

## LEGISLATIVE COUNCIL

**THURSDAY, 6th MARCH, 1947.**

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. W. I. Heape, C.M.G., President, in the Chair.

### PRESENT

The President, His Excellency the Officer Administering the Government, Mr. W. I. Heape, C.M.G.

The Hon. the Colonial Secretary, Mr. D. J. Parkinson (acting).

The Hon. the Attorney-General, Mr. F. W. Holder, 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. I. de Aguiar (Central Demerara).

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. V. Roth (Nominated).

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

The Hon. W. J. Raatgever (Nominated).

The Hon. G. A. C. Farnum (Nominated).

The Clerk read prayers.

The minutes of the meeting of the Council held on the 21st February, 1947, as printed and circulated, were taken as read and confirmed.

### ANNOUNCEMENTS.

#### MR. EDUN WELCOMED BACK.

The PRESIDENT: I would like to extend a welcome to the hon. Nominated Member, Mr. Edun, on his return to the

Council after an absence of five months and, at the same time, I desire to express my appreciation of the constructive contributions made to the debates by the hon. (temporary) Nominated Member, Mr. Veerasawmy, who took Mr. Edun's place during his absence.

#### NEWS FROM SIR CHARLES WOOLLEY.

I have, also, an announcement to make. Sir Charles Woolley has written to me stating that as far as he knows he expects to leave England on the s.s. *Enid* on March 22. I think the trip to British Guiana will take about 15 days, so we may expect him during the first week in April, unless he telegraphs to the contrary. He also tells me that so far as he knows he will be accompanied by the Chief Justice-designate—Mr. Worley. Lady Woolley will not be coming out with Sir Charles but will be following later.

#### PAPERS LAID.

The COLONIAL SECRETARY (Mr. D. J. Parkinson, Acting) laid on the table the following:—

Administration Report of the Director of Agriculture for 1945 and Despatch No. 129 dated 7th November, 1946, forwarding same to the Secretary of State for the Colonies.

The ATTORNEY-GENERAL (Mr. F. W. Holder) laid on the table the following:—

Report of the Select Committee appointed to examine the details of the Rent Restriction (Amendment) Bill, 1947.

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

Report of the Select Committee appointed to consider the Public Officers' Guarantee Fund Bill, 1946.

#### GOVERNMENT NOTICE.

##### LANDLORD AND TENANT BILL, 1947.

The ATTORNEY-GENERAL gave notice of the introduction and first reading of the following Bill intituled:—

"An Ordinance to regulate the relationship between landlord and tenant and to amend the existing law with respect thereto."

## NOTICE OF QUESTIONS.

## CINEMATOGRAPH REGULATIONS.

Mr. ROTH gave notice of the following questions :—

1. Is Government aware of the anomaly existing in the Cinematograph Regulations through which the use of a safety or non-inflammable film is, to the detriment of culture and amusement, greatly restricted ?
2. In view of the practice of the authorities concerned of enforcing the letter rather than the spirit of the said Regulations, will Government see its way at an early date to amend the said Regulations so as to permit the unrestricted use of safety or non-inflammable film ?

## RENT RESTRICTION (AMDT.) BILL.

The PRESIDENT : As regards the Order of the Day, before we come to the questions by the hon. Nominated Member, Mr. Roth, I desire to say the Attorney-General has been sitting in Select Committee on the Rent Restriction Bill and, with the approval of Members, I would like the Council to go into Committee today and go through as many of the clauses of that Bill as possible, since it is very desirable that we should get on with this legislation. I understand that the members of the Select Committee have not yet received the report, although they know what has been decided. There are two clauses still being questioned but, with Members' approval, the Attorney-General desires to take as many of the clauses as he can today. It will be up to Members to speak on them when we get to that stage. If we do not deal with the Rent Restriction Bill we would move on to the Licensed Premises Bill.

## ORDER OF THE DAY.

## THE HILLS ESTATE.

Mr. ROTH asked and the COLONIAL SECRETARY laid over replies to the following questions :—

- Q. 1.—Does any person, corporation or estate at present hold title over the lands formerly known as "The Hills Estates" situate on the right bank of the Mazaruni River ?

A. — Yes.

- Q. 2.—If the answer to Question 1 is in the affirmative, what are the

general terms and conditions of such title ?

- A. — Agricultural Leases, Quarry Licences, Woodcutting Leases and Woodcutting Licences have been issued for periods varying from one to thirty-three years with right of renewal. Mineral rights have been reserved and Government has the right to resume possession of the lands for public purposes on payment of compensation. The titles may be cancelled for failure to comply with certain conditions. About 90 acres of the Bartica-Potaro Settlement fall within the area.

- Q. 3.—What funds, if any, has Government or any Committee appointed by Government advanced against the security of these lands or the title thereto ?

- Q. 4. If the answer to Question 3 is in the negative, are these lands free of any encumbrance ?

- A. 3 and 4.—A loan of \$3,000 was made by the Legislative Council Food Committee in respect of an agricultural lease and a mortgage on the right, title and interest in the lease for that land was made in favour of the Georgetown Co-operative Credit Bank, as security for the advance.

- Q. 5.—Is Government in a position, without any further expenditure, to take over these lands in the communal interest ?

- A. — No. Compensation would have to be paid.

## ADVANCES AND LOANS BY GOVERNMENT.

Mr. ROTH on behalf of Mr. Humphrys asked and the Colonial Secretary laid over replies to the following questions :—

- Q. 1.—Will Government obtain rulings from the Secretary of State for the Colonies as to whether the Governor, or the Government with the approval of the Governor, was entitled under the Constitution of this Colony, without the sanction of the Legislative Council, to make—

- (a) An advance by way of loan or otherwise of £81. 7s. 3½d. to the Honourable H. N. Critchlow to assist in meeting the expenses of travelling to attend the World Trades Union Conference in the United Kingdom.

- (b) An advance of £50, by way of loan or otherwise, to the Honourable E. G. Woolford to assist in meeting expenses as this Colony's delegate to the West Indian Conference.
- (c) An advance of £250, by way of loan or otherwise, to Honourable A. M. Edun, to assist in meeting expenses of travelling to India in pursuance of a welfare and educational project in the interest of workers on sugar estates, and of discussion between Mr. Edun and the principals of the sugar companies.
- (d) An advance of £359.0s.11d. by way of loan or otherwise to Messrs. D. M. Harper and H. J. M. Hubbard, to assist in meeting expenses of travelling to attend the Trades Union Conference in Paris.

A. — Yes.

Q. 2.—Will Government report to the Legislative Council the rulings of the Secretary of State on the above?

A. — Yes.

Q. 3.—Did Government, pursuant to the Governor's undertaking given to the Legislative Council on 10th March, 1944, remit to the Imperial Government as a loan free of interest the proceeds resulting from the increased imposition of Income Tax under the Income Tax (Amendment) Ordinance, 1944?

A. — In accordance with Legislative Council Resolution No. XII of the 12th of October, 1944, a second interest-free loan of \$1,000,000 (in addition to a similar loan made in 1943) was made to His Majesty's Government on the 12th of January, 1945. This sum was approximately equivalent to the actual surplus for the year 1944 which amounted to \$982,565 and was in excess of the estimated proceeds resulting from the increased imposition of income tax under the Income Tax (Amendment) Ordinance, 1944.

No further interest-free loans to His Majesty's Government have been made. There were deficits in each of the years 1945 and 1946.

Q. 4.—Since 10th March, 1944, what amounts (if any) have been

remitted by Government to the Imperial Government as loans from this Colony free of interest?

A. — See answer to question 3.

#### RENT RESTRICTION (AMENDMENT) BILL, 1947.

The ATTORNEY-GENERAL: I beg to move that this Council resolves itself into Committee to consider clause by clause the Rent Restriction (Amendment) Bill. In doing so I should like to inform hon. Members that the report, which has been laid on the table today, is the result of the consideration given by members of the Select Committee to the Bill which is now before the Council. There are three or four points which I will emphasize before we go into Committee, and one is that the Committee was unanimous in the view that business premises should be put in the same position as dwelling houses. That is to say, the suggested ceiling amount of \$720 should be removed and control should be exercised in respect of dwelling houses and/or commercial buildings, which should be treated in the same way as dwelling houses.

The second point I desire to emphasize is that provision is made in the Bill for alternative accommodation to be provided by the landlord in case he requires the premises for himself or members of his family, or a person in his employ. The Committee is of the opinion that in so far as the landlord is concerned that provision may create a hardship on him and, secondly, that it should not be a prerequisite to his obtaining the premises that he should be required to find alternative accommodation, but in so far as the other persons—members of his family or persons in his employ—are concerned, that prerequisite may stand. The prerequisite is regarded as undesirable in so far as the landlord personally is concerned, because it will open the door to considerable difficulties. I am sure hon. Members will appreciate, however, the wisdom of providing for this alternative accommodation. It is an alternative given to the landlord to prevent him from experiencing difficulty, but not to anyone else.

The PRESIDENT: That means that a landlord cannot disturb a tenant unless

he wants the premises for himself. If he does disturb a tenant and let the house to somebody else there would be a penalty.

The ATTORNEY-GENERAL : That is right. I will ask the Council to leave over for consideration the question raised by the hon. Member for Georgetown South (Mr. Gonsalves) as regards public and commercial buildings—that there should be a fixed minimum and not as now provided: that the Rent Assessor should have a figure of 25 per cent. As he was a member of the Committee it is desirable that this point be left over so that he can be present. Then there is the question of the landlord. As the Bill has provided at p.12 in clause 7 (c), one of the grounds for the recovery of possession of premises is "*where the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or to other tenants.....*" The landlord is not included as the Bill stands, and it is considered fair that if a tenant makes himself objectionable or a nuisance to the landlord, the landlord should have the same right as if that tenant makes himself objectionable or a nuisance to a neighbour of the premises. It is therefore proposed to add that as an amendment.

There is also the point that during the pending of an appeal a tenant might withhold the payment of rent due, and if the hearing of the appeal takes some time then the accumulation of rent might be considerable and the landlord might find that when the matter has been decided he has just won a Pyrrhic victory and that there would be no money coming to him, as in the course of the time the tenant might spend the money otherwise. It is therefore considered desirable that provision should be made to prevent that.

There is, further, a question raised by the representation I have received, and that is the question of sub-tenancy. That is a very difficult matter, as hon. Members will appreciate. The view taken by the Committee is that the landlord should be allowed to give his approval in connection with any sub-letting of his premises. The approval should be given in writing and that is qualified by this stipulation—

that the approval should not be unreasonably withheld. In case it is unreasonably withheld, then recourse will be had to the Rent Assessor who will determine whether the landlord has properly withheld it or not.

There is also another point as regards sub-letting, and that is the question of a sub-tenant being given the right to go to the Rent Assessor to have the rent fixed, because one can conceive that a tenant may rent premises from a landlord and afterwards sub-let the premises and make the sub-tenants pay a greater amount of rent than they ought to pay. Consequently, it is felt that there should be provision to enable a sub-tenant to go to a Rent Assessor in the same way as a tenant could go *vis a vis* the landlord. Another point has been discussed by the Committee but it is difficult to put it into legislation, and that is the question whether tenants should be allowed to make a profit to benefit themselves as a result of sub-letting. A landlord may rent a premises to a tenant—say Mr. A—at \$30 per month and the tenant divides it into three parts and rents each part at \$14 per month. Hon. Members will appreciate that it is indeed a very difficult matter to decide whether a tenant should be permitted to do such a thing. That is why I have asked that the new clause 18, which, it is proposed, will deal with the question of sub-tenancy, should be allowed to stand over so that hon. Members might throw out any suggestion which would be helpful. I think those are all the salient points of the report. The feeling of the Committee is that as conditions stand today the Bill should continue as drafted until 1951. I think those are all the points to which it is desirable that I should draw the attention of hon. Members. I now move that the Council goes into Committee to consider the Bill clause by clause.

Mr. CRITCHLOW seconded.

Mr. PEER BACCHUS : The report of the Select Committee has just been laid on the table and all. I think, hon. Members have been able to do is to look at it without being able to read it through. Therefore, I do not think it is fair that this Bill should be considered in Committee today. If I understand the hon. the Attor-



ney-General correctly, the Committee has not yet concluded its deliberations, since one Member has asked that certain points be deferred for consideration. That gives me the impression that the Committee has not yet concluded its deliberations. Secondly, the draughtsman has not yet concluded his drafting because, according to the hon. the Attorney-General, a certain clause is still under consideration and that also has been deferred. Therefore, I think, that taking the Bill in Committee today without giving Members time to consider the report will not carry matters any further and that we ought to wait until the report and the drafting of the Bill have been concluded.

The ATTORNEY-GENERAL : I can appreciate the hon. Member's desire not to continue consideration of the Bill today but, in so far as the Committee goes, we did discuss all the aspects of this question and the report put before hon. Members represents the general principles which were settled by the Committee.

Mr. PEER BACCHUS : I am saying that the Council has accepted the principle of the Bill, but it should not go through the Committee stage today.

The ATTORNEY-GENERAL : In so far as these points go, I think hon. Members will agree that it is proper for me to put to this Council every aspect relating to the report. I do not desire at any time to withhold anything. In so far as the drafting of the Bill is concerned, in our view we have covered the points.

Mr. ROTH : The report of the Select Committee was laid only five minutes before this Council met, but in order to avoid delaying matters I will suggest that we go ahead in Committee with those clauses of the Bill which are not controversial.

The PRESIDENT : That is what I want to do.

Mr. DIAS : I am sorry I cannot share the view of the last speaker or of the hon. the Attorney-General. I think landlords should be given an opportunity to study this report so that arguments could be put forward on their behalf for amendments if necessary. I do not think we

would like to do a part of the Bill today and come back later to do the other part. With my experience—and my experience is greater than that of the hon. Member—I would like to have some opportunity to study the matter further, because we might incorporate certain things which are already in the report.

I did not see the report until I came here, but I have been asked by certain people to move an amendment to the Bill. If we go through the Bill in Committee today, when we come back again and have to deal with the amendment suggested by me we might find that it cannot fit in. I want to be able to examine the whole report. If I do not find any fault with it, I would consent to it. For that reason I am sorry I cannot support the further reading of the Bill today.

Mr. RAATGEVER : I am supporting the request of the hon. Member for Western Berbice (Mr. Peer Bacchus) that further consideration of this Bill be postponed to allow Members an opportunity of examining the report of the Select Committee. I think it is only right that Members should have that opportunity.

Mr. THOMPSON : I have only just seen the report of the Select Committee and, I think, it is becoming a regular habit just to put reports of this kind here and ask us to consider them. I think it is best that this matter be postponed in order to give Members an opportunity to examine the report.

The ATTORNEY-GENERAL : The only point is that there are several clauses in the Bill which are not controversial and which we would like to know whether this Council as a body is accepting. The principle of the Bill has already been approved by the passing of the second reading, and if there are any points raised by Members, who were not members of the Select Committee, they would be examined in the interim. In other words, if hon. Members go away and come back the next time and raise any points those points would have to be examined further. We would therefore be postponing consideration of points which might be raised now. I am sure hon. Members have examined the Bill with very great care.

There are three important clauses which I suggested to the Committee should be postponed in view of the fact that we are considering whether they will require further alteration, but there are others which do not raise any controversy at all and can be accepted. Whatever suggestions hon. Members may make will receive consideration. Hon. Members, I may suggest, must have considered the Bill and, if they have considered it, they must have points which they are willing to raise or suggested alterations to put forward to the Bill as a whole. But whatever you do, if you postpone further consideration when in the Committee stage it would give us an opportunity for examination of the suggestions. It is only a question of whether you wish the Bill postponed and the points you want to raise brought forward at some other time.

The PRESIDENT : Can I amplify what the hon. the Attorney-General has said? I am very anxious to get this Bill through. I appreciate Members want to have time to study the proposals made by the Select Committee. If Members agree, we can pass those clauses which will not be affected by the Select Committee's recommendations, and we will then have got that further on. Further, if Members want to put forward points for consideration the sooner they do so the better. If you wait until tomorrow we would have lost one day, and if you wait a week we would have lost a week. I really do not feel that there is much virtue in postponing consideration until a week's time and then to listen to objections raised. If hon. Members have any objections they want to raise, now is the time to do so, now that we are in Committee. I am perfectly prepared to meet the wishes of Members, provided they co-operate with me to have the Bill through as soon as possible.

I would like to know if Members still decide that they do not want to deal with any clause of the Bill. They may go into it tomorrow and so have the opportunity to study the Bill for the rest of the day. I do not think Members should have a week to study the Committee's report: they should be able to do it this afternoon. I would like to know the views of hon. Members. We may consider any non-contro-

versial clause which I would like myself to do today, but if you are not prepared to do that I would like Members to consider this Bill tomorrow.

Mr. JACOB : The position is very simple, I think. It is clear that the Members of the Select Committee have not finished their labours. I see no harm in postponing the Bill to tomorrow so that other Members will have an opportunity to go through the other clauses. I do not think the Bill can be completed this week.

The PRESIDENT : I do not mind when it is completed. I want to make a start.

Mr. JACOB : I think you can start tomorrow. The majority of Members wish some time for consideration of the report.

The PRESIDENT : I agree to start tomorrow.

Mr. PEER BACCHUS : As I was saying, you are taking the Bill tomorrow without giving Members full opportunity to read the report and study the amendments. You will appreciate how much time it takes to fit in an amendment to a clause, and if we are to do this Bill clause by clause it would take much time and Members have their other duties to attend to. Whether they can do that this afternoon I am very much doubtful. The point I am making is that it will not take any longer for this Bill to be passed, if and when the Committee has finished its deliberations. The few controversial clauses in the Bill will not take much time on any day that the Bill is being considered and, therefore, that will not cause any further delay in the passing of the Bill when the hon. the Attorney-General has finished his deliberations in Committee and finished his drafting of the Bill.

Mr. THOMPSON : I am not fully in agreement to start the Bill tomorrow.

The PRESIDENT : Subject to any other objections, I am perfectly prepared to start tomorrow. Very well, we will postpone consideration in Committee stage until tomorrow, Friday.

Consideration of Bill deferred accordingly.

LICENSED PREMISES (AMENDMENT)  
Bill, 1947.

The ATTORNEY-GENERAL: The second reading of this Bill has been already taken, and I beg to move that the Council resolves itself into Committee to consider clause by clause the following Bill intituled:—

“An Ordinance to amend the Licensed Premises Ordinance 1944, with respect to the opening and closing hours of licensed premises and for other purposes connected therewith.”

Mr. CRITCHLOW seconded.

Mr. de AGUIAR: I am going to oppose the motion, because as a matter of fact I am taken by surprise. The last time this Bill was before Council I understood — I may have been wrong — that before further consideration is given to it the position in regard to clubs—in fact it was almost stated that the Bill is to control the sale of liquor in these mushroom clubs—will be reviewed side by side with this Bill. For that reason I am taken by surprise. I do not know whether in view of what I have just stated the hon. the Attorney-General will take the hint and not proceed today. I am still waiting to see what is going to be done to these clubs.

The PRESIDENT: I think the answer is, we promise to deal with those mushroom clubs as soon as possible. We cannot postpone consideration of all these Bills. We must take something today.

Question put, and agreed to.

COUNCIL IN COMMITTEE

*Clause 2—Substitution of new Parts I and II in the Principal Ordinance.*

Mr. de AGUIAR: I am sorry I cannot be of any use to the Council. As far as I am concerned the Bill can proceed through the whole of the Committee stage.

The CHAIRMAN: I would like to tell the hon. Member, who is opposing all the clauses, that the situation is entirely outside the control of this Council. The Bill is on the Order of the Day. The other Bill was to be taken first, but it was thought that it would occupy the whole of today

and possibly tomorrow, and Members decided not to take that Bill. We then had to proceed with the next Bill. Members should not feel aggrieved about it. It is the luck of the day.

Mr. de AGUIAR: No, sir; I will have to move a motion to close down all rum-shops. Let us face the situation and be done.

*Clause 4 — Amendment of section 17 of the Principal Ordinance.*

The ATTORNEY-GENERAL: The hon. Member raised some point in regard to the question of clearness. I wish to point out, that I have just submitted an amendment to hon. Members to meet the point which was raised by the hon. Member on the last occasion when the second reading was being taken. The object of that amendment is to make clear the provision in the Principal Ordinance, which was considered by this Council some time ago and passed in that form. We are only following the Principal Ordinance. Following on the comments of the hon. Member, I have had this amendment prepared to put in its place so that there can be no difficulty arising at all.

The CHAIRMAN: It is a completely new clause 4!

The ATTORNEY-GENERAL: Yes.

Mr. de AGUIAR: I am very grateful for the explanation, but I am not able to follow it.

The ATTORNEY-GENERAL: I am not surprised!

Mr. de AGUIAR: I do not know whether this Council expects me to follow an amendment, which has just been handed to me, and to accept it. I have raised the point because I am not a legal man; I am only a layman. It is true that I pose at some times as a lawyer in this Council, but I crave the Council's indulgence. I have not yet read it; I do not know if it meets the point I raised. We have passed a few clauses not yet amended, and I do not know whether it is proposed to put in the amendments later on.

As I am on my feet, I am going to say that one of the points I raised was, it is

malicious persecution and not prosecution. That seems to go on in regard to the interpretation of these laws. One of the suggested amendments I proposed, when I spoke on the Bill, was that the words in clause 2 (4) "*no licensee shall open or keep or permit to be open*" mean obviously "*open for business*" and not "*the premises*". In the country district if a man who lives at the back of his shop has a window open he is prosecuted. Only today I saw a summons in respect of which a man in the country has to appear before the Magistrate tomorrow for keeping one of the windows on his premises open when no business was going on. I do not know whether it is intended to go on with that sort of thing. If it is the desire of Government, I am afraid, I cannot be of any assistance. I cannot accept this amendment in the short space of time allowed me.

Mr. RAATGEVER : In view of the fact that the amendment has just been handed us in regard to this Bill, I am going to support the hon. Member for Central Demerara (Mr. de Aguiar), that the matter be postponed to give interested parties concerned an opportunity of reading it and commenting on it. I think it is only equitable that that be done.

The CHAIRMAN : We will leave this clause and pass on to the new clause 5.

Mr. THOMPSON : I cannot see the reason for so much "jitteriness" around this Bill. We have had a report submitted and that report was accepted by this Council. On that report this Bill has been brought forward. I cannot see how then it is being sought to throw out this Bill, the principle of which has been accepted by a majority. I think that having accepted the report the next step is to accept the Bill and carry it on. I find the intention of the Bill is considered to be one of a personal nature instead of one serving the country.

Mr. de AGUIAR : Hear ! Hear !! I agree with you.

Mr. THOMPSON : I think this Bill is intended for the good of the country and we should deal with the object put before us — to shorten the hours for opening business. But we are here bringing in all

sorts of matters of a personal nature. I do not see why we should postpone the Bill. We should try to get it through as fast as possible. My only objection is, I have not gone through the report. I think all the rumshops should close at certain times as in the case of the groceries. I see no reason to delay the passing of this Bill, having regard to the fact that we have already accepted the report upon which this Bill has been drafted. Why then was the second reading accepted ? Why all this fuss now ?

The CHAIRMAN : I am perfectly prepared to meet the objection raised by the hon. Member for Central Demerara to the amendment to clause 4, which he has not had time to read. We have often done it in Committee — to leave a clause and go on with the rest of the Bill and then return to it when we have gone through the whole Committee stage. If the hon. Member wants to hold over the amendment to clause 4 I am perfectly prepared to do it.

Mr. EDUN : It has been a long tussle between two forces — one humanitarian and the other self-interest—and I think this Bill ought to be proceeded with at once. I have seen this amendment, and anyone with a little intelligence can understand it. I agree with you, sir, and it was the same thing that was passing through my mind, that this clause 4 may remain over until Members had a chance of studying it. It has happened here oftentimes.

Mr. RAATGEVER : In view of the hon. Nominated Member's remarks I would like to say that I have no personal interest in the Bill, as I do not own a spirit shop. I am not against the Bill. I was speaking on the equity of the matter, that it was not fair to rush the amendment through without giving the interested concerns an opportunity of saying whether the amendment was in order or not.

Mr. CRITCHLOW : The hon. Member for Central Demerara from the outset said he would oppose this Bill.

Clause 4 deferred.

*Clause 5—Insertion of new section 27A in the Principal Ordinance.*

Mr. de AGUIAR : I would like to ask the hon. the Attorney-General to make



a pronouncement on the question of keeping these places open, otherwise these malicious prosecutions will continue. I see in clause 2 (4) and again in (10) the words "*Subject to the provisions of this Ordinance no licensee shall open, or keep, or permit to be opened any licensed premises....*". I desire to ask whether the interpretation of that means, if a man has his window open or that the shop is open for business, and in what way is he liable to prosecution? A number of these prosecutions are taking place today. If a man has to open his door to take in goods would he be liable to prosecution? I would like to get that clear.

The ATTORNEY-GENERAL: If the hon. Member refers to Part II, section 11 of the Principal Ordinance, he would see it says: "*No licensee shall open, or keep, or permit to be open any licensed premises for any purpose whatsoever except on the days and hours set out.....*" If you keep the premises open for any purpose whatsoever it is an offence. It is very wide, but it is as it is there. I suppose one can readily see that because you open it ostensibly to receive *bona fide* goods you may do so for other purposes which the law prohibits, therefore the Legislature when the Ordinance was being passed considered that they should make it as wide as possible in order to prevent any opportunity for any offence.

The CHAIRMAN: It is quite simple. It is most difficult to control an Ordinance for business premises to be open for certain purposes only. If you were in the country and saw a place open you would know it was against the law. It is quite easier to control it that way, though one may have an excuse for opening. The hon. the Attorney-General has answered the hon. Member's question. That is existing now without considering this amendment.

Clause 4 as renumbered 5 passed.

*Clause. 6 — Substitution of new Schedules for the First and Second Schedules to the Principal Ordinance.*

Mr. de AGUIAR: I must confess I am not clear as to what is intended here. On page 3 of the Bill you have the following:—

## "2. RETAIL SPIRIT SHOPS.

(1) Retail spirit shops in that portion of the city of Georgetown which lies—

(a) to the west of Camp Road, Camp Street and Russell Street (from Princes Street to Broad Street) excluding shops on both sides of Camp Street and Russell Street; and

(b) to the north of Broad Street (from Russell Street to Lombard Street) and the prolongation thereof to the Demerara River including shops on both sides of Broad Street and the said prolongation —"

Then certain hours are prescribed. That is the report, but if the Members of the Committee had little or no knowledge of the subject then apparently we have to accept the recommendation. I opposed it, but apparently I am the only person who seems to know anything about it. On the western side of Camp Street, which is known by everybody, I say there are shops and on the eastern side there are more shops. It seems to be wrong in view of that to draw the line on the western side instead of the eastern side for the purposes of this Bill.

Mr. ROTH: To a point of correction! If the hon. Member read the clause carefully he would find it is not so. All the shops on both sides of Camp Street are excluded from the 7 o'clock hour. I fell into that trap myself.

Mr. de AGUIAR: Will the hon. Member please quote his authority? I am reading from the Bill. I do not know where he has got his authority from, unless I am reading wrongly.

Mr. CRITCHLOW: In England in one street you just step over a portion and you have entirely new hours for the business places. I would like to give this example. I live at 109 Crown Street and there is a neighbour living opposite me in the same street. I have to register as a voter of Georgetown North and he as a voter of Georgetown Central. The areas are so divided. In Camp Street the spirit shops will have the same experience. It is true that the spirit dealer in Camp Street is asking that all be given the same hour.

but there should be a line drawn somewhere.

Mr. de AGUIAR : I am not objecting to a line being drawn. I am saying that what the hon. Nominated Member has quoted, even in England, is no analogy. On the eastern side of Camp Street there are no spirit shops until you go about two or three or four blocks east. It seems more convenient to draw the line on the eastern side rather than on the western side.

The CHAIRMAN : The answer is that the gentlemen who were on this Committee went into it. I am not in a position to say what is the merit of this question. They are not here. This Bill follows the report of a Committee which decided it, and I am prepared to follow their recommendation.

Mr. EDUN : The Members of the Select Committee gave the matter very careful consideration and they have arrived at this conclusion, depending on Members' experience as to how this Bill should work. In every case in human relationship there must be certain limits. In this case we ought to take this limit to go about our matter, and as far as I have seen the objection raised is simply splitting of hairs. I have found that between two countries there is a line of demarcation. There may be one line on one side and another line on the other side. So therefore, I think the attitude adopted by the opposition is more or less to gain time which will not help. I think the time has come when we ought to try out our experiment and see how it works.

It is no use talking about Members not knowing anything about the locality. Everybody knows Camp Street but, somehow, somebody may suffer and somebody may gain more from it than the others. But, that is human experience. We should make a start. Let us get on. It was said that complications would come about and that revenue would be lost to the Colony. All sorts of excuses were introduced in order to defeat this recommendation of the Select Committee, but the Select Committee did their work on purely humanitarian principles and they were supported by the dignitaries of the Church and by public opinion. The time has come when we

ought to stop this excess drinking of alcohol, and I do not think this Bill has even gone far enough, but let us try it out.

Mr. de AGUIAR : I have another point to make, but I just want to put on record at this stage that it seems to me that the policy of this Council is to adopt any report by a Select Committee. I have no desire to prolong the debate, but in future I will sit here and accept every report submitted by Select Committees, whether majority or otherwise. As the hon. Nominated Member said just now, the matter was very carefully considered by the Select Committee, but if a Member of this Council has not got a right to oppose anything recommended in the report it should have been made clear.

The CHAIRMAN : You have got a right to oppose.

Mr. de AGUIAR : No, sir; the hon. Member is saying that we have no right.

The CHAIRMAN : I think what he was saying is that we have only just postponed consideration of the report of the Select Committee on the Rent Restriction Bill. He gave you that as an example.

Mr. EDUN : That was only a pious display of goodwill on the part of the hon. Member.

Clause 6 renumbered 7 and passed.

*Clause 7—Commencement.*

The ATTORNEY-GENERAL : When this Bill was drafted it was intended that it should come into operation on this date—January 1, 1947.

The CHAIRMAN : I would suggest that this Ordinance should come into operation on a date by proclamation.

The ATTORNEY-GENERAL : If that is so, I would move that this clause be renumbered 8 and amended to read as follows:—

“8. This Ordinance shall come into operation on such date as the Governor shall by proclamation, published in the Gazette, appoint.”

Amendment put, and agreed to.

Clause 7 renumbered 8 and passed as amended.

*Clause 4 — Amendment of section 17 of the Principal Ordinance.*

The CHAIRMAN : Does the hon. Member for Central Demarara still wish to have clause 4 amended ?

Mr. de AGUIAR : In order to avoid prolonging the debate I will not oppose its being taken now.

The CHAIRMAN : I am indebted to the hon. Member.

The ATTORNEY-GENERAL : Amendment of section 17 of the Principal Ordinance was suggested in Select Committee and we propose to amend it in the form we have now. The main object is to make provision for *bona fide* guests or travellers and, I think, the clause speaks for itself. I beg to move that the new clause 4 be inserted as follows :—

4. Section seventeen of the Principal Ordinance is hereby amended by the substitution of the following sub-sections for sub-sections (1) and (2) therein appearing —

“(1) Anything in this Ordinance to the contrary notwithstanding the licensee of a hotel may —

- (a) at all times open and keep open the hotel for the purpose of the business of the said hotel other than the sale, barter or delivery of liquor or tobacco therein, or the use therein of a billiard table or other similar table;
- (b) at any time sell liquor or tobacco to, or permit the use of a billiard table or other similar table by any person who is at the time a *bona fide* guest in the hotel or a *bona fide* traveller.

(2) Where the licensee of a hotel is prosecuted for an offence under

this Ordinance and the provisions of paragraph (b) of sub-section (1) of this section are relied on as a defence, the onus of proving that the person to whom the liquor or the tobacco was sold, or that the person who was permitted to use the billiard table or other similar table, was a *bona fide* guest or traveller, as the case may be, shall be on the person so prosecuted:

Provided that it shall be a defence to any such prosecution if the person prosecuted satisfies the court that he took all reasonable precautions to satisfy himself that the person concerned was a *bona fide* traveller and that he believed him to be such ”

Mr. CRITCHLOW seconded.

Amendment put, and agreed to.

New clause 4 inserted.

Council resumed.

The ATTORNEY-GENERAL : With the consent of hon. Members I beg to move that this Bill be now read the third time and passed.

Mr. CRITCHLOW seconded.

Question put, and agreed to.

Bill read a third time and passed.

The PRESIDENT : There is no further business on the Order of the Day and, I hope, hon. Members will meet in full strength tomorrow, at 2 o'clock, to deal with the Rent Restriction Bill, but it is the wish of the hon. the Colonial Treasurer that we should take first the Public Officers Guarantee Fund Bill. Hon. Members already have the report of the Select Committee which dealt with that Bill in their hands. I now declare the Council adjourned until 2 p.m., tomorrow.