounds of soap a year there. That was a very good idea, and I decided to look up the Jamaica Ordinance as it would be a very good model to follow. When I looked it up I found it consists of seven sections of one and a half pages. Yet they are now making over a million pounds of soap a year,

Hon. Members will agree that our Bill of six pages should enable us to produce six times that quantity. The whole object of the Bill is to shelter the local manufacture of soap. The Bill starts off with first imposing a standard quality. That really has got nothing to do with the present arrangement because we should have had that standard quality a half century ago. Everyone has had it. The result has been that when the big manufacturers fail to obtain the standard quality they dump that soap in British Guiana and other places which have no standard of quality instead of reboiling it. For that reason we ought to have had it years ago, the standard that has been adopted throughout all the Colonies and, as far as I know, throughout the world. The standard of purity is merely a matter which should have been several years ago and which has been introduced in lots of other places including Trinidad and Jamaica.

After that, provision is made for the registration of a soap manufacturing premises. I may say at this stage, everything in this Bill is drafted in accordance with the recommendations of the Minor Industries Committee, and the Bill has been before them and has received their blessing. The reason for registration of the premises is that you make it very much simple to supervise the manufacture of soap. When I say "supervise" I do not mean you can do so in a hostile manner. In other words, it may be very useful for the Government Analyst in the early stages of manufacture to make suggestions, give hints and proffer advice, but he cannot do so unless he knows where to go to find the place where the soap is being manufactured. Therefore the first thing is to get the persons who are going to manufacture soap to licence the premises where soap is to be manufactured. That makes it easy to check the manufacture from the very first stage to the last stage,

After that, the next clause merely deals with the enforcement of the Ordinance and gives power to the Police to enforce those provisions I have just mentioned. Then the Bill goes on to give power to take samples for analysis. You cannot expect the soap to come up to the desired standard of purity unless you are able to enforce that standard of purity. The suggestion was made actually by the Minor Industries Committee itself that for the first two years the soap manufacturers should be allowed to send samples of their boiling to the Government Analyst who should make the analysis free of charge. I did not agree because of an Order in Council published in the *Official Gazette* in 1925 which provides the fees which must be paid the Government Analyst for any analysis he may make, two of which deal with soap. So if we want to make it free that Order in Council must be altered and not this particular Bill. The procedure in taking samples is set down in clauses 11, 12 and 13, which are taken as they stand from the Sale of Food and Drugs Ordinance. There is nothing new in the system. It is the system that is carried on now. Three samples are taken — one is given to the proprietor and two are taken away by the Officer taking the samples who seals one and sends the other to the Analyst to be tested. That is the system. It is quite simple and is in use in regard to all food and drugs.

Clause 14 gives power to seize deficient soap. That is a matter I discussed at great length with the Chairman of the Minor Industries Committee and he agreed with me in the end that instead of making a whole lot of offences for making impure soap it would be much better in the first stage, as the only thing that matters is to keep bad soap out of the market, to seize the soap and destroy it and not to worry to punish the person who has it. In the first stage the idea is, if the soap is

manufactured locally and is not up to the standard or from a date which is announced through a notice in the *Official Gazette* if it is imported and is not the standard required, instead of worrying with prosecution the first thing is to analyse the soap and as soon as it proves to be below the standard to seize it and hold it for twenty-one days, thus giving the proprietor time to take his own sample to be analysed, and if nothing happens destroy it and say nothing more about it. As far as imports are concerned the manufacture of soap is in the hands of very few people and the interests concerned are very well aware of conditions in all Colonial markets. By far the biggest manufacturer of soap in the world had a representative here just before this Bill was drafted, and he asked if we were going to introduce standard of purity. I told him "Yes, the same as in Trinidad and Jamaica." He then said "All right." You can take it that from that time onwards no more soap will be sent down here below that standard. That is the experience in Trinidad, the experience in Jamaica and the experience in other Colonies which have introduced a standard of purity. It is not a recent experience but one a quarter of a century old, while it is new here. When people say it is very hard luck on the part of the importer who gets a consignment of soap and the Analyst analyses it and finds it below the standard that it should be seized and destroyed, the answer is in the first place that the very limited soap interests of the world will not send soap here which is deficient in standard and secondly the matter rests in the hands of the importers themselves. If when placing their order for a shipment they make it a condition that the soap must comply with the local statutory standard, any soap coming down otherwise they will only have to produce their copy of the order and be excluded from liability. The liability will then be on the exporter for shipping soap of an inferior quality.

Clause 17 purposes to give wide powers to the Governor in Council to prohibit the importation of soap, or any quality of soap, or any kind of soap. That is put there as part of a long term policy as it will take some time before the local manufacturer is able to manufacture enough to supply the local needs. The local manufacturers are aiming at a high figure, but actually until it gets somewhere in the vicinity of one million pounds a year there is no need to worry about limiting imports because we at least require that amount every year. But if the local industry does hereafter, the power will be there to prohibit foreign competition. I think hon. Members will agree that it is power we should use if the local manufacturer is able to so manufacture as to supply our wants.

Clause 19 deals with the date of commencement of these provisions. I did not put a specific date. It does not matter what the date is, as it so happens at the moment there is an enormous supply of soap in the Colony, enough to carry us, I understand, the whole of this year and a part of next year. Therefore the commencement date of the Ordinance is not important and I have left it blank so as to fill in the suitable date bearing in mind the fact that the proviso in Clause 3 (2) is dependent on the date inserted in the last clause. I move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Mr. SEAFORD: I am afraid I do not know very much about the manufacture or importation of soap, but there are Members of this Council who are taking a keen interest in this Bill and who do not happen to be here at the present moment. They naturally took it for granted, as when the Council rose we were discussing the Rice Farmers (Security of Tenure) Bill and we were told that Government proposes to proceed with it at the next sitting,

that would be done. As a consequence they are not here at the moment and, I feel sure, had they known this Bill was to be taken first they would have made it a point to be present.

There are just a few points I would like to touch on. I have spoken to the Chairman of the Minor Industries Committee about them and, as far as I see no member of the Minor Industries Committee is here.

Mr. FERREIRA: Mr. Roth is here.

Mr. SEAFORD: I meant the committee of three which considered this Bill before it came before this Council. As far as I gather there is manufactured in this Colony what is commonly called under the Customs Duties Ordinance "Common Soap." I do not think it is proposed to make all kinds of soap in this Colony, at least not for some time to come. I cannot help feeling it would have been better if this Bill was restricted to common soap and not including all soaps or the better types of soap which are imported into the Colony. The special soap stipulated here, I notice, must contain a certain amount of fatty acids, and I am told that certain soaps do not contain that amount and are specially made not to contain that and they do damage to this or the other. Unfortunately I am not an expert in the matter and there are other Members who know more about it than I do. But I am told that is a fact with toilet soap imported at the present time for the benefit of the fairer sex, and it would be better if this Bill for the present is limited to common soap and not to all kinds of soap.

As regards this question which the hon. Mover of the motion mentioned, if the importer has a certain standard sent to him not being up to the required standard of quality he is thus penalised, the hon. Mover said that those makers of the soap learning that we have a fixed standard will not ship any soap below that standard. I am afraid I do

not believe that. If they have soap of a low standard and want to get rid of it they will ship it because they are not penalised. It is the wretched importer who will be penalised and not the manufacturer as far as I see. He is liable to suffer the penalty. A poor individual imports 500 cases of soap; he will not know if it is below the standard until after he has got it and has paid the Customs Duties and everything else. If it is inferior it is to be seized and destroyed. It does seem that is rather a hard case.

There are one or two other things in the Bill which I do not propose to deal with now, but I may do so when we get into the Committee stage. If the object of this Bill is to protect the local manufacture of soap it should not be allowed to apply to all kinds of soap but only to common soap.

Mr. ROTH: The Minor Industries Committee went into the question of soap and recommended the introduction of this Bill, but what the hon. Member for Georgetown North (Mr. Seaford) has said is quite correct. They only considered common soap and did not realise that all kinds of soap would be included. When the draft Bill was placed before us we said it might be advantageous to have all kinds of soap included. The original idea was to deal with common soap alone.

Mr. de AGUIAR: I am sorry I was not here when the hon. Mover of the motion moved the second reading of the Bill, so I am unable to make any specific reply to any point he raised. I think the primary object of this Bill is to try and protect the local industry or, put another way, to try and develop if we can the manufacture of soap on a more extensive scale than at present while at the same time protecting the consumer. The whole thing has arisen out of certain recommendations put forward by the Minor Industries Committee and, I think I am right in saying, the Bill is drafted along the lines of

those recommendations with certain modifications. Ever since the publication of the Bill in its present form, the people who are particularly concerned have not been happy over the wording of the Bill and the fear is, I have been told, that the benefits one hopes to achieve for all purposes will not accrue. I am not as familiar as the hon. Member for Georgetown North (Mr. Seaford) is with what ladies do with soap.

Mr. SEAFORD: In that case the hon. Member knows nothing whatsoever about it. (laughter).

Mr. de AGUIAR: I am sorry the hon. Member has interrupted, because I was about to compliment him on having held the floor until my arrival, and I think he has done a good job. I would like to know whether certain representations have been made to Government concerning this Bill; whether the hon. the Attorney-General has had an opportunity to study those representations and whether it is proposed to modify the Bill in order to meet the suggestions put forward? What the hon. Member has said about the importer is quite true. It seems unreasonable to expect an importer to be unduly penalised for something for which he is not really responsible. I am not sure that the definition of "standard of quality" is a happy one. I am not sure that it covers all the ground. It seems to me that an attempt has been made in very simple paragraphs to define soap which whether manufactured in the United Kingdom from palm oil, coconut oil or some other oil, will be soap in whatever country it is manufactured. I am not very happy about it. I would prefer to see a clearer definition so as to meet the various points.

I have it on very good authority that variations in the quality of soap depend on the country of origin. We manufacture all our soap in this country from coconut oil, and I have in mind the difficulty that arose at the time, and

unfortunately is still with us, in trying to find a proper definition of oil. I do not think we have succeeded yet in arriving at a definition of crude or refined oil manufactured from coconut satisfactory to all parties concerned. It may be that one of the difficulties is the process of manufacture. We have the same difficulty arising in respect of soap, and I am informed that the standard of quality of soap is determined to a very large extent by the standard of the soap stock that is used. I do not know how this definition was arrived at. I do not know whether samples of ordinary soap manufactured in this Colony were analysed in order to arrive at this definition. In short I do not know whether it is considered sufficiently wide to cover soap manufactured in this Colony from the coconut, or soap manufactured in the United Kingdom or the Argentine from some other vegetable product. If we are endeavouring to put our soap industry on a proper footing we should make some effort to have this definition cleared up once and for all.

I observe that the Bill provides that samples of soap will be analysed. I do not know what machinery will be set in motion in order to obtain those samples from the various manufacturers in the Colony. I would not be surprised to see another minor industry developed on the quiet as a result of this Bill, and I do not know how it is proposed to protect the consumer or the people who sell soap. First of all the penalty is on the manufacturer. If he manufactures soap below the standard it will be destroyed. In my opinion that is a harsh penalty because, with due respect to the people who manufacture soap in this Colony, I do not think they can rightfully claim that they are experts in the art. I think I would be right in saying that a good many of them know very little about it and have a lot to learn. They make soap by a method of trial and error. They have no workmen who have been

trained in the manufacture of soap. If a person makes soap that is below standard the Bill says it would be destroyed. I see it is proposed to move an amendment of the Bill in that respect. I assume that it is now proposed that the soap should not be destroyed but that the manufacturer would be allowed to reboil it.

Let us go a step further. Supposing a manufacturer has made his first boiling and a sample of that soap is analysed and found to be up to standard, but he proceeds with his boiling and as a result of unscientific methods makes several packages, but only one sample is taken. Those immediately following may fall below the standard and eventually find their way into a grocer's shop. A sample may be taken there, and if it is found on analysis that it is not up to standard the trader concerned would be liable to prosecution. It is not clear to me who would suffer the penalty—the manufacturer or the seller—but I submit it would be hard on whoever is prosecuted. Assuming that there is an error made in good faith it seems to me a very hard penalty for them to suffer because of the fact that the process of manufacture is unscientific.

I would like to see a development of the soap industry and I had hoped that Government would have begun at the beginning. I still have a bee in my bonnet about this oil industry. Government should start at the very bottom by trying to protect the crude oil manufacturer. We have not done that and we are going to make the same error with the soap industry. I suggest that we should think a little more about this matter. I know that pressure was being brought to bear on Government institutions with which I was concerned that this Bill should be introduced quickly. I was one of those who felt that the matter wanted a little more study. I do not think we know enough about it. In trying to do good we may do a great deal of harm. It must be

remembered that the Bill contemplates restriction of imports, and I am afraid if we start at the wrong end we may find ourselves in a great deal of difficulty. Briefly, the points I am making are that we should examine chemically or otherwise the quality of the soap stock ordinarily used in the manufacture of soap, in order to ascertain whether from that material we are able to manufacture soap that falls within this definition at all times.

I have not forgotten the incident that occurred three or four years ago when Government attempted to fix the standard of soap purchased by Government institutions, and I happen to know the result. The sample produced was ideal and stood up to the test, but subsequently the quality deteriorated—whether wilfully or otherwise I am not in a position to say—but at any rate the idea was abandoned. With that experience I think we should go carefully. Let us give this Bill a little more study. I must admit that I have not been able to get some information I had hoped to obtain, because I do regard it as a very important matter. If Government is satisfied that this Colony can produce soap of this standard of quality, and that it will be maintained, then perhaps we may proceed with that part of it and I would have no more to say except to protect the other interests. We must examine the soap stocks otherwise we cannot hope to attain a reasonable standard of quality. What is the use of having material which will produce different qualities of soap at different times? I do not mind what the local soap manufacturers say. The local soap is manufactured in a primitive way.

The DEPUTY PRESIDENT: If they do not conform to the standard of quality their licence would be taken away.

Mr. de AGUIAR: The policy is to restrict the importation of soap, which I agree is a good thing, but I am not

satisfied that at the present moment we can produce at all times sufficient soap of the same quality, for the reason that it is all done unscientifically at the present time. In other words, it is a gamble. I certainly do not think that boiling it over again is a step in the right direction. I think it is Government's duty to undertake a little more research in this matter because, after all, the manufacture of soap is an important matter. We have the stuff. I rather want to encourage it, but at the same time I do not want us to make errors from the beginning. I repeat that Government should start from the very bottom by examining the contents of our soap stocks in the Colony, and in that way endeavour to produce soap that will stand up to the definition of "standard of quality".

There are one or two other suggestions I would like to put forward but I prefer to leave them over until the Committee stage. So far as the principle of the Bill is concerned I think it should be given a little more study, and that we should begin at the bottom.

Mr. FERREIRA: I think I should compliment the Minor Industries Committee on bringing forward something tangible and making an effort to foster an industry which can do a lot of good by way of keeping money in the Colony. There is no doubt that a soap industry will be a great help in keeping up the price of coconuts and coconut oil. At present soap is manufactured in the Colony under the most primitive and insanitary conditions, but that is due to the fact that those who are in a position to manufacture soap of a high standard or a reasonable standard are unable to do so because there is no standard of quality. A man who can make a bar of soap consisting of water and caustic soda can make a large quantity and undersell the manufacturer of good soap. It may be said that we have not the necessary local talent but I doubt that because, in

manufacturing soap, the testing of the acids is all carried out by means of instruments, and we have men in this Colony quite capable of doing it. In any case we must learn, and I think Government should help.

The hon. the Attorney-General mentioned that the fee for analysis can be reduced. I agree, and I think steps should be taken whereby manufacturers should be encouraged to make every effort to have their samples analysed so as to put on the market a product of which we may be proud.

I agree with the point made by the hon. Member for Georgetown North (Mr. Seaford). I think it is merely an omission that this Bill applies entirely to common soap. I am not in a position to argue about the astringent or fatty qualities of soap; I leave that to those who know better. I feel quite sure that an amendment can be made specially to designate common soap.

As regards the point about merchants being penalized, I am sure it is not Government's intention to penalize anyone unduly. We can get over that by making it compulsory that every shipment of soap should be accompanied by a certificate of quality. That would be of some assistance. We are all agreed on the point that this Bill is intended—to use the words of the Attorney-General—to shelter the local manufacturer of soap and to foster the local industry, but I would like to point out that if we really want to foster this industry we should make clause 17 effective without delay. We all know that the soap manufacturing interests abroad are about the most powerful in the world, and no local manufacturer can develop unless he has a certain amount of protection. The price factor can always kill a local industry.

Mr. DIAS: There is only one clause in this Bill with which I am concerned. I refer to clause 9 (c) which gives the

Police the right to "seize any soap which is not, or which he suspects is not, of the standard of quality prescribed in section four of this Ordinance." I consider that most extraordinary power. How can a person suspect that soap is not of a certain standard of quality without having had it analysed? I do not know that the Police would be any wiser in that matter than I would be. The proposed amendment does not protect the manufacturers in the way I think they should be protected. It seeks to protect the manufacturer in two respects only. The Police cannot seize this soap if it is at the moment in the course of manufacture, or, in the other case, if he is awaiting a certificate from the Analyst.

I presume that a manufacturer would be making soap every day, and at the end of ten days he may have 100 boxes of soap. The Police may seize one box or one bar of soap from a box. They have the right to assume that the remaining 99 boxes of soap are of the same inferior quality and can seize them all. That would be very unjust. Before they seize they should be satisfied in the proper manner that the quantity of soap they propose to seize is below standard. They can buy the entire lot of soap, but they must not assume that because a sample taken from a particular case is found to be below standard the soap in the other 99 boxes is also below standard. I suggest that this amendment be further amended to prevent the Police seizing soap unless they have a certificate from the Analyst that it is not up to standard. A man may manufacture a perfectly good soap today and tomorrow, through the carelessness of a workman, there may be a drop in the standard. To seize all the soap suspected to be below standard would mean putting up the manufacturer's shutters for him. After all no proceedings can be brought against a manufacturer unless there is a certificate from the Analyst. He has no means of thinking in rela-

tion to a matter of which we have no knowledge. I suggest that in order to put this thing right these people should be protected in the way I have indicated.

The hon. the Attorney-General said there is no soap industry in this Colony. Perhaps strictly speaking he may be right, but I have reason in believing that the soap manufactured in this Colony during the war has been of considerable use to the community generally and not only the poor people. I have seen very good locally—manufactured soap used in my own house and by nearly everybody. What do you scrub your floor with, not with scented soap, not with that as said by the hon. Member of Georgetown North used by the ladies? It has been a salvation that there has been energy on the part of some people here to manufacture soap—the kind we call common soap. It has proved a blessing in disguise to the community that these people took upon themselves to supply that commodity which is essential to everyone, and we must be thankful and very grateful to them for having done so. Perhaps, in process of time it will be a thriving industry. We who practise Law here know that the Police take advantage of a good many opportunities in doing things which they should never avail themselves of.

Mr. JACOB: I was hoping that this Bill would not have brought forward unfavourable comments from certain hon. Members to-day. I want to say right away that I appreciate the remarks made by the last hon. Member who has spoken, and I endorse them and also the remarks of the hon. Member for Berbice River (Mr. Ferreira) regarding the help this industry will be not only to the coconut industry but to the local working people. It has always been a puzzle to me to see and know that coconut products had to be sent from here to the big soap combines in the United Kingdom to be manufactured into soap and that very soap shipped back to this Colony through various agencies and merchants to be consumed

by the working people and others in this Colony. If it paid the importers of raw products to import such articles as coconut products from this Colony, paying high freight rates, turn them into manufactured goods and ship them back here through merchants and brokers, then it is high time this Colony should turn its raw products into manufactured goods even if it means importing the skill to do so, and the sooner we do so is the better.

I have got accustomed to listening to the hon. Member for Central Demerara (Mr. de Aguiar) and the hon. Member for Georgetown North (Mr. Seaford) as regards delaying all these matters—delaying everything and trying to get information and in the end the information that is collected is of no value.

Mr. SEAFORD: To a point of correction! I made no remark whatever about delaying this matter. I would be delighted to see it go through immediately with one or two amendments.

Mr. JACOB: I am very glad to hear that, but what struck me as being very peculiar was when the hon. Member for Georgetown North got up to speak he said certain Members would have raised the point that the matter be further investigated and delayed. Therefore he knew there must have been some collaboration. This is not the time for it, the hon. Member for Central Demerara has said.

Mr. de AGUIAR: Excuse me! I do ask the hon. Member not to import any words into my speech. I never said the matter should be further deferred. I am of the opinion that this is the time for it if it is in order.

Mr. JACOB: I accept that. It is sought that the matter be deferred for further consideration, experts brought in and the matter investigated. The hon. Nominated Member, Mr. Dias,

gave a reply to that. If in this period of national emergency we had not the local talent and people manufacturing soap here, the entire country would have been in jeopardy. I agree that this Government should take immediate steps to prohibit the importation of soap or limit the quantity to be allowed to come into the Colony. I have seen local soap samples equal to any imported laundry soap sold in this Colony.

Mr. ROTH: To a point of correction! All samples of local soap were chemically analysed by the Minor Industries Committee and two were not only equal to but superior to the imported soaps.

Mr. JACOB: My hon. friend has said what I wanted to say. I have seen the samples myself and I believe what I was told that they are definitely better than the two best imported soaps.

Mr. J. A. LUCKHOO: Three!

Mr. JACOB: These Soap Combines can buy this Colony and, I believe, that is what certain interests in this Colony want—these manufacturing combines should be in a position to purchase the Colony and the majority of the people in the Colony.

Mr. de AGUIAR: Including the hon. Member!

Mr. JACOB: I believe the hon. Member for Central Demerara can be purchased at a price!

Mr. de AGUIAR: The hon. Member is speaking for himself.

Mr. JACOB: Yes; I believe he can be purchased for a price. He has suggested that I can be purchased. Maybe I have a price, but my price is the Colony's price.

The DEPUTY PRESIDENT: We are discussing soap!

Mr. JACOB: I was saying my price is the Colony's price. If the Colony sinks I sink with it. If the coconut industry sinks I sink with it. I am hoping that this locally manufactured article, soap, will not share the same fate as the coconut products have shared up to the present time. We have got the Coconut Products (Control) Ordinance, No. 36 of 1935. While it was the intention of Government, I believe, when that Ordinance was introduced to give assistance to the coconut industry, I find that the coconut industry was not actually assisted. I am hoping that this Soap Bill when it goes through will lead to assistance to the various forms of the coconut industry. I hope that when this Bill is passed, as I hope it will soon, it will be worked in such a way as to encourage the irrigating and draining of land, the planting of coconuts and the making of soap, edible oils and other articles, and that it will help materially to improve the coconut industry in this Colony. But I am a little suspicious. I am a little concerned especially when the hon. Member for Georgetown North and the hon. Member for Central Demerara spoke so discouragingly about the objects and the ultimate result that may accrue, when this Bill goes through to the soap industry and the coconut industry.

Mr. SEAFORD: I did not speak discouragingly about the soap industry and I did not mention the coconut industry. All I said was that I did not think the object of the Bill should be to penalize the importer or to deal with any other than common soap.

Mr. JACOB: I do not see how the importer should be penalized. The hon. Member for Berbice River (Mr. Ferreira) stated that some certificate may accompany each shipment and the importer, as he does now when he imports milk,—the hon. Member for

Central Demerara knows that—and other articles may notify the exporter that the commodity must have a certain percentage of certain constituents and if shipped below that percentage and there is any doubt as to the commodity being not of the standard quality he can get the Customs Authorities to have it analysed and not pay the draft at all. That is done. As a matter of fact my hon. friend knows very well the Customs do not accept duty on butter and such other things unless the analysis is taken.

Mr. de AGUIAR: I wish the hon. Member will not distort facts. The hon. Member knows, as he is an importer, that the provisions of the Ordinances governing the importation of the articles referred to by him specifically lay it down that those goods are to be examined by the Government Analyst before they are allowed entry into the Colony. In this Bill there is no such provision. What happens is this: If a man who imports soap is allowed to pay duty in the ordinary way and that soap is found to be below the standard after it has cleared the Customs, then it is subjected to certain penalties. That is an entirely different proposition. The hon. Member will distort facts.

Mr. JACOB: I was hoping that the hon. Member would argue like that and would have suggested while on his feet that some such provision be made here. He is not wholly correct, but let us assume that he is correct. Why do we not have the same provision included in this Bill then? As I understand him, he is in favour of the manufacture of most articles locally. Why does he not make that constructive suggestion? Why does he make destructive suggestions, such as he did during the course of his whole speech? There can be little or no difficulty in adopting the proposal here. I was very pleased to hear the hon. Member say this Bill is to aid the soap manufacturer, to encourage the manufacture of good soap and not to obstruct and hinder but to help. I think this Council

ought to agree unanimously to any constructive suggestion for the making of the very best soap locally and not penalise any importer while engaged in importing the smallest possible quantity of soap from abroad.

Mr. de AGUIAR: I am still waiting to hear one constructive suggestion from the hon. Member.

Mr. JACOB: The constructive suggestion is that all imported soaps should be reduced in quantity to 25 per cent. so that the locally manufactured article would be encouraged, thus providing employment for local people and use for local materials.

Mr. C. V. WIGHT: I find myself in total agreement with the hon. Member who has just taken his seat. I happen to be a Member of the Secondary Minor Industries Committee. There is in certain quarters—and further I say not—an attempt to decry the efforts of the Committee in regard to minor industries, every effort that has been made. I personally intend to go as far as I can in endeavouring to support as far as possible all minor industries. Some may lose but others may not. They are all going to be of some benefit, as whatever is lost is going to be lost in this Colony. I have got at the stage of being suspicious of increased taxation and purchasing power in this Colony. The tendency to-day is to create a purchasing power, to increase wages and salaries not to be spent here but to be spent through Water Street and the Customs in other countries which are going to produce and manufacture the goods. That is the thing this Council has to watch and, I suggest, it should watch very carefully. One of the reasons why I shall endeavour, if possible, to support all minor industries is in order that the purchasing power now being created by these increased wages and salaries shall be fully absorbed in this Colony as much as possible. I personally do not agree with the suggestion of the

hon. Member for North-Western District that there should be 25 per cent. importation of soap.

Mr. JACOB: To a point of correction! At the present time. I qualify it.

Mr. C. V. WIGHT: I am glad to hear the qualification. I agree with the qualification so as to be able to get unanimity on this general question. This Soap Bill has taken a long time in coming forward, and a considerable amount of effort in trying to galvanise action. I would like it to be presented. Perhaps, I think a couple of years is a rather short period, but I would rather like to see every bit of soap manufactured in this Colony and the imported soaps totally prohibited. If people want any fancy soaps they should be paid for. That is my general policy towards all imported articles. I know some will say it is a form of prohibition of protective tariffs. As the hon. Member on my left (Mr. Seaford) says "Increase the cost of living." That may or may not be so, but I am rather perturbed when I hear about all these manufactured importations. We are told on the one hand that we must seek self-sufficiency; we must try to be self-supporting. Yet there is opposition. Are we given an opportunity for industrialization of any sort, any form of employment outside the recognised stereotyped forms we have? It is all very well to say we are going to put in labour clauses, we are going to increase wages, but are we going to find employment for the people who are employed in a certain stereotyped form known to us as well as other employment? In England and other countries it is quite easy to find any other employment. You come out of one job and find another somewhere else. but you cannot do that here as the result of the economics of this Colony. We have to go forward and much faster than we are doing in creating employment in this Colony in all forms of secondary industries. It is perhaps impractical, though I would like to see it, to prohibit entirely the importation

of certain goods. There are certain goods, perhaps, we cannot touch such as clothing and other goods. I feel that the policy indicated by the Soap Bill—I think all Bills of this kind—should receive the unanimous support of this Council.

Mr. LEE: I would like to support the remarks made by hon. Members who have supported this principle that all such industries should be assisted as much as possible to the exclusion, if necessary, of the imported articles, but at the same time we must have the standard quality that we are accustomed to. From the hon. Nominated Member on my right (Mr. Roth) this Council was informed that on a test made two of the samples of locally manufactured soap exceeded in quality the imported article. If two companies or two private individuals can manufacture soap in this Colony better in quality than that prescribed in the Bill as well as better than the imported article, can they not at the same time produce soap in such quantity as to meet the demands of the local market? I sincerely wish that this Council will pass this Bill. What we are all clamouring for is that all minor industries should be improved in this Colony so that there will be employment for the people in this Colony. We say on the one hand there are no industries to absorb the unemployed, the boys coming out of school and the men coming from other places, but yet on the other hand we have here Members decrying those industries which are trying to improve the purchasing power of the people of the Colony. Let us turn to the Bill and we will see there is no actual definition as to what is soap. The only thing the Bill requires is that if you manufacture soap it must be of a certain standard of quality. The Government requires it of the manufacturer. It is a similar requirement as in the case of milk. Government demands that milk which is being sold must be of a certain quality because it will be beneficial to the health of the people. Those who want to rob the public must be

penalised. Why should there be any fear as to the standard? When you get the Ordinance you will know the requisite standard and the soap can be manufactured accordingly. If importers want the manufacturers abroad to send down soap which is below the standard, then they must pay the penalty. The reason why we get at the importer is because we cannot get at the foreign manufacturer. That is the protection this Government is asking of the importer. Why should people who are importing soap be afraid of that? They can demand of the manufacturer a guarantee in writing that he will pay the penalty if the soap is not of the required standard. We are here to protect the public in seeing that they get the required standard which will be beneficial to them. I do not think anyone should grumble over protecting a local industry when we all say we want industries in this Colony.

Mr. EDUN: The Bill in my hand is a timely one and I heartily support it. This is a time when an infant industry should be encouraged, but it should be encouraged to grow healthily. In this Bill I see the tendency is that the soap industry should grow healthily and unlike other industries we have in this Colony. Take the rice industry, in the manufacture of rice from padi there are conditions which are not conducive to the interests of both parties, and we have a Bill coming up to rectify those anomalies. If there are defects in this Bill they would be rectified in due course. I say protection is very necessary for an infant industry especially for one like the soap industry, and if Government is satisfied about the quality of the soap manufactured by these local industrialists, I think the State ought to encourage them and give them all the protection they need from the imported article. Apart from that, the State has its duty to see that soap of a good quality is being handed out for local consumption. If I may recall hon. Members' memory, what about the match industry? Was not that

local match protected with the result that to-day there is hardly any imported matches coming into the Colony? That industry is to-day endeavouring to put out a good article. If the match industry has given such an indication surely we should encourage the soap industry in the same way.

I want to pay tribute to the local manufacturers of soap at this juncture because they have done this country a great service at a time of stress, and we should encourage them with all our might. Am I to understand that there is a clash of interests between the importers and the local manufacturers of soap? If there is, then the remedy is with the Government to protect the local manufacturer against the importer because he has the incentive to-day to become a minor industrialist. I remember a Frenchman coming to this Colony before the war and manufacturing a bath soap of excellent quality from coconut oil. I think the time will come when even bath and toilet soap will be manufactured in this Colony. I heartily congratulate the Government on taking this step to foster industry in the same way. Yeoh

Mr. J. A. LUCKHOO: Perhaps as a member of the Minor Industries Committee. I am somewhat biased in favour of this Bill, but as other speakers have stated, three local firms (not all of them) have manufactured soap which on analysis has proved to be better in quality than some of the imported soaps. The time has come when the energies, expenditure and adventure of these local manufacturers should be protected. The Bill has been brought forward none too soon, and it may be that but for pressure of work in the chambers of the Attorney-General it would have seen the light of day before to-day. It ought to have seen sunlight before, and I feel that no member who has the interest of the Colony at heart will object to the principle of the Bill. It may be that some of the clauses will in course of time require discussion

and amendment. I am not saying that it is altogether perfect, because one hon. Member referred to what might happen if a policeman entered a soap factory and only suspected that the soap was not of standard quality. He would be empowered to seize the whole stock.

Not only must we encourage the local soap industry, we must help it by some measure of protection, and it seems to me that the day will come when the local manufacturer of soap will find an export market, probably in Trinidad and Dutch Guiana. I know that at the present time soap is being exported from this Colony to Dutch Guiana, which speaks well for the enterprise of the local manufacturers. This Bill should not be delayed any longer; it should be put into operation as soon as possible. With those few remarks I heartily support the Bill.

Dr. SINGH: I also support the Bill on two grounds. Firstly, it will be an encouragement to the people of the Colony, and secondly, an incentive to local industry. I feel sure that before bringing it to the Council Government must have considered the various points. We must encourage small industries. Apart from being an Agricultural country we would like to see it industrialized as much as possible by minor industries.

The ATTORNEY-GENERAL: The hon. Member for Georgetown North (Mr. Seaford) mentioned that in his opinion the Bill should not apply to what is known locally as toilet soap, and the hon. Nominated Member, Mr. Roth, said that was the intention of the Minor Industries Committee. While I agree with that I do not think the reason put forward is a particularly good one, but I am not going into the details of that. I think that if ordinary washing soap is to be of known standard in order to avoid damage to the hands, surely toilet soap should be of a higher quality still. My real difficulty is that it is impossible to define toilet soap or any soap in such a manner as to make

this Bill worth while. In other words, if we exclude toilet soap the foreign manufacturer could call his soap common soap and sell it at such a price as would knock out the local soap. That is the reason why no effort is being made to distinguish between soap and common soap. Clause 17, however, provides:—

“17. The Governor in Council may by Order restrict or prohibit the importation of soap or of soap of any specified kind or variety or of any soap not being of a special kind or variety.”

The object there is that if you cannot define toilet soap you can define Mr. X's soap, so that that clause gives us power to do what we cannot do under the Bill itself. Therefore I suggest that we leave it as it is and leave it to the Governor-in-Council to deal with the matter under clause 17.

Mr. SEAFORD: How is it got over in the Customs Ordinance in which there is a special tax on common soap?

The ATTORNEY-GENERAL: I asked the Comptroller of Customs, who is at present on leave, and he said he preferred not to say how he did it. The hon. Member and also the hon. Member for Central Demerara (Mr. de Aguiar) said that there is no penalty on the manufacturer who exports to the Colony soap which is deficient in quality. That is quite right. We cannot penalize him until he comes within the jurisdiction. As long as he remains in London, New York or Buenos Aires he is quite safe. This Bill is just a small beginning, and I say for the time being do not worry about it. All we have to see is that soap does not come into the country.

The hon. Member for Central Demerara raised questions of major policy, one of which I will refer to. First of all he said that certain representations had been made to Government and he did not know whether they had been considered. About four or five blocks of representations were received and they have all been considered. No replies have been sent

to the parties because I only got them yesterday, but they have been considered. The hon. Member said that it is a very harsh penalty on the importer to seize and destroy soap he has imported if it is found to be deficient in quality. The hon. Member was not here when I moved the second reading of the Bill. The point is that an importer can cover himself if in his order he says that it is a specified condition of his contract that the soap supplied must comply with this particular Ordinance, and if any soap received is deficient in quality the contract would be null and void. I admit that the exporter gets off, but the great thing is that the soap does not get into circulation. It is a harsh penalty, but it is very difficult in this Colony and other Colonies to trace the person responsible. What the public require is that no bad soap should be available until the local people have their own trade marks, and people will buy according to trade marks.

The hon. Member for Georgetown Central (Mr. Gonsalves) said that the quality of locally manufactured soap varies from day to day, and suggested more time for trial and error? Why should the general public suffer when the manufacturers make errors? Surely it is a simple thing to see that every lot of soap they boil is up to standard. It requires a simple test and the analyst's fees are the lowest of the whole lot. If we are going to protect the manufacturers they must do their part. They cannot expect to run an industry like this unless they have technical officers. The manufacturers are being sheltered. It is not the idea that the manufacturers should do the manufacturing and Government should supply the brains. Their task is to see that no product they use is so deficient that it would make a soap which is below standard. The hon. Member asked what happens to the unfortunate grocer if his few bars of soap are seized and destroyed?

The grocer knows from whom he got the soap and he can get his money back.

The hon. Mr. Dias took exception to the words in clause 9 (c) "which he suspects is not of the standard of quality....." The whole object of the Bill is not to impose penalties on the people who manufacture soap but to keep soap off the market until the industry is established. The Police get certain information and take some soap for the purpose of analysis. They know the result of the analysis but cannot be certain which lot it refers to. Are they to stand by and watch the manufacturer circulate that soap? The hon. Member asked whether it was right for the Police to take one bar of soap for analysis, find that it is deficient and seize 99 bars? Clause 15 says:—

"15. In any case where soap has been seized and has been certified by the Government Analyst as being of lesser quality than that prescribed by this Ordinance, the authorised officer shall give not less than twenty-one days' notice to the consignee, owner, manufacturer or other person from whose possession it was taken of his intention to cause such soap to be destroyed."

Only the soap actually seized will be destroyed. If the Police seize one case of soap and the Analyst certifies the soap in that case is deficient that one case is liable to destruction; not the whole lot of soap in stock.

Hon. Members spoke generally in favour of the principle of the Bill and said they would like to see immediate steps taken to stop the importation of soap. I think that must be left until we see how the position evolves. If the local manufacturers live up to it then action would be taken on that particular clause. We cannot presume that they are going to be successful and cut off the importation of soap now. I formally move that the Bill be read a second time.

The CHAIRMAN: I think it is the general feeling of the Council that this Bill should be proceeded with. In ordinary circumstances I think the opinion of the hon. Member for Central Demerara (Mr. de Aguiar) would be respected, but his chief complaint was that he had some anxiety as to whether sufficient quantities of soap of the required standard could be manufactured from local products. I think the Committee's investigations have shown that there are at least two or three factories producing soap of good quality. I gathered from their reports from time to time that there were available sufficient coconut products to produce the required quantity of soap. The Attorney-General has pointed out that clause 17 of the Bill will protect the local manufacturer of ordinary common soap from being in competition with soap from abroad which could be imported as toilet soap and could still be used as common soap, as it gives the Governor-in-Council power by order to prohibit the importation of any kind of soap.

Question put, and agreed to.

Bill read the second time.

The CHAIRMAN: I suggest that the Bill be left in Committee as there are Members who are anxious to proceed with the Rice Farmers Bill.

Mr. JACOB: We know where we are now and we should proceed with this Bill.

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

COUNCIL IN COMMITTEE

Clause 1—Short title.

Mr. SEAFORD: I move that the word "Laundry" in brackets be inserted between the words "Soap" and "Ordinance" in the short title of the Bill.

The ATTORNEY-GENERAL: That would be the same as moving the rejection of the Bill,

Mr. SEAFORD: I will therefore move an amendment to the definition of soap.

Clause 3—Penalty for manufacturing or importing soap below standard quality.

Mr. de AGUIAR: I propose to move an amendment in order to have an opportunity to make some further remarks, especially in view of what certain hon. Members have stated. I move that sub-clause (2) be amended by the insertion after the word "soap" of the following:—"and no soap shall be allowed to enter into the Colony." The reason for that amendment will, I hope, be quite clear to the mover of the Bill. I happen to be more familiar with this Bill and I have read it more carefully than certain Members who spoke rather intelligently (at least in their opinion) about it. In the first place, I was accused of decrying the Bill and in another place I was more or less accused of representing the manufacturers of soap abroad, both of which, of course, are irrelevant and have never entered into my remarks at all. It seems to me that certain Members take the opportunity to decry others who are more competent to express an opinion on certain matters than they are. I have never attempted to take up the cudgels of the manufacturer abroad. Rather than that, I think my suggestions were very helpful, but I excuse those hon. Members who thought I was taking up that attitude. They will never understand or learn anything.

I will probably be told that clause 13 provides for what I have in mind, but it is not quite clear. Clause 13 invites attention to the Sale of Food and Drugs Ordinance, chapter 102. In that Ordinance, I refer particularly to section 24 which provides a good defence for anyone who may be found with an inferior quality of soap in his shop if he can produce a certificate or warranty to the effect that he purchased the soap in conformity with the Ordinance. We know what happens here. If the soap

is allowed to enter the Colony it is made an offence for anyone to import soap below standard quality. I want the position of all parties to be protected and then they accept certain responsibility. I want to put the obligation on Government to see in the first instance that when a shipment of soap arrives it is analysed, and if it is found to be below standard it should not be allowed to enter. To allow supplies of soap to come in and leave it to the discretion of the importer who will be sheltered under Section 24 is not doing justice to the local industry. It should be obligatory on the Government to test supplies of soap on arrival in the Colony.

I think my amendment alone should convince hon. Members that I am not taking up the position of the exporters abroad who are not at all afraid of any standard that may be prescribed. They have all the scientific knowledge at their disposal and would be able to supply soap of any standard. It is the poor local man, who is not able to meet this standard, that I am trying to protect. The manufacturers abroad are able to protect themselves; they have the means and the money too. I am not so easily bought. Some people can be bought for very little. I cannot be bought at all.

The CHAIRMAN: We are talking about soap.

Mr. de AGUIAR: I cannot even be bought with soap. (laughter.)

Mr. J. A. LUCKHOO: I think the hon. Member can be washed with soap.

Mr. de AGUIAR: As a matter of fact I cannot even be bought with sweets because I do not eat sweets. I am very glad to hear that the representations which have been made have been carefully considered by Government, and I say here and now that among those who made representations was the Chamber of Commerce which is anxious to see the Bill through. I am not here at the instance of the Chamber to oppose the Bill. The Chamber wants

the Bill to go through. If hon. Members think that because I happen to be an importer of soap I am here to vote against the Bill they are wrong.

They must not look at their own mirror in judging the ambitions of other people. I think it is time some of them are told that very plainly, and I will do that every time I get an opportunity to do so. I am here to be helpful, and I do urge upon them not to accuse hon. Members of ill motives, but rather get down to business and see what we can do. That amendment I have suggested, I hope, will find favour. It may not be happily worded, as I am not a draughtsman and do not claim to be one. I would like to see no attempt made to bring in soap from abroad below the standard under the Ordinance.

The CHAIRMAN: But will that be below the standard? The fear on the part of the Committee is—

Mr. de AGUIAR: I know what the Committee has in mind, but very often when it comes to producing that in a Bill to be interpreted by Magistrates and Judges one has to be very careful. How often one does not hear in the Courts of the Colony a member of the legal profession who happens to be a Member of the Council say before a Magistrate "That was never the intention of the Legislature" regarding a particular section before the Court?

Mr. LEE: I protest against that!

Mr. C. V. WIGHT: To a point of correction! I would like to tell the hon. Member, if it would be helpful in shortening his speech, that hon. Members of the Legislature get up and say what we recollect when we can quote from Hansard what the intention was.

Mr. de AGUIAR: I have only mentioned what I know as a fact. I have heard Members say "It was never the intention of the Legislature that so and so should be the meaning of this."

The CHAIRMAN: If the hon. Member would allow me to interpose, I have taken down the actual wording of the amendment. Although I am not here to advise, the present words are "No person shall import into the Colony any soap....." and you want to move in this amendment "and no soap shall come into the Colony." There is no distinction between your amendment and what is there. What I think you had in mind is that the soap which is being imported should not enter into use.

Mr. de AGUIAR: That happens to be the Customs phrase.

The CHAIRMAN: The Customs Ordinance means consumption which is a different thing.

Mr. de AGUIAR: They use the words "enter into the Colony." What they mean is that before you can clear the goods you have to make out a Bill of entry. That is where they use the word "enter." That is where you find that "entry into the Colony" is phraseology of the Customs law, and I was trying to do the same thing. I do not claim it is correctly worded as well as it should be, but what I mean is that after the soap arrives here before it gets into use or consumption it should be analysed and, if it falls below the standard fixed under the Bill, then the various action provided should be taken. I do not think we should allow it to go out into the hands of the wholesaler and the retailer, who is not necessarily an importer, before the provisions of the Bill become applicable.

The ATTORNEY-GENERAL: As regards this amendment it is quite understood what the hon. Member wants. He wants that the soap should not leave the Customs Warehouse until you are satisfied that it is of the required standard. If the hon. Member withdraws the amendment I undertake before the Bill goes through to see what I can do in that respect. One thing I would like to point out and that is, it will take an army of Government Analysts to analyse all the soap that

may be imported into this Colony, while there are only one or two available at present. If you put this extra burden on the Government Analyst, it may be necessary to ask for more Assistants in that Department. When the Bill was drafted the idea was that the importer must see to that by either getting the Government Analyst or someone else. If the hon. Member withdraws the amendment I undertake before the Bill reaches the final stage to introduce some wording to give the effect that no soap shall be allowed to leave the warehouse unless it has the quality desired.

Mr. LEE: May I suggest this to the hon. Member which will be very practical? Every importer of soap shall ask of the exporter a certificate of quality to be attached to the Bill of Entry for production to the Customs.

Mr. deAGUIAR: I do not think I need reply to that last remark. The point was fully covered before and, I am afraid, I cannot go back to it again. With pleasure I withdraw the amendment on the undertaking given by the hon. the Attorney-General that he will put up something to meet the point raised.

Mr. SEAFORD: I beg to move a further amendment to clause 3 (2) by the addition of the words "without the permission of the Governor in Council." My reason for advocating that is this: Everyone has heard the members of the Minor Industries Committee and the hon. Mover of the motion say this is only brought in to protect common soap. The hon. Mover has said he will put it in but he cannot find a definition for that, although it is used in the Customs Duties Ordinance. I would like to point out that there may be certain medicinal soaps not covered by the definition which may be essential for health or surgical purposes. By the amendment the Governor in Council will be permitted to allow such soaps to be imported.

Mr. J. A. LUCKHOO: I sympathize with the point made by the hon. Member for Georgetown North, but I think that will be more appropriate when we get to clause 4. There you may insert "Soap which means common soap shall contain...." I think that will meet his point.

Mr. SEAFORD: I would like to thank the hon. Member for his suggestion. If that is accepted, I beg to withdraw my amendment.

Mr. J. A. LUCKHOO: While I have no objection to what the hon. Member has moved, it makes a loop-hole in the Bill and I trust the Governor in Council will not allow it to be open.

The ATTORNEY-GENERAL: No one knows what it is, and the exporter abroad will just mark it "common soap" and there will be no way of proving it. Whatever we put they will put on the package and we cannot disprove it. I suggest to hon. Members to let the Bill go through the Committee stage as far as we can, and then let me know before tomorrow or on the next occasion that the Bill comes up to be passed the new amendment desired to clause 3 (2).

Clause 4—Standard of quality of soap.

Mr. de AGUIAR: Is this standard of quality derived from the Government Analyst?

The ATTORNEY-GENERAL: What the Minor Industries Committee reports is this.

"In recommending that it should be illegal to sell soap having less than 60% of fatty acids, or more than 30% of water and 0.05% of caustic alkali, the Committee carefully considered analyses of imported soaps and also the standard adopted in Trinidad. In the latter Colony there are these standards—

Grade A—not less than 62% fatty acids and not more than 0.075% of free alkali or free acid.

Grade B—not less than 50% fatty acids and not more than 0.2% of free alkali or free acid.

Grade C—not more than 45% fatty acids and not more than 0.25% of free alkali or free acid.

Six brands of soap commonly imported into this Colony were analysed by the Government Analyst and after careful consideration the Committee decided that, at any rate for the present, only one grade of soap should be allowed to be sold in the Colony."

The Committee thought it better to adopt the standard set out in the Bill which is not less than the Trinidad standard but slightly above. In other words, the minimum of the Trinidad grade and the imported soaps tested all agreed with that standard, and five of the locally made soaps did also. This clause is a recommendation of the Minor Industries Committee taken partly from the Trinidad Regulations and partly recommended by the local Government Analyst.

Mr. SEAFORD: That opens another point. I understand that in Trinidad you have one class of not less than 50 per cent. fatty acids. In this Bill it is 60 per cent. That is what is going to keep out a large portion of toilet soap in this Colony. Why do that here and it is not done in Trinidad which is far more flourishing and receives much more help? It seems we are going much further than Trinidad in the matter.

Mr. C. V. WIGHT: I think we should keep to the standard set out here. I happen to be a member of the Minor Industries Committee and, I think, the hon. Member for Central Demerara is too. I do not know how he has forgotten, or perhaps he was not at the meeting and did not read the minutes when this formula was arrived at. His own words make one chary of altering this clause. He said the manufacturers on the other side can look after themselves; they have the chemists and the industrialists and therefore can make toilet soap out of common soap

and *vice versa*. I ask him, therefore, to leave the Bill alone and let it get moving. If it creates hardship then representation can be made and the necessary amendments can then be made. The hon. Member for Central Demerara is much more in touch with the manufacturers on the other side and knows their capacity.

Mr. deAGUIAR: For the information of the hon. Member, I am giving the Council the benefit of my very limited knowledge of the manufacturer.

Mr. C. V. WIGHT: He spoke of his acquired knowledge in the lordly tone that they have the money and can do anything. There is no doubt that is what the hon. Member for Central Demerara said—we have not the money for the soap industry; we have not the chemists to go and interfere with the soap industry; do not let us change common soap or toilet soap.

Mr. SEAFORD: May I ask hon. Members of the Council who are members of the Minor Industries Committee the reason why soap should contain not less than 60% fatty acids and not 50%?

Mr. J. A. LUCKHOO: Trinidad's grade A has 62% and, the second grade 50%. This matter was gone into very carefully. We found three local manufacturers manufacturing a soap of this standard of purity and we thought we should not go below that. The hon. Member for Central Demerara does not question the percentage but only wants to know how it was arrived at.

Mr. SEAFORD: I am asking what is the disadvantage in having soap with not less than 50%? What damage it will do to anyone?

Mr. de AGUIAR: It will give you whitlow.

Mr. SEAFORD: But that is what they use in Trinidad?

Mr. J. A. LUCKHOO: Probably they wash their wares with that.

Clause passed.

Clause 9—Duties and powers of authorised officers.

The ATTORNEY-GENERAL: I beg to move as an amendment the additional sub-clauses which hon. Members have before them.

Mr. DIAS: I move the deletion of the words "or which he suspects is not".

The ATTORNEY-GENERAL: The hon. Member drew the attention of the Council to clause 15 which provides that—

"in any case where soap has been seized and has been certified by the Government Analyst as being of lesser quality than that prescribed by this Ordinance the authorised officer shall give not less than twenty-one days' notice to the consignee owner, manufacturer or other person from whose possession it was taken of his intention to cause such soap to be destroyed."

Mr. DIAS: Reasonable ground from the Police point of view is an extraordinary thing. The object is no one should be permitted to enter people's premises and seize their soap because it is suspected to be not of the standard quality, when it is admitted that it is impossible for him or anybody else to know it is not of the quality required by the law without analysis. Clause 15 contemplates everything must be analysed before it can be destroyed. He must be satisfied that it is not of the standard of quality prescribed, and that can only be as provided by law and not according to his own opinion. If those words "or which he suspects is not" are deleted there is no objection to the remaining clauses including 15 and 16, although I have something to say about clause 16. I move the deletion because I think it is a fair suggestion to make and not

leave it in the hands of the policeman, who is supposed to be always suspicious of everything and everybody, to walk into a man's premises and seize his soap.

Mr. LEE: I would like to accept that amendment because from my experience I know what policemen do. If you read the provision after deleting those words, it would be seen that he cannot seize any soap unless he is certain.

The CHAIRMAN: He can take a sample.

Mr. LEE: The moment a policeman takes a sample the next day all the soap will disappear, and so to protect the public there must be something provided against that. I am in agreement with the hon. Nominated Member, Mr. Dias, that not because a policeman suspects he must seize, but there must be something to protect the public in respect of the soap which is not seized.

Mr. J. A. LUCKHOO: I am in sympathy with the hon. Nominated Member, but I see some difficulty. Clause 15 will have to be altered. The soap must be seized first. After the seizure then the sample is to be taken and then only such soap is to be destroyed. That will mean only the sample taken. There is going to be difficulty. I think these two clauses 9 (c) and 15 want a little re-wording.

Mr. de AGUIAR: I think it is appropriate for me at this stage to draw attention to the heavy monetary penalty to be imposed on a manufacturer for manufacturing below the required standard. I have not heard anyone speak about that. I have not heard the champions of that.

The ATTORNEY-GENERAL: As far as this clause is concerned, I have already stated that the hon. Nominated Members, Mr. Dias and Mr. Luckhoo, and the hon. Member for Essequeibo

River should have gone into it to see if something could be put to get over that difficulty. If a policeman is told the soap is deficient he can do nothing until he takes a sample and gets a certificate from the Government Analyst. It takes twenty-one days to get that certificate. It is quite obvious that the manufacturer once he knows the sample is taken will get rid of all that soap in circulation. We are trying to stop that. The hon. Member does not like the words used. We desire to see if we can get an alternative to prevent the manufacturer disposing of the soap before the Police can seize it.

Mr. DIAS: I have great admiration for the Police. Your experience of this Colony, I am sure, must be different in respect of other Colonies. I will be very glad with the other Members to confer with you in the matter.

Mr. ROTH: I am in sympathy with the point raised by the hon. Nominated Member, Mr. Dias, and the hon. Member for Essequibo River (Mr Lee), and I appreciate the difficulties pointed out by the hon. the Attorney-General. I suggest a compromise on the lines of the Crown Lands Regulations. I do not know if they are still in existence, where a junior officer known as a Forest Ranger would suspect any timber was illegally obtained and could only detain it but not actually seize until such action was confirmed by the Head of his Department as to whether it should be seized or not. Therefore, I think, in sub-clause (c) we may alter the first word "seize" to "detain." That will meet the case.

The CHAIRMAN: In the case of timber coming from Crown Lands and not from licensed lands it is easy to detain it, because sometimes the Forest Ranger has someone to watch it. In this particular case after the seizure it is undesirable to leave the soap in the possession of the manufacturer. You must take it away or you

will not find it when you return. Clauses 14 and 15 were held over for consideration with clause 9.

The Committee reported progress and was granted leave to sit again.

The Council resumed.

LICENSED PREMISES BILL, 1944.

The Council resolved itself into Committee and resumed consideration of the following Bill:

A Bill intituled "An Ordinance, to consolidate and amend the law relating to licensed premises."

COUNCIL IN COMMITTEE.

The ATTORNEY-GENERAL: I move that the following sub-clauses be added to clause 17:—

"(5) Any officer of Police may enter any hotel and demand the name and address of any person found therein whom he reasonably suspects of contravening or having contravened, any provision of this Ordinance and if the name or address be not given or if there is reasonable ground for suspecting that either the name or address given may be false such person may, unless he produces satisfactory proof of his name and address, be arrested without a warrant.

(6) Any person who, when required under the preceding sub-section to give his name and address, declines to give such name and address, or who gives a false name and address, or who produces false testimony in respect of his name or address shall be guilty of an offence under this Ordinance."

There is no power given in the Bill to the Police to enter and demand the names of persons found in any hotel. That is an oversight and my attention was drawn to it yesterday by the Commissioner of Police.

Amendment put, and agreed to.

The First and Second Schedules were amended by the deletion of the following words and comma "resident, boarder" in the last two lines of the first column thereto and the substitution therefore of the word "guest."

Clause 30 renumbered 29—Commencement.

The ATTORNEY-GENERAL: With regard to the date of commencement I suggest the 1st September.

Mr. J. A. LUCKHOO: I suggest the last quarter—1st October.

Agreed to, and the clause amended accordingly.

Mr. LEE: I would like to find out whether Bartica has been included.

Mr. LUCKHOO: Yes, in the Second Schedule.

Mr. deAGUIAR: Your friends have helped you in your absence.

The Council resumed.

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

Mr. LUCKHOO seconded.

Question put, and agreed to.

Bill read the third time.

SHOPS (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: I move that

“A Bill intituled “An Ordinance to amend the Shops Ordinance, 1944 in certain respects

be read a third time and passed.

Mr. J. A. LUCKHOO seconded.

Question put, and agreed to.

Bill read the third time.

RICE FARMERS (SECURITY OF TENURE) BILL, 1944.

The Council resumed the debate on the second reading of the following Bill:—

A Bill intituled “An ordinance to provide better security of tenure for tenant rice farmers; to fix the rent payable for the letting of rice lands; and for purposes connected with the matters aforesaid.”

Mr. KING (resuming): I am sure that anyone with any knowledge of the rice industry in this Colony, and with even slight scrutiny of this Bill, will be convinced that it is a measure which will endanger and probably ruin the industry. I do not deny, as I said on the last occasion, that there have been and still are landlords in the Colony who take advantage of their tenants in so far as rice lands are concerned, but I am sure it will be equally admitted that there are landlords who have the interests of their tenants at heart. I feel that such landlords do not deserve to have their actions controlled and interfered with as would happen if this Bill is passed. There is no gainsaying the fact that the provisions of this Bill—most of them—are onerous and will be difficult to carry out in respect of both landlords and tenants. In my opinion present conditions in the rice industry in regard to the letting of lands do not warrant the interference such as is proposed in this Bill. I feel certain that any difficulties that exist at present will in time be smoothed out between landlords and tenants. Interference of this kind will, instead of assisting landlords and tenants to settle their differences, create a feeling between them which will be detrimental to them and most certainly to the rice industry.

There are provisions in the Bill which, to my perhaps limited knowledge of the law, are against all law as I understand it, and a good deal of the Bill is certainly contrary to British justice. I understand that quite recently in the island of Jamaica a Bill of a similar type was passed by the Legislature dealing with land tenure in Jamaica, but on appeal by way of petition to the Secretary of State by the proprietors of land in that island the Secretary of State advised H.M. the

King to exercise his right of veto, and the Bill has not become law there. I understand that among the reasons given by the Secretary of State was that it was un-British and unjust to the owners of land in Jamaica. If such remarks were applied to the Bill passed in Jamaica I feel that they can even more strongly be applied to the Bill now before this Council, a Bill which not only interferes with what has always been admitted to be the sacred right of ownership but practically vests in the District Commissioners and even junior clerks virtual control and management of rice estates in this Colony, subject to appeal to the Governor. Those are not conditions which are going to improve circumstances which are alleged to exist today on some rice estates, and certainly not conditions which are likely to help landlords and tenants to settle their differences.

I do not deny for one moment that some measures should not be taken to protect tenants in so far as the tenure of their rice lands is concerned and, as I have said before, that has been done by Regulations 22 as amended by Regulation 31 of the Defence Regulations which controls the right of landlords to deprive their tenants of the tenancy of rice lands — something similar to the Rents Restriction Ordinance. But this Bill goes even further than that. So far as I can see from the wording it will be impossible for a landlord to give notice to his tenant to quit his land because he wants to cultivate rice himself on his own property. I cannot imagine anything more absurd. It is true that at present rice is fetching attractive prices, but is that going to be the position in the years after the war when it is quite possible that it will have competition such as it had before the war? If that competition comes I feel that the only hope of the rice industry of this Colony holding at least the markets of the West Indies will be by the adoption of mechanical tillage and cultivation of the rice lands. There is no

hope for the rice industry of this Colony if we are to continue growing and reaping padi in the way we are doing at present. We cannot compete against the cheap labour of the East and therefore we cannot hope to compete against rice which will go into the West Indian market as before the war, unless we adopt mechanical methods.

Under this Bill the landlords will be unable to introduce mechanical methods of cultivation because they cannot put their tenants off the land which they now occupy. There is a provision in clause 12 that a landlord who desires to resume possession of his rice lands in order that it may be used for any other purpose may make application to the District Commissioner for leave to give his tenant notice to quit, but he cannot do so if he wants the land to cultivate rice himself. We must all yield to the greater good of the Colony itself, however hard it may be at all times to do so. The greater good for the greater number has always been something to which this world has had to yield and will always have to yield. The minority, no matter how strong or how much they think they will suffer, must give way to the majority. In my opinion the rice tenants must give way to the greater and larger interests.

I feel that this Bill has been drafted as a result of the report which, as I have stated, was ill conceived by Members of the Committee who had not the experience which one would expect of advisers to the Government in respect of any important industry. They had no experience in respect of the ownership of rice lands, and the opinions formed by them were arrived at on the evidence led before them which, as they state in their report, was mostly from tenants and not from the proprietors. I feel that their opinions are biased, partial and one-sided — not through any fault of theirs, perhaps, but because they were guided by or they

accepted the evidence of people who only looked at the matter from one angle, their personal welfare and not the welfare of the Colony as a whole. Therefore I for one cannot accept the recommendations made by that Committee with regard to interference with the rice industry by this Council through the Bill we are now considering. I do not desire members of the Committee to feel that I do not think they gave of their best. I believe they were honest in advising Government as to what they considered the best interest of the rice industry, but when we scrutinise their report and the resultant Bill we cannot help feeling that they were wrong in their findings, and that if the Bill goes through it would place the rice industry in a very hazardous and difficult position.

Perhaps it might be useful if I discussed the various clauses of the Bill in order to make clear the objections I have raised. In clause 2 there is a definition of the "rules of good husbandry" and "rules of good estate management." Anyone who knows the conditions on rice estates in this Colony will realize that it is impossible to keep them in perfect condition. The obligation is placed on the tenant to keep the parapets of the estate clean and free from bush, grass and other obstacles. I submit that there is not a single rice estate in this Colony the parapets of which are free from bush, grass and other obstacles. Why should they be free from grass and other obstacles if those things do not interfere with the actual growth of rice and the management of the estates? There is nothing wrong in having grass on parapets. There is grass on every parapet in the City. I think it rather relieves the strain on one's eyes.

On the other hand the landlord is responsible for the maintenance and clearing of dams, trenches and drains and koker runs. Who is to say that the landlord has fulfilled the obligation

imposed by this clause? The District Commissioner is the one who is to say that. I do not for one moment belittle the capabilities of the Government Service or any one officer, but I do say that I am quite certain that in some of the outlying districts there will occasionally be found a District Commissioner who is not competent to express an opinion as to whether or not an estate is properly maintained in compliance with the provisions of this clause of the Bill. Is it suggested that a landlord who has perhaps \$100,000 at stake in his rice estate is to be told by a Government Official without the necessary experience, that his estate is not being properly managed? Why should a landlord be placed in that position because a rice tenant is there and wants to grow padi? It may not be to the detriment of the rice that the landlord has not done a particular thing. Why burden the landlord with unnecessary expense? We pass on to clause 4 which says—

"In every agreement of tenancy relating to rice lands the following conditions shall be implied—

(c) rent, if reserved in padi, shall be paid by the tenant not later than twenty-one days after the padi has been reaped;"

The DEPUTY PRESIDENT: My attention has been directed to clause 9, sub-clauses (3) and (4). It appears that it is expected of the District Commissioner to consult the technical officer of Government, the Director of Agriculture, and in some instances, I suppose, the District Engineer. It is not entirely on his own responsibility. I am only just pointing that out.

Mr. KING: I am aware of the provision, but the decision inevitably rests on the District Commissioner, whether he accepts their advice or not. Suppose for the sake of argument it is not physically possible for the tenant to comply with the provision, although there is nothing in the Bill which says where the payment of rent

by padi is to be made the tenant can tell the landlord "I have reaped my padi; there are 21 bags in the field; you can go and collect," or he is to take it to the factory, in which case it may be very difficult and in some cases impossible for the tenant so to do, because on an estate of any reasonable size means of transportation are somewhat limited and very often the padi is reaped and stored in what is known as a "kitchen" alongside the rice field for a long period of two weeks; because of the difficulty of transporting it to the factory it is stored there from the weather. The tenant reaps his padi on the land and if he is to deliver it to the landlord he is unable to do so because of the difficulty of transportation. Apart from that it is not impossible to conceive, as has happened within the last 15 months, that the shortage of rice bags makes it impossible for tenants to bag their padi and take it to the factory. On one occasion it took two months before bags were available to enable the padi to be delivered to the factory, and then they were not good bags but second-hand patched up bags which had to be released as soon as the rice was milled to enable other tenants to take their padi to the factory.

As I go through the Bill I shall point out to hon. Members of this Council the difficulties that will arise in the carrying out of the provisions of the Bill, because the Bill is not complete in itself. It is not perfect; it does not make provision for everything that shall arise, as it ought to do in so far as the provisions of the Bill are concerned. Therefore I feel that rather than have a half-measure and cause ill-feeling and difficulty it is better to leave things as they are and allow the landlord and tenants to look after themselves.

In clause 5 we come to what I consider the major difficulty in this Bill. Clause 5 provides for specified

conditions in an agreement of tenancy, and it says what the specified conditions are. The clause reads:—

- (1) A condition in an agreement of tenancy whereby a tenant undertakes or agrees that all or some of the padi grown upon the holding shall either be milled at a mill owned, controlled or specified by the landlord or be sold to the landlord or to a person designated by him is hereinafter referred to as a "specified condition."
- (2) A special condition shall be of no force and effect unless it is in writing or is reduced into writing within sixty days after the commencement of this Ordinance and is signed by the tenant.
- (3) On and after the first day of January, nineteen hundred and forty-five, a specified condition shall be of no force and effect unless—
 - (a) it is in writing and signed as aforesaid;
 - (b) the undertaking given by the tenant was in consideration of a loan of money made to him at his request by the landlord, and is expressed to have been so made, for the purpose of assisting him to plant, cultivate or reap his padi; and
 - (c) if the specified condition is that the padi shall be milled at the mill owned, controlled or specified by the landlord, the milling fee to be charged in respect of each bag of rice is stated.
- (4) Where both specified conditions are contained in an agreement of tenancy the landlord may, if he so desires, elect which of the two shall continue to be binding on the tenant and, if he fails so to do within sixty days after the commencement of this Ordinance in the manner provided in sub-section (5) of this section, both conditions shall be void and of no effect.
- (5) An election by the landlord under the preceding subsection shall be of no force and effect unless it is in writing and is served on the tenant within the time prescribed in the said subsection.
- (6) Where specified conditions are contained in an agreement of tenancy made after the commencement of this Ordinance they shall be void and of no effect."

Now, sir, I venture to suggest that in the case of 90 per cent. of the rice lands in this Colony on which the landlord has and operates a mill, it is a condition of the present tenancy that all padi grown on that estate must either be milled in the factory or be sold to the landlord of the property. There is nothing wrong in that. Even the Bill contemplates that. That, I submit, is the position today. But under the provisions of this Bill unless the tenant within sixty days of the coming into force of this Bill signs and agrees to that condition it shall be void. What is to compel the tenant to continue to carry out the agreement that he knows and fulfils today as part of his tenancy? What is to prevent him saying "I will not sign!" There is nothing, and the landlord can do nothing. He is absolutely shackled; he cannot even turn him off the land. Until it becomes a specified condition the landlord has absolutely nothing with which he can attack the tenant. There are very few rice estates in this Colony, I venture to say, which can continue to operate but for the fact that they are able to meet overhead expenses with the revenue derived from the milling fees obtained from the padi grown on their estates. Certainly the estate in which I am interested at present cannot possibly continue to operate if that condition were removed and the tenant has the right to dispose of his padi off the estate. It must be borne in mind that the owner of the estate mills only his tenants' rice and there are lots of mills placed conveniently near rice property the proprietors of which own not a single acre of rice lands and are not interested in anything other than what they hope to get at their mills. In many cases so as to get padi they cut the cost of operating fee to a very small amount for the purpose of competition. I submit that is not in the interest and welfare of the rice industry to relieve tenants of conditions which are generally accepted by them, and to place the owner of rice lands

in a somewhat hazardous position in the padi being milled elsewhere will, in my opinion, ruin the industry.

In 1919-20 the then Governor of the Colony accepted advice given to him by the people financially interested but certainly not interested in the rice industry, and we all know only too well what happened to the industry. The rice industry was nearly ruined and it took a very long time to recover from the shock it received as the result of the bad advice given to the Government. I submit that the advice given to the Governor to-day in the introduction of this Bill will be even more damaging than the advice given to his predecessor nearly 25 years ago. If it is the intention of Government to introduce legislation for the protection of tenants only, then I submit this Bill may well be thrown aside and a Committee consisting of rice land proprietors and tenants or persons who can speak for the rice tenants be appointed to hammer out the differences between themselves in regard to that form the agreement ought to take which will be acceptable to them, and not introduce and bring into this Council matters which really do not concern the tenure of land, matters which are outside tenure which are going to cause much friction between landlord and tenant. Under this Bill the landlord will not be the owner of his property; he will only have the title. The tenants will have the right to be paid for any land they improve and the right to bequeath it; they can give occupation of the land because they are protected by the provisions of this Bill.

I do not deny that if Government so desires to protect the tenure of rice lands, something of the type of the Defence Regulations to which I referred may be made. Up to the present I do not think there have been twelve cases since those Regulations were brought into force in 1942. On the estate in which I am interested there has been one instance where the tenant in question flouted the authority of the Man-

ager of the estate and would not submit to what he knew and recognised as the terms of his tenancy. It took me fourteen months to get an order from the District Commissioner to enable me to give him notice to leave the property. I did everything I possibly could to get him off the property. It was most unfortunate so far as good management was concerned, and it just threw back the working of the estate. He was a menace. Through the wonderful advice of this very man who is doing everything that is possible to interfere with the management of the estate, do you think I will get the tenants to agree to sign the specified conditions? Certainly not. I am certain that as far as that estate is concerned it is as well managed as any rice estate today. In every community you will always get dissentients who will try to create ill-feling that this Bill is placing power in their hands.

The Bill will operate harshly in some respects against the landlord and also in some respects against the tenant. I cannot myself imagine why the provisions of clause 12 (2) (a) should have been introduced in this Bill. It has nothing to do with rice tenancy. Why because a tenant is guilty of dishonesty or fraud in respect of any agricultural produce or livestock his tenancy should be terminated by the landlord?

The DEPUTY PRESIDENT :
Which is the clause?

Mr. KING: Clause 7 (f). Is it not conceivable that a landlord, such as the type as suggested exists in this Colony so far as rice lands is concerned, will be able to frame a case against a tenant whom he wants to get off his property and successfully get a conviction, and the tenant has no alternative but to leave the property which means he will lose everything? Why should he be turned off the land because he steals a bunch of plantains or bananas? That is why I say the provision is unnecessarily harsh against the tenants, and it is a provision which does not

apply to land rented for rice purposes. It is a provision that can very well be left out and should be left out. I am entirely against any provision of the Bill giving any authority whatever to any District Commissioner to interfere in respect of anything that may arise between a landlord and a rice tenant. The Courts of Law are there to settle disputes between parties, and I personally do not appreciate what one calls an enquiry by a Government Officer into a matter which may involve serious rights as between two parties. Why should he be in the position of having to decide a matter like that? If there is going to be any question of dispute between parties let them go to the Courts of Law which are there for that purpose and where you have trained men who can analyse and deal with the evidence before them. The District Commissioner sits and hears an enquiry—

The COLONIAL SECRETARY: May I inform the hon. Member that His Excellency has informed me that on his recent visit to Essequibo when talking to people about rice lands the one thing urged was that disputes over these kinds of agreement should not go to law because it took too long to decide and they much prefer to have an administrative body set up on the spot? It came from the proprietors and tenants themselves. I happened to have had a conversation with His Excellency on the subject and he informed me that.

Mr. KING: I do not agree with that. Let them go to the Magistrate or appoint an Arbitration Board to which these things can be brought. They should not be decided by a Junior Government Official who has not been trained in the Rules of Evidence. A tenant goes to him and says "Mr. A told Mr. B who told me that the proprietor said so and so." He takes that and does not realize that he is doing an injustice in accepting hearsay evidence four deep. Is that fair to a landlord? The District Commissioner is not trained, and you cannot blame him if he decides in that way. No one has a higher

respect or regard for the Government Services that I have, but I am not so foolish or blind as to say they are beyond all mistakes. They do their best and some of them work much harder than I would for the same pay. (Laughter).

I am appealing to this Council. It may be a matter which is very grave indeed, a matter which may involve thousands of dollars to a man who may have his all in a rice estate in this Colony. It is not fair to him to say the decision is made with the right of appeal by way of petition to His Excellency the Governor. That is not good enough. The law of this Colony has declared that if one man owes another one cent he must go to a Magistrate and get justice, and the same law of the Colony says when dealing with rice lands or dealing with the possession of a man worth thousands and thousands of dollars you are not to go to a third person, not to a Board of Arbitration, not to a Committee appointed by the Governor to settle those differences, not to go to a District Commissioner in the District concerned. That provision in this Bill does not appeal to me, more especially as I have had dealings with a rice estate now running into two years. I have taken the keenest possible interest in it and its management, and I speak here with a certain amount of experience, not the experience of the hon. Member for Western Berbice (Mr. Peer Bacchus) who gave us the benefit of his experience in respect of rice lands. But I do speak with a certain amount of experience gained by intimate association with a rice estate over two years, and I do say after the greatest care and consideration that most of the provisions of this Bill are definitely not in the best interest of the rice industry of British Guiana.

Then we come to the provision of clause 12. A man cannot regain possession of his own property where he desires in the interest of the rice industry to cultivate rice mechanically. He may have 200 or 300 acres of land which he desires to cultivate for himself and which he knows will assist the rice

industry of the Colony if he can produce at competitive price with the price of the markets of the world, but he knows that if he is not allowed to plant his own land by mechanical means he has got to stand by and see the rice industry of this Colony go down and down until it goes out, and he is bound to stand by and see his investment, maybe his all, disappear dollar by dollar until his rice lands are worth nothing more than ordinary provision lands which will not fetch much. I appeal to the Governor of this Colony that no matter if Government insists on every other provision of the Bill, harsh as they are, not to enforce the provision of this clause. In my opinion it is iniquitous and unfair to tell the proprietor of land that he cannot obtain possession of his land because it happens to be rice land. I honestly cannot understand the reason for such provision in an Ordinance.

We come now to the standard rent as provided by clause 13 of this Bill. The provision reads:—

“(1) Subject to the provisions of this section, the standard rent of any rice land shall be the rent, or the average rent as the case may be, which was payable for the letting of such land during the year nineteen hundred and forty-one.

(2) Where during the year nineteen hundred and forty-one—

(a) any rice land was not then let as rice land; or

(b) the rent charged for the letting of any rice land depended on the yield or the average yield of padi; or

(c) for any reason no rent, or a rent substantially below the average rent paid in respect of rice land in the same locality, was charged.

it shall be lawful for the District Commissioner, upon written application in that behalf being made by the landlord, to fix the standard rent of such rice land.....”

The District Commissioner is to go on my property and tell me what I must charge my tenant for my land! I may have a peculiar idea of the rights of ownership of land, but I cannot conceive that it is fair and just for this

Council to pass provisions of that sort. The proper way to arrive at the standard rent is not, I submit, by this somewhat arbitrary method but after advice and consultation to fix the rent of rice lands in the various districts of the Colony, otherwise we will have this somewhat incongruous position. Under clause 14 the maximum rent which a landlord may charge his tenant in respect of rice land may be an increase of 10 per cent. on the standard rent. Let us take any two rice estates in the Colony adjoining each other. On one estate the landlord has been hard, rapacious and somewhat unsympathetic in his charge and has soaked his tenant to the extent of \$9 per acre for his rice land. The landlord of the adjoining estate who has more consideration for his fellow man has charged his tenant \$5 per acre. What does this Bill say as regards the rapacious landlord? He is permitted to impose an additional 90 cents on his rent of \$9 per acre while the other landlord who has been considerate with his tenant and charged him \$5 per acre will only be allowed an increase of 50 cents. That can never be considered fair and just.

If it is the intention of this Bill to control rents paid for rice lands it should be done by just and equitable means. Government should assess the rents for the various types of rice lands throughout the Colony. We are aware that on well drained land most of the padi is planted, and the return from such land is very much greater than from land where the padi is shied. Is this Council going to say by the provisions of this Bill that in so far as rent is concerned all rice lands in the Colony are of the same value? I submit not. I submit that the proper and equitable way of arriving at the rents is to assess the lands at their respective values. Even if we took the mean between the highest and the lowest rents paid it would be more equitable than what is proposed in this Bill.

Clause 15 is an extraordinary provision. When analysed it will be seen

what an extraordinary position a landlord would be placed in. It reads:—

"15. As from the commencement of this Ordinance, in any case where a landlord is able and willing to provide a tenant's rice land with water by mechanical means and the tenant desires such service, the landlord shall inform such tenant in writing of the charge, if any, proposed to be made for this service and, if the tenant agrees with the charge and so informs the landlord, such agreement shall constitute a valid and lawful contract."

Let me give an instance of what could easily happen as a result of this clause, and the unfortunate position in which a landlord would find himself. I am an owner of property on which I have 500 acres of land rented to 200 rice tenants. I call them together, announce that I propose to supply them with water by mechanical means (why it is restricted to mechanical means I do not know), and ask "Do you agree?" One half of them agree to pay the increased rent but the other half decline the offer. According to this clause, the moment one tenant says he is willing to pay increased rent for the water supply I have made a binding agreement with that tenant and I am bound to supply him with water. The result would be that the others who have refused the offer would also get the water supply. This provision would operate in a dreadful manner against the landlord. It would be impossible for him to carry out such a contract. He would be mulct with the expenditure of thousands of dollars.

This Bill has not received the careful and minute consideration which it should have received from those competent to express an opinion on this somewhat difficult subject which is of the utmost importance to this Colony, because I for one look forward with hope that the rice industry will in years to come be one of the mainstays of this Colony. The Rice Marketing Board which is doing invaluable work, controlled as it is by its very capable Chairman, the Colonial Treasurer, should in the interest of the industry do every-

thing in its power to prevent this Bill from becoming law. There is one clause which, as a lawyer, has certainly amused me.

The DEPUTY PRESIDENT : Would you impose the obligation on the tenant to pay water rent?

Mr. KING: Where the tenant agrees to a specified condition he is bound to, but not one who does not agree. With your permission, sir, I will go back to clause 11 which, as a lawyer, has rather amused me. It reads:—

“11 A tenant of any rice land may, by will or other testamentary writing, bequeath his agreement of tenancy to any person (in this section referred to as the legatee) subject to the following provisions:—

- (a) the legatee shall notify the landlord of the testamentary bequest within twenty-one days after the death of the tenant, unless he is prevented by some unavoidable cause from notifying him within that time, and in that event he shall notify him as soon as possible thereafter;
- (b) the transfer to give effect to the bequest shall be subject to the consent of the landlord which said consent shall not be unreasonably refused;
- (c) if under this section a landlord refuses to grant his consent he shall, in writing, so inform the legatee and shall state the reasons for his refusal of consent;
- (d) any legatee who is aggrieved by any refusal of consent by a landlord under this section may appeal to the District Commissioner and the decision of the said Commissioner shall be final.”

This clause has been amended. In the original Bill it provided that if the legatee does not accept the bequest it is declared to be a null and void agreement. In that way the beneficiary might have lost the last available piece of land. I notice in the revised clause that that particular provision has been deleted. In my opinion it has not helped or clarified the matter because, instead of going further and saying that it falls into the residue of the estate, it stops

there. Where the tenants of rice lands bequests his right of tenancy to his son and the landlord declines to accept the son as a tenant, and the District Commissioner upholds the landlord's objection, I would like to know what is going to happen. So far as I am aware all property to-day is vested in the personal right. To what extent this particular clause is going to interfere with that particular provision in the law I will not venture to say at present.

The DEPUTY PRESIDENT: The Deceased Persons' Estate Ordinance would take effect.

Mr. KING: Only an executor could legally deal with or transfer that particular right. But assuming that this clause does override the provisions of that Ordinance what happens to the tenancy where the transfer is objected to by the landlord whose objection is upheld by the District Commissioner? What is going to happen to my land if I happen to be a landlord? To whom may I look for payment? If a legatee is given the right to do something with a piece of land bequeathed to him, and after investigation he is unable to obtain its transfer, what happens to the property? It could not possibly revert back to the residue of the estate as suggested in the original draft Bill, because that would be most iniquitous. What is to happen to the bequest? Is the legatee to lose it? I do not know what would be his position. Nothing can prevent an executor or administrator from selling a tenancy of this kind for the payment of debt. A provision of this kind really creates an idea that may not be enforceable. People of the type of some of the rice tenants would take advantage of such a provision, and if it is not enforceable they would feel that they have been robbed of a right which has been given them by law. They would feel that there is some hanky-panky about the law.

I have given the greatest amount of time to the consideration of this Bill. When the original Bill was

drafted in 1943 His Excellency the Governor asked us to submit our reasons for objection. I went into the matter most carefully. I considered it from every angle and I expressed to the Government through the Colonial Secretary my ideas about it. I said then and I say now that it would be very unadvisable for Government to proceed with this legislation, and I strongly urge that before doing anything further Government should give more serious consideration to the Bill. Government should be satisfied beyond all doubt that the provisions of the Bill are fair to the landlords and the rice tenants, and above all are in the interest of the rice industry, because whether I am a landlord or a tenant I must put aside my personal considerations and ideas for the benefit of the rice industry of the Colony, however much it may affect me. I submit that after careful consideration of the provisions of the Bill Government will say that it is not satisfied that they are fair to all parties concerned or in the best interests of the rice industry.

I suggest that Government should withdraw the Bill and appoint a Com-

mittee of this Council to consider it. In the meantime the Defence Regulations controlling the right of landlords to give tenants notice to quit should remain in force. I submit that that is all that is required at present. As an alternative, I would suggest that the Bill be withdrawn and submitted to a Committee consisting of proprietors of rice lands and rice tenants or other persons who could represent the interests of rice tenants. Let such a Committee hammer out provisions which would be acceptable to both parties. In that way there would be less possibility of the provisions of the Bill doing harm to the rice industry and perhaps destroying the good feeling that exists at least between a good many landlords and their tenants today, and risking what I consider would be a dreadful thing for this Colony—the loss of the rice industry.

The DEPUTY PRESIDENT: I think there are other Members who wish to speak on the Bill, and as it is now five minutes to four I think we should adjourn until 12 o'clock to-morrow.