

LEGISLATIVE COUNCIL

Thursday, 3rd August, 1944.

The Council met at 12 noon, His Excellency the Officer Administering the Government, the Hon. W. L. Heape, C.M.G., President, in the Chair.

PRESENT.

The President, His Excellency the Officer Administering the Government, the Hon. W. L. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. M. B. Laing, O.B.E. (Acting).

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. E. G. Woolford, O.B.E., K.C. (New Amsterdam).

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. Peer Bacchus (Western Berbice).

The Hon. H. C. Humphrys, K.C. (Eastern Demerara).

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

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

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

The Clerk read prayers.

OATH OF ALLEGIANCE.

The PRESIDENT administered the Oath of Allegiance to the Hon. the Colonial Secretary (Acting), Mr. M. B. Laing, O.B.E., who then took his seat.

The PRESIDENT: I would just like to extend a cordial welcome to Mr. Laing, who on several occasions has been a Member of this Council and has rendered most able advice to Government and to this Council, and I know that while I am administering the Government I have a very able Colonial Secretary to assist me. We welcome you, Mr. Laing, most cordially.

The COLONIAL SECRETARY (Acting): Thank you, sir.

MINUTES.

The minutes of the meeting of the Council held on the 28th July, 1944, as printed and circulated, were taken as read and confirmed.

ANNOUNCEMENTS.

DEVELOPMENT AND WELFARE SCHEMES.

The PRESIDENT: I have one short announcement to make. The Governor requests me to tell you that a telegram has been received from the British Colonies Supply Mission in Washington stating—and I quote the actual words—“*Truck laying tractors and trackline excavators, either new or secondhand, are not permitted for export under the Colonial Development and Welfare programme.*”

This will of course mean that it will be necessary to defer for the present work on any of the schemes for which this equipment is essential, but we will proceed with work which can be done with our existing equipment and all the work we can do by hand. This will include continuation of work on the Bonasika Irrigation Scheme and on the Mahaicony--Abary Scheme.

I think hon. Members will all realize that the delay in supplying this equipment is due to the fact that production for war purposes must still take first priority. But while this notification is a definite disappointment we are taking steps to procure, if possible, alternative equipment, and I propose to invite the assistance of the Anglo-Caribbean Commission. So we have not abandoned hope, but the facts are that we have a definite statement that the indents which we have sent to Washington already and are all complete will not be fulfilled in respect of truck-laying tractors and trackline excavators. But, as I say, we will continue wherever possible with the work with the existing equipment we have on hand.

BUSINESS OF THE COUNCIL.

I have one more matter to announce. The hon. the Attorney-General, I am sorry to say, will be called away on duty for about two or three weeks and while

he is away I do not think I can hold a meeting of this Council. I hope hon. Members will endeavour to get through as much of the business before he goes. We will sit tomorrow if necessary. While the hon. the Attorney-General is away we will hold meetings of the Finance Committee, and when policies are to be discussed I will come down, but when it is the formal schedule of expenditure I will leave that as in the past to the Colonial Treasurer.

During the three weeks of absence of the hon. the Attorney-General I should like this Council to meet informally in Finance Committee and continue the work of Government and, as I say, you will be given plenty of notice when any important business is to be discussed and when a matter of policy is to be decided I will come down.

GOVERNMENT NOTICE.

INTRODUCTION OF BILLS.

The ATTORNEY-GENERAL (Mr. Pretheroe): At a later stage or at the next or a subsequent meeting of the Council I shall ask leave to introduce the following Bills:—

The New Amsterdam Town Council (Loan) Bill, 1944.

The Customs Duties (Amendment No. (2) (Consolidation of Schedules) Bill, 1944.

UNOFFICIAL NOTICES.

GEORGETOWN CHAMBER OF COMMERCE
BILL.

Mr. de AGUIAR: I give notice that at the next or a subsequent meeting of the Council I shall introduce and have read the first time the following Bill:—

The Georgetown Chamber of Commerce (Amendment) Bill, 1944.

REMISSION OF STAMP DUTY.

Mr. de AGUIAR: I give notice that at the next or a subsequent meeting of the Council I shall move the following motion:—

Be it Resolved.—That this Council authorises the remission of the Stamp Duty of \$100 paid by the Georgetown Chamber of Commerce under the Tax Ordinance, 1939 (No. 43 of 1939) in respect of the private Bill intituled "An Ordinance to amend the Georgetown Chamber of Commerce Ordinance, Chapter 55."

ORDER OF THE DAY.

INTOXICATING LIQUOR LICENSING (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: It is my duty to move the second reading of a Bill intituled—

"An Ordinance to amend the Intoxicating Liquor Licensing Ordinance, Chapter 107, by prohibiting the grant of an entertainment licence and by restricting the grant of an occasional licence in respect of club premises."

But at this Bill and the next one on the Order Paper—The Clubs Registration (Amendment) Bill deal with identically the same subject I propose with your permission and the consent of the Council to introduce both together. Hon. Members are aware that during the last year or so there practically sprang up a number of registered clubs by certain people taking advantage of the provisions of these two Ordinances. This led to undesirable practices. Let me first describe how it is worked. Various persons get together and register themselves as a club under the Clubs Registration Ordinance. They know nothing about running a club as a club, but what they do is to rent the club premises out to other persons who themselves take out an occasional liquor licence under the Music and Dancing Ordinance. There is no objection to that. It is well known that local clubs do that occasionally and no harm is done. But within the last few months people have been working clubs solely for that purpose. What they do, is to register the premises as a club and on holidays when licensed premises are closed lease the

place to other people who are also connected with the trade. By doing that they are able to avoid the statutory closing of licensed premises on public holidays which, it is needless to say, is unfair competition with licensed premises.

The Clubs Registration (Amendment) Bill, in the first place, is not intended to harm properly working registered clubs, those clubs which are in effect clubs. Every endeavour is made in the draft Bill to see that no interest of the clubs as such is affected. It aims solely at the "mushroom" clubs in the City, which are not clubs at all but merely evasions of the Liquor Licensing Ordinance. I think the Bill itself requires very little explanation, and hon Members have before them type-written amendments as long as the Bill itself. The reason for that is that those things were brought to notice after the publication of the Bill. I need only repeat this: As far as I am aware great care has been taken about it and the ordinary clubs will not be affected in the least degree by this Bill. The only clubs which will be affected are those "mushroom" clubs which have sprung up solely and very largely with the object of defeating the Liquor Licensing Ordinance.

There is only one provision requiring explanation, and that is the new sub-clause (5) to clause 2 in the type-written amendments which reads as follows:

- "(5) The provisions of sub-sections (3) and (4) of this section shall not apply—
- (a) to any club which on the first day of July, nineteen hundred and forty-four, was the holder of a valid annual licence granted under section three of the Music and Dancing Licences Ordinance, Cap. 106; or
 - (b) to any sports ground leased for the purpose of any match or athletic contest of a special nature in any case where the lessees thereof have been granted a certificate by

the Colonial Secretary stating that the match or contest is one which, in his opinion, entitles the said ground to exemption under this paragraph."

The reason for that is, it happens that in this Colony all places where it is possible to hold concerts, etc., do in effect form part of clubs' premises. It is not intended to stop that and therefore proviso (a) is put in. The reason for (b) is, we are told, that in this Colony on the occasion of the visit of Intercolonial Cricket and Football teams and the M.C.C. and the holding of Cycle Sports meetings on August Bank Holiday it is the custom to lease the ground out to the promoters and, though in those cases they rent the bar, under the Clubs. Registration Ordinance that is impossible. This Bill is not intended to prevent that and, therefore, that proviso is put in to exempt clubs on those special occasions running bars on the ground. If left alone and you say "special occasions" some little or big clubs would have "special occasions" every week, and so some restriction had to be devised, and the best thought of is that a certificate signed by the Colonial Secretary be granted for such exemption. It will not be a small occasion if a small village play another small village. I think there is nothing else that needs explanation, and I beg to move that the Bill be read a second time.

Mr. J. A. Luckhoo seconded.

Question put, and agreed to.

Bill read the second time.

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

COUNCIL IN COMMITTEE

Clause 2— Amendment of section 32 of the Principal Ordinance.

The ATTORNEY-GENERAL: I beg to move the amendments to this clause set out in the typewritten paper which hon. Members have before them. They are as follows:—

"Section 2 is hereby amended—

(a) by the insertion at the beginning of sub-clause 4 (1) of the following words—

"Subject to the provisions of this section"; and

(b) by the substitution of the following for sub-clause (5)—

"(5) The provisions of sub-sections (3) and (4) of this section shall not apply—

(a) to any club which on the first day of July, nineteen hundred and forty-four, was the holder of a valid annual licence granted under section three of the Music and Dancing Licences Ordinance, Cap. 106, or

(b) to any sports ground leased for the purpose of any match or athletic contest of a special nature in any case where the lessees thereof have been granted a certificate by the Colonial Secretary stating that the match or contest is one which, in his opinion, entitles the said ground to exemption under this paragraph."

Mr. de AGUIAR: I did not speak when the Bill was on the second reading as really I wanted some information. I know the reasons that led to the introduction of the amendment to this Ordinance, and my only regret is that it is not found possible to restrict a few of these "mushroom" clubs around the City a little more than seems possible under this Bill. I do not intend to take up the time of the Council with that today. It seems there is another omission that has just occurred to me and I was wondering whether the hon. the Attorney-General would give it some consideration. I would like to say that in the case of legitimate clubs letting their rooms for charitable purposes—I have in mind some of the clubs, while it is true they are not entirely athletic they have a religious background as for

example the Catholic Guild Club — it seems no provision is made here where premises for a charitable or religious application can be made by one of these clubs for the legitimate use of their purpose.

The next point that strikes me is this. I do not know what the legal Members of the Council will say, as I am rather usurping their position. It has occurred to me that judicial discretion has been taken away by the proposals of this amendment. Whereas in the past you could have made application to the Magistrate for an Entertainment Licence for dancing etc., it seems to me that the whole of that is eliminated altogether. It would be a sorry day if we in this Colony have to introduce legislation of this kind, as it were taking the discretionary power from the Judicial Bench. It seems to me that is one of the things we are doing here. I am not against the Bill. I am supporting it, but I would like to hear whether the hon. the Attorney-General can see his way to extend these provisions, because they are fairly light now and I do not think it is intended to preclude the use of legitimate club premises for charitable or religious purposes.

The ATTORNEY GENERAL: It is quite true there is not the intention of restricting the use of club premises for charitable or religious purposes. This Bill permits club premises to be used as such on six occasions during a year; and it only restricts the letting of club premises as far as the sale of intoxicating liquor goes. Any charitable or religious body desirous of using the club premises for any purpose, provided it does not apply for an occasional liquor licence, can do so. If they wish to go dry the Bill would not effect them in the least degree,

As regards the second point—taking away the power of discretion of the Judiciary—that is not quite

correct. At the moment the position is this. A club leases its premises to Mr. A. to run a dance. Mr. A. goes to the Police Magistrate and asks for a Music and Dancing Licence. Exercising his discretion the Magistrate grants it and Mr. A. then goes to the District Commissioner and asks for an occasional liquor licence. The District Commissioner is quite entitled to use his discretion, and as Mr. A. has got the Magistrate's permission he grants the licence. This practice has been going on for over 22 years without harm, but it is entirely wrong. The District Commissioner should not grant an occasional liquor licence in respect of a club premises. Under the Ordinance the premises itself is licensed. I therefore suggest that the Police should stop that on their own under their existing powers. The only way to make clear the intention is to enact that a club premises shall not be granted more than six occasional licences in any year. This will not restrict the members of the Club at all. Members of a club can still go to their club and have their drinks and can take their friends who will sign the Visitors' Book and can have drinks. Under the Ordinance members can only take their friends a certain number of times per month. It is only those people, who deliberately are renting out club premises at a profit for themselves on days when licensed premises are compelled to be closed by the Ordinance, who will be affected. I do not agree with the hon. Member that a religious function will suffer by the Bill, but if any exception is made to exclude such functions every registered club in this town will have a religious function of some sort and get around the Bill.

Amendment put, and agreed to.

Clause 2 passed as amended.

Clause 3—Insertion of new section 73A in the Principal Ordinance.

The ATTORNEY-GENERAL: I move the insertion of the following new

Clause 3 set out in the typewritten paper before hon. Members:—

“INSERTION OF NEW SECTION 73A IN THE PRINCIPAL ORDINANCE.

3. The Principal Ordinance is hereby amended by the insertion therein between sections seventy-three and seventy-four, and after the heading, of the following section—

“EXEMPTION OF CERTAIN MESSES ETC. ETC. FROM LICENSING UNDER THIS ORDINANCE.

- 73A. It shall not be necessary for any mess or canteen established by and for the use of His Majesty's naval, military or air forces or the police force to be licensed under this Ordinance.”

This question was brought up after this Bill came before the Council the last time. The Senior Naval Officer being about to establish a mess for naval officers in the town wrote and asked whether exemption can be granted for a naval mess. It then came out that the military and naval forces messes have no exemption at the moment and, therefore, this exemption is made so that they will not be required to pay a licence fee.

Question put, and agreed to.

Clause 3 added to the Bill.

Long Title.

The ATTORNEY-GENERAL: In view of the addition of clause 3 to the Bill the long title of the Bill will have to be amended, and I move that the following be substituted for it:—

A Bill intituled “An Ordinance to amend the Intoxicating Liquor Licensing Ordinance, by prohibiting the grant of entertainment licenses and by restricting the grant of occasional licenses in respect of club premises and by exempting certain messes from the provisions relating to licensing.”

Question put, and agreed to.

Bill passed as amended.

The Council resumed.

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

Mr. J. A. LUCKHOO seconded.

Question put, and agreed to.

Bill read the third time.

CLUBS REGISTRATION (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: In moving the second reading of this Bill—

A Bill intituled “An Ordinance to amend the Clubs Registration Ordinance with respect to the sale of excisable liquor in club premises where the premises are let by the club.”

I may point out that it is complementary to the Bill which hon. Members have just considered. It is really a misfortune to have to amend two Ordinances to give effect to one. I have already explained the objects of the two Bills. This Bill merely gives effect to the decision to stop these clubs selling liquor to non-members when the premises are let. I therefore move that the Clubs Registration (Amendment) Bill be read a second time.

Mr. J. A. LUCKHOO seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause.

Bill passed without amendment and discussion.

The Council resumed.

The ATTORNEY-GENERAL: I move that the Bill 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 resolved itself into Committee to consider the following Bill clause by clause—

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."

The ATTORNEY-GENERAL: It will be recalled that on the second reading of this Bill the hon. Member for Demerara River (Mr. King) and the hon. Member for Western Berbice (Mr. Peer Bacchus) made certain criticisms and the debate was adjourned at that stage to give consideration to those criticisms, and at the same time other hon. Members were asked to send in suggestions or criticisms they desired to make. Several suggestions have been received. I have not counted them. With one exception all reached me this morning. I was occupied the whole morning and, consequently, had not an opportunity of reading them. There was one I glanced through after I returned from lunch. It came from the hon. Member for North-Western District (Mr. Jacob). It contained one suggestion which, I think, is extremely good, whereby the rice farmer who had put his rent up before the date specified in the Ordinance should not get a much greater increase than the one who did not. I am not a rice farmer and I cannot assume any responsibility to proceed

with the amendments suggested by the hon. Member although I feel quite confident that the one I glanced through is quite all right.

The Commissioner of Local Government, who is at present acting as Colonial Secretary, informed me again this morning that it is quite impossible at the moment with his existing staff to give effect to the provisions of this Bill. He was making special arrangements for officers to be available for this purpose which would necessitate two more amendments of the Bill. I therefore suggest that the Bill be left in Committee so that I can discuss the suggested amendments with the hon. Member for North Western District, the hon. Member for Western Berbice and other Members who are not present.

The CHAIRMAN: I am very anxious that we should not postpone the Committee stage for any undue length of time because the Attorney-General will be away for at least three weeks.

The ATTORNEY-GENERAL: There are five suggested amendments with respect to clause 1.

The CHAIRMAN: I must take your advice on that matter. It is not good going into Committee and stopping at clause 2.

Mr. SEAFORD: If the Committee stage is going to be deferred I suggest that it be deferred for six months.

The CHAIRMAN: I would much prefer that we adjourn it until the Attorney-General returns from Trinidad.

Mr. JACOB: I notice that the policy is to defer everything.

Mr. SEAFORD: I do not think the hon. Member understands. I would rather go ahead with it now, but if it

is going to be deferred let us defer it for six months until the Attorney-General has had sufficient time to consider all the points. I would prefer to go on to-day.

Mr. JACOB: I think the hon. Member's suggestion is impracticable. It is not possible to go on to-day; I admit that, but we can go on in a month's time. Why six months? I do not think it is wise of the Commissioner of Local Government to suggest at this stage that his staff would be unable to cope with the work. Let the Bill be passed. It cannot come into effect until next year because the rice farmer pays his rent from the 1st May to the 30th April. The Bill therefore cannot have effect until the 1st May next year. When the Bill is passed the Commissioner can decide what staff he will require and make arrangements to enforce the Ordinance. I am going to be quite frank about it. It seems to me that the whole idea is to have this Bill delayed or to have it rushed through so that it would be of little value to the rice industry. I have spoken about it and I have written a strong comment to the mover of the Bill. I intend to make some strong and pungent criticisms as regards the drafting of the Bill, the methods of the Government and the delaying tactics being used.

Mr. SEAFORD: As the hon. Member says it cannot come into force until next year, what is the hurry?

The CHAIRMAN: I think there is confusion in the minds of Members because of the proposal to insert a clause stating that the Bill shall come into force by Order-in-Council. Therefore if we pass the Bill we will leave it on the Statute Book and then at the psychological moment an Order-in-Council would be made. Personally, I would suggest to the Council that we do not defer the Bill for six months

as suggested but until the Attorney-General returns in about three weeks' time, and then we can thresh it out meeting after meeting and have it passed. Thereafter it can be put into force when the necessary staff is available. Are Members agreeable to that?

Mr. J. A. LUCKHOO: I think there should be a short postponement of the Bill. The Attorney-General has stated that only this morning he received several suggested amendments. They may be from landlords and tenants apart from Members of the Council. I have received suggestions from both landlords and tenants, and I do not think a postponement for a month would do any harm. We should get all the material necessary.

Mr. EDUN: I have been approached by several farmers (I think one of them is sitting at the back there now) asking me to make certain suggestions. I have some amendments to propose and some additions also. I think a postponement for a month would be quite in order.

The CHAIRMAN: If it is agreed to we will proceed to the next item.

The ATTORNEY-GENERAL: I move that the Committee report progress and ask leave to sit again.

Agreed to.

SOAP BILL, 1944.

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

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."

Clause 3 recommitted.

The ATTORNEY-GENERAL: The hon. Member for Georgetown North (Mr. Seaford) said on the last occasion that he was of the opinion that certain surgical or antiseptic soap did not conform in any way to the constituent parts of ordinary soap, and if this clause remains it would keep out soap used solely for medicinal purposes. That would be avoided by the insertion of the words "Except with the permission of the Governor" at the beginning of sub-clause (2).

Amendment put, and agreed to.

The ATTORNEY-GENERAL: It was pointed out by the hon. Member for Central Demerara (Mr. deAguiar) that it would be unfair for importers to be made liable in cases where they could not know whether soap they imported did or did not conform to the standard required. To give effect to that I move that sub-clause (3) of clause 3 be amended (a) by the substitution of a colon for the fullstop, and (b) by the addition thereto of the following:—

"Provided that it shall be a defence to any charge against an importer of soap under this section that such soap was covered by a certificate, signed by the exporter thereof, stating that the soap is of, or over, the standard of quality hereinafter prescribed."

Amendment put, and agreed to.

Clause 9 recommitted.

The ATTORNEY-GENERAL: The hon. Mr. Dias took exception to the words in par. (c) of clause 9 "which he suspects is not." He pointed out that policemen are liable to suspect when ordinary people would not suspect, and he objected very much to that paragraph. I explained at the time that the reason for those words was that an authorised officer might walk into a soap factory and see a quantity of soap being made ready for distribution, when quite obviously that soap was

below standard. It would be his duty to seize that soap and have it destroyed, but he is not going to take any chance if the only time he can seize it is when it is below standard. He is not going to make himself liable for damages. He therefore takes a sample and sends it to the Govt. Analyst. It takes some time—a week or 10 days—before he receives the Analyst's certificate. The manufacturer, knowing that the soap is below standard, naturally distributes the supply at once, so that when the officer returns with the certificate the rest of the soap is gone. That is what those words are intended to prevent. The amendments I am going to propose are to get rid of those objectionable words, but to prevent the soap getting into circulation. I move the deletion of clause 9 and the substitution of the following therefor:—

"9, (1) Any authorised officer may—

(a) at all reasonable hours enter, inspect and search any warehouse or factory, or any shop or other place in which soap is stored, kept manufactured, sold, bartered or exposed for sale or barter;

(b) take a sample of any soap found in any such place and cause the said sample to be analysed;

(c) direct in writing any manufacturer to retain in his possession or control any soap pending the receipt by the authorised officer of a certificate from the Government Analyst relating to such soap;

(d) seize any soap which is not of the standard of quality prescribed in section four of this Ordinance.

(2) Where any direction has been given under paragraph (c) of the preceding sub-section and the certificate of the Government Analyst proves the soap to be of, or over, the standard of purity prescribed in section four of this Ordinance an authorised officer shall forthwith after the receipt of the said certificate, inform the manufacturer at the address of his licensed factory that the direction is cancelled.

(3) Any manufacturer who, during the currency of any direction given in writing under the provisions of paragraph (c) of sub-section (1) of this section, transfers, or attempts to transfer, the

possession or control of any soap to which such direction relates shall be guilty of an offence under this Ordinance and, on summary conviction thereof, shall be liable to pay a fine not exceeding one hundred dollars.

(4) For the purpose of this Ordinance nothing contained in paragraphs (c) and (d) of sub-section (1) of this section shall be deemed to authorise the seizure of any soap which is in the process of manufacture."

The object of the Bill was not to create any penal offence. The whole idea was that if soap is manufactured below standard we should not worry about prosecuting the manufacturer but should seize the soap and destroy it. The Committee agreed that that is a far better remedy than the laborious business of prosecuting the manufacturer. In this case we had to introduce a penal clause because, if after a sample is taken the manufacturer gets rid of his soap that soap would get into circulation. A manufacturer may have just finished boiling his soap and discovered himself that it was below standard. If so he is perfectly entitled to reboil it. In such a case there is no reason why a sample should be taken and the soap seized.

Mr. DIAS: I was rather surprised to find amendments on the table today. On the last occasion I understood that it was proposed that Mr. Luckhoo, Mr. Lee and I should meet the Attorney-General but we have not met him. At any rate, I have not attended any meeting. However, I personally do not see any material difference between the proposed amendment and the original clause which was challenged. In the one case an officer can seize the soap and destroy it, and in this case the officer stops the manufacturer's business all the same. It makes one feel as if Government were determined to hamper people's livelihood. Government must devise some method of securing what it wants without harrasing people in their daily life. No one can look at soap and say that it is below

standard. It must be subject to analysis. What is the difference between soap and butter, or any article sold under the Food and Drugs Ordinance? Under that Ordinance an officer may purchase a pound of butter which proves to be bad, but nothing is taken away except what is purchased, and the trader continues to sell that butter. Foodstuffs are obviously of greater importance than soap from a public health point of view.

I would like to draw attention to the words "as soon as conveniently possible" in sub-clause (2). I object to those words and suggest the substitution of the word "immediately." The machinery of Government moves very slowly and matters of this kind take a very long time. I have no interest in soap nor do I represent anybody. I would like to see a law made which would not harm anybody.

Mr. de AGUIAR: The hon. Member has raised a point which is rather disturbing me at the moment. I was under the impression that the intention of the Bill was that the soap would be analysed before it reached the distribution centres. It seems to me that that will not be the case. I agreed to the amendment moved by the Attorney-General, but in view of what the hon. Member has said it seems to me that the position is rather different. If an authorised officer enters a factory and takes a sample of soap for the purpose of analysis and directs the manufacturer to retain the rest of the soap he has manufactured he is bound to do so, but what do we find? The manufacturer continues to manufacture soap which does not form part of what was seen by the officer, and he proceeds to distribute that soap. If it is found later on that the sample taken is below standard, it naturally follows that the soap manufactured immediately after the sample was taken was also below standard. In the meantime that soap has gone into circulation. Under clause 10 the same officer may go into

a shop and purchase soap for the purpose of analysis, and if it is found to be below standard the seller would be liable to a penalty. I was wondering whether in such case there should not be safe protection of the trader against a penalty. I am told that there is no penalty. If that is so, what is the next step?

Mr. LUCKHOO: The next step is that the officer would be justified in seizing the rest of the soap in the shop from which the sample was taken. There is a great deal in what the hon. Mr. Dias has said with regard to sub-clause (c). I may mention that although I was a party to this amendment it seems to me that the manufacturer of soap could put into circulation soap manufactured from a different mixture from the stock he was directed in writing to retain pending the result of the analysis. I also agree that if that clause stands the notification to be made to the manufacturer should be forthwith and not "as soon as conveniently possible." Those are two points which I feel certain the hon. the Attorney-General will give some consideration.

Mr. FERREIRA: What I would like to draw attention to is sub-clause (b) of clause 9—

"Any authorised officer may take a sample of any soap found in any such place and cause the said sample to be analysed."

I think he should be confined to the amount of soap he can take. As far as milk samples are concerned they are paid for. There should be some stipulation that the manufacturer be paid for the soap, taken as sample.

The ATTORNEY-GENERAL: Clause 13 covers that.

Mr. FERREIRA: The next point is that made by the hon. Nominated Member, Mr. Dias. I may suggest the following amendment to sub-clause (c)—the insertion of the words "for a period not exceeding fourteen days."

That should give the Government Analyst ample time to give a certificate. It is most unreasonable to expect anyone to hold his business up for more than that period. There should be some limited time.

The ATTORNEY-GENERAL: I would like to reply to the hon. Nominated Member, Mr. Dias, who said that it was arranged that he and three other hon. Members should meet me and discuss this matter. That is correct, and I regret it was not possible to arrange the meeting. What happened is this: I endeavoured to get in touch with the four hon. Members but always found that two of them were not able to attend. I knew one was in Court and the other had another meeting. I delayed until Tuesday at 3.30 o'clock when I had no news of either of them, and so that afternoon I arranged hurriedly a meeting for the following morning at 8.30 o'clock as that was the only possible time of meeting. I rang Mr. Dias at his office but he was not there and I left a note that I will ring him up again. I, however, forgot to do so. The hon. Member for Essequibo River (Mr. Lee) could not be present, and the hon. Nominated Member (Mr. Dias) did not get the call.

The hon. Member said, in the case of food you buy the sample and do not seize the whole lot. That is so, but you do not prevent that food from coming into the Colony. Here it is proposed to keep out an essential ingredient, soap, in order that the local people should manufacture it for us. The same applies to milk.

Mr. DIAS: Milk is not an imported stuff. It is that which we get from our own cattle, and they do not seize it.

The ATTORNEY-GENERAL: I agree with the hon. Member that the milk is not seized, but what happens after that? It disappears into consumption, or is split. There is nothing to

seize. The vital thing in this is that we will keep out of the Colony imported soap if the local people make soap, but we must be quite sure they are making soap. We must protect every user of soap and be sure that it is soap they are using. The object of all these provisions is to shelter the manufacturer, provided it is soap he makes and not if he makes rubbish which ruin the skin. There is no penalty for a shopkeeper who sells soap which is beneath the standard quality. If the soap is beneath the standard quality the utmost that can happen is that it can be seized and, subject to appeal, can be destroyed.

The hon. Nominated Members, Mr. Dias, and Mr. Luckhoo, suggested that instead of the words "as soon as conveniently possible" in respect of informing the manufacturer as to the cancellation of the direction to retail his soap, the word "immediately" or the word "forthwith" should be used. Looking at the imposition it says "inform the manufacturer". It does not say to write him at his last named address. If you say "forthwith" it puts on the officer the obligation to take the utmost diligence to trace where the manufacturer is. Therefore if the word "forthwith" is put, we must insert the words "at the last named registered address of the factory". He will be compelled by the clause to search for the manufacturer and give him it.

Mr. DIAS: I do not like the words "as soon as conveniently possible".

Mr. J. A. LUCKHOO: "Forthwith", I think is the word to be used.

The CHAIRMAN: What is the definition?

Mr. J. A. LUCKHOO: Within reasonable time.

The CHAIRMAN: If that is the definition of "forthwith", it suits me. The position is, the hon. the Attorney-

General accepts the amendment, but have you any alternative amendment to move on this clause?

Mr. DIAS: Certainly not now. I was waiting for a call but that did not occur. I know the hon. the Attorney-General is very busy, but he made the offer and even at the last moment if I was asked to attend I would have tried. I would like to make the position clear. I am not here to put obstacles in the way of Government. I do not want to be a party to the carrying out of something which, I feel, will do harm to the individual.

The ATTORNEY-GENERAL: If the hon. Member accepts that position, I am not prepared to press the amendment.

The CHAIRMAN: What about the point raised by the hon. Member?

The ATTORNEY-GENERAL: In actual practice that is impossible in Georgetown. It can never take more than a week, but on the other hand in respect of Bartica or further up country it may take fourteen days. This Colony is so big and we are legislating for the whole Colony including the Rupununi and Mazaruni. If we put a fourteen days' limit, it simply means we are leaving those parts of the Colony out of the legislation. That is why there is no time-limit placed. To state that the Officer must send the sample forthwith to the Government Analyst means that no time must be wasted in doing so. I think the hon. Member needs not worry about that. I move that the word "forthwith" be substituted for the words "as soon as conveniently possible" and that the words "at the address of his licensed factory" be added between the words "manufacturer" and "that" in sub-clause (2).

Question put, and agreed to.

The new Clause 9 passed as amended.

Clause 14—Power to seize deficient soap.

The ATTORNEY-GENERAL: In view of the amendment already made to clause 9, this particular clause become useless. I move the deletion of the clause and that the subsequent clauses be renumbered accordingly.

Question put, and agreed to.

Clause 14 deleted and the remaining clauses 15 to 19 renumbered as 14 to 18.

Clause 16—Power to restrict or prohibit importation of soap.

Mr. JACOB: I would like to suggest that a stock be taken of all imported soap in the Colony and that steps be taken to limit the importation of soap. I find that the imports are already limited and, therefore, the position should be reviewed and a further limit made to the importation of soap. I understand, there is a sufficient quantity of soap in the Colony and that certain people are in a position to export soap. The whole position should be gone into, and if it is possible to export I do not think it would be wise to prohibit the export of soap; it would be well to allow the soap to go to the West Indian market as in time they may want to import all their requirements from British Guiana. I do ask that active steps be taken to put this industry on a firm footing. We ought to know the stocks of imported soap in the Colony, and I am suggesting that Government should go into the position and take steps to limit the imports and also to allow exports and see that this industry is put on a sound basis.

The CHAIRMAN: I will give the matter some consideration.

The ATTORNEY-GENERAL: At the moment there is a year or ten months' supply of soap. Importation is

controlled apart from the Bill by the Commodity Control Board who do not grant import licences at the moment. As far as the export of soap goes and as far as I know, there is nothing to stop it provided you get an export permit. I shall pass on to the Commodity Control what the hon. Member said.

Mr. JACOB: I do not want the Government to believe that the importation of soap or any article is done in a satisfactory manner. I will not go so far as to say the whole is unsatisfactory; unless I am in a position to take a proper stock of the quantity of soap in hand, the quantity on order and add them up to see what quantity we will have on a particular date, then check the consumption and what is locally manufactured, I will not be able to go into the position properly. I am not saying that the Commodity Control Board is not working well, but they do not check every item and go into it as well as they may. I suggest that be done in respect of soap. I have one or two other articles in mind. I know the position is far from being satisfactory. As regards soap we have heard that we have but ten months' supply and the people can manufacture soap, but I do not know it is absolutely correct to say you cannot have bottoms to ship away soap. I think if exports are allowed some of the local manufacturers may be able to find ships to send their product to the West Indies.

Mr. de AGUIAR: There is a certain amount of difference in what the hon. Member has said. The effect of what he wants this Council to do is that this clause be made operative almost at once. He is aiming at a wholesale prohibition of the importation of soap. He is suggesting that we bite off more than we can chew. The idea of the Bill is to see how it is going to work.

Mr. JACOB (sotto voce): No.

Mr. de AGUIAR: The hon. Member says "No." He talks about taking stock. He knows how difficult it is to take stock. I quite agree with him, you cannot very well do things properly under such conditions as do exist. I also agree that no organization in the world can do that, and he knows that too. I suggest to this Council that the clause as worded here provides ample security for an industry of this kind to be developed. I think it was the hon. Mover of the motion who said that as time goes on this prohibition will apply in order to meet the circumstances of the time. I am sure no one will want this Colony to be out of soap if by any chance the framework of this Bill falls down. I am, however, not suggesting that it will, but let us see how it will work. It is too early to suggest that the importation of soap be prohibited entirely. That will be restricting the liberty of the subject.

Mr. JACOB: My hon. friend and I cannot agree on this. He wants this unsatisfactory position to continue so that the Colony will have a surplus of imported soap. I do not wish that to happen. I want the position to become normal so that the local manufacturer will have a chance, and incidentally it will prevent the use of soaps which are urgently required for other purposes. I am repeating that the Commodity Control Board or the Controller of Supplies should be asked to go into this matter very carefully. I do not think there is much soap under the houses of people as the hon. Member suggests. I am saying that if the Controller of Supplies were to be asked to go into the matter immediately, to send around his officers and get the stocks of imported soap from all importers, within a few days or to-morrow, so as to prevent soap going out to be stored in other places, he would find out what the stock of imported soap was at the end of July and what is the stock at the present time. He has the power to do that. I am satisfied that imported soap

should be prohibited or prohibited to such an extent as not to let us have a surplus supply here, and the ships which are being used to bring soap can be used for other purposes.

Mr. C. V. WIGHT: I think the hon. Member has raised quite a substantial point in the whole of the framework of this Bill. It is obvious to those of us who know little of the commercial world that there is the probability and the possibility of the importation of soap in such quantities and at such prices as will practically kill the production and manufacture of local soap here. I remember some little time ago I endeavoured to get an association formed in the interest of the coconut industry. I met a gentleman who is largely interested in a big firm away connected with the soap industry and he was polite to tell me we can rest assured that his concern will be able to spend millions of pounds (sterling) in dumping soap in this Colony and so make it unprofitable to the local manufacture of soap.

The CHAIRMAN: I think hon. Members are less aware of the position than Government. I have seen telegrams which passed from London and Washington on the subject. The Controller of Supplies and Prices knows very well the situation and is paying attention to the prohibition of all unnecessary imports. In fact what the hon. Member for North-Western District (Mr. Jacob) suggests properly comes within the power of the Controller who may have far more knowledge of the position of soap than the hon. Member, but I agree with the hon. Member to this extent that I will meet him and the hon. Member who has just spoken by sending this Bill to the Controller of Supplies and Prices. This Bill was prepared with the view of protecting the local manufacturer and the Controller should be instructed to operate imports in accordance with the view of this Bill. I hope that will meet the hon. Members' point,

Mr. C. V. WIGHT: That will meet me entirely.

Clause 18—Commencement.

The ATTORNEY-GENERAL: The amendments already carried in respect of this Bill necessitate two amendments to this clause. The first one is the substitution of the letter "d" in italics for the letter "c" in the first line, and I beg to move that amendment.

Question put, and agreed to.

The ATTORNEY-GENERAL: The second amendment is the deletion of the words "and of section fourteen" in the first and second lines of the printed clause, as that section has been deleted from the Bill. Also that the words "first day of September" be substituted for the words "day of August" between the words "the" and "nineteen." I beg to move those amendments.

Question put, and agreed to.

Clause 18 passed as amended.

Bill passed as amended.

The Council resumed.

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

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the third time.

SUSPENSION OF STANDING RULES
AND ORDERS.

The ATTORNEY-GENERAL: I move the suspension of the Standing Rules

and Orders in order that the New Amsterdam Town Council (Loan) Bill and the Customs Duties (Amendment No. 2) (Consolidation of Schedules) Bill may be taken through all their stages to-day.

Mr. WOOLFORD seconded.

Question put, and agreed to.

NEW AMSTERDAM TOWN COUNCIL
(LOAN) BILL, 1944.

The ATTORNEY-GENERAL: I ask leave to introduce and have read a first time the following Bill:—

A Bill intituled "An Ordinance to authorise the New Amsterdam Town Council to borrow money in order to redeem a loan."

Question put, and agreed to.

Bill read the first time.

The ATTORNEY-GENERAL: In moving the second reading of this Bill I can only say that in 1933 the New Amsterdam Town Council issued certain bonds bearing interest at the rate of 5 per cent. As hon. Members know, it is impossible in these days to get 5 per cent. interest anywhere. The time has come when the New Amsterdam Town Council can redeem these 5 per cent. bonds and easily raise money at 3 or 3½ per cent. The sole object of this Bill is to allow them to raise money at 3 or 3½ per cent. to redeem their 5 per cent. bonds. In other words we are asked to assist the New Amsterdam taxpayers by saving money in their pocket. I beg to move that the Bill be read a second time.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the second time.

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

Council resumed.

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

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the third time.

CUSTOMS DUTIES (AMENDMENT, No. 2)
(CONSOLIDATION OF SCHEDULES) BILL,
1944.

The ATTORNEY-GENERAL: I move that the following Bill be read the first time:—

A Bill intituled "An Ordinance to consolidate the schedules to the Customs Duties Ordinance, 1935. and the Ordinances amending the same."

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the first time.

The ATTORNEY-GENERAL: This Bill is purely a matter for the convenience of the commercial public, the public in general, and lawyers. To know what the duty on any article is at the present time one has to search through several volumes of the law. Opportunity has been taken to consolidate the various amendments which have been made from time to time. There are two misprints which it is proposed to correct, but there is no change in the law. I formally move that the Bill be read a second time.

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the second time,

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

COUNCIL IN COMMITTEE.

First Schedule—

The First Schedule was amended by the deletion of the figures "1,00" appearing in the General Tariff column opposite item 52 (d), and by the substitution of the figures "0,10" therefor.

Second Schedule—

The Second Schedule was amended by the insertion of an asterisk before the word "machinery" in item 10 (1) and before the note thereto.

The Council resumed.

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

Mr. WOOLFORD seconded.

Question put, and agreed to.

Bill read the third time.

GEORGETOWN CHAMBER OF COMMERCE (AMENDMENT) BILL.

Mr. deAGUIAR: I move that the Standing Rules and Orders be suspended to enable the following Bill to be taken through all its stages and a motion to be moved with respect thereto:—

A Bill intituled "An Ordinance to amend the Georgetown Chamber of Commerce Ordinance, Chapter 55."

"Be it Resolved—That this Council authorises the remission of the Stamp Duty of \$100 paid by the Georgetown Chamber of Commerce under the Tax Ordinance, 1939. (No. 43 of 1939) in respect of the private Bill intituled:—

"An Ordinance to amend the Georgetown Chamber of Commerce Ordinance, Chapter 55."

Mr. AUSTIN seconded.

Question put, and agreed to.

Mr. deAGUIAR: I move that

"A Bill intituled an Ordinance to amend the Georgetown Chamber of Commerce Ordinance, Chapter 55"

be read the first time.

Mr. AUSTIN: seconded.

Question put, and agreed to.

Bill read the first time.

Mr. de AGUIAR: In moving the second reading of this Bill I would like to make a few remarks for the information of Members. It is entirely of a non-controversial character. It merely makes an alteration in regard to the annual meeting of the Chamber and the method of electing the Council of the Chamber. Section 12 of the present Ordinance provides that the annual meeting shall be held in the month of July in each year. The proposed amendment in the Bill is that the words "in the month of July in every year" be deleted and the words "once at least in every calendar year" be substituted. The object is to give the Council wider power and not to prescribe the actual time for holding the annual meeting of the Chamber.

The second amendment is the substitution of the following for paragraph (b) of section. 12:—

"(b) to elect members of the Council for the year;"

Under the present Ordinance a certain number of members of the Council retire each year. It is thought desirable that the entire Council should come up for election each year, which is in keeping with the general practice in institutions of this kind. The

amendment is to give effect to that intention. I formally move that the Bill be read a second time.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the second time.

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

The Council resumed.

Mr. deAGUIAR: I move that the Bill be read a third time and passed.

Mr. AUSTIN seconded.

Question put, and agreed to.

Bill read the third time.

REMISSION OF STAMP DUTY.

Mr. deAGUIAR: I beg to move:—

"**Be it Resolved—** This this Council authorises the remission of the Stamp Duty of \$100 paid by the Georgetown Chamber of Commerce under the Tax Ordinance, 1939. (No. 43 of 1939) in respect of the private Bill intituled:— "An Ordinance to amend the Georgetown Chamber of Commerce Ordinance, Chapter 55."

I feel sure that this motion will receive the unanimous support of Members of the Council because all it seeks is that Government should remit to the Chamber of Commerce the sum of \$100 which is the statutory fee for the introduction of a private Bill in this Council. Members will have observed that the Bill is not in any way of a contentious character. As a matter of fact, it merely seeks to extend the time during which the annual meetings of the Chamber shall be held. In the circumstances it is felt that it would be right and proper that

Government should remit to the Chamber the statutory fee payable in respect of private Bills. I may mention that Government has waived the fee in respect of similar Bills, and in this particular case it is quite willing to do so provided the Council agrees. I hope that Members would agree to the usual practice being followed.

Mr. JACKSON: I second the motion and I wish to remark that I am very glad to see that at last we have a representative of the Chamber of Commerce in this Council. (laughter.)

Mr. EDUN: I beg to endorse that, sir.

Mr. ROTH: I must confess to a certain amount of surprise that a request of this kind should come from such a wealthy and august body as the

Chamber of Commerce. I do not think it professes to be either a charitable or a religious organisation, and it is not known to me that it is customary for Government to remit the tax on a private Bill in cases like this. I am strongly opposed to the motion.

Motion put and agreed to.

The PRESIDENT: There being no other business on the Order Paper the Council will be adjourned to a date to be fixed. As I said before, I hope to have some meetings of Finance Committee, and as they may be important meetings I shall be grateful to Members. if, on receipt of proper intimation, they will attend at full strength.

The Council was therefore adjourned *sine die*.