

LEGISLATIVE COUNCIL

Thursday, 7th February, 1946.

The Council met at 2 p.m., the Hon. E. G. Woolford, O.B.E., K.C., Deputy President, in the Chair.

PRESENT.

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

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

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

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated).

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

The Clerk read prayers.

The minutes of the meeting of the Council held on the 1st February, 1946, as printed and circulated, were confirmed.

ANNOUNCEMENTS.

ELECTORAL BOUNDARIES.

The DEPUTY PRESIDENT: I am informed that His Excellency the President will be here tomorrow and so, if our proceedings extend until then, Members would have the opportunity of saying anything they wish to say. I would like to say, if we are able to do so this afternoon and Members find it convenient to remain a few minutes to allow you to know, what representations have been made in the various rural areas in respect of the boundaries of the electoral areas. I would in a few minutes tell you how many representations were made and ask the opinion of the Committee as to how they might be dealt with.

WEST INDIAN CONFERENCE.

Also, as has been already announced, if Mr. Laing had been present in the Buildings today I would have sought the opportunity this afternoon after the adjournment, of hearing anything any Elected Member or any Unofficial Member would like to say with respect to the proceedings of the West Indian Conference and any item of the agenda you would like to make any particular contribution to. But in the absence

of Mr. Laing I should not do it, unless any Member really wishes it. It may stand over until tomorrow. But I want to say in connection with His Excellency's announcement that I would suggest that hon. Members themselves take the initiative in seeing any delegate instead of our having to ask you to meet us, as it does not look like our being able to do so as we have not officially met in our own conference.

PAPERS LAID.

The COLONIAL SECRETARY (Mr. Heape) laid on the table the following document.

Post Office (Overtime) (Amendment) Regulations, 1946.

GOVERNMENT NOTICES.

CUSTOMS (AMENDMENT) REGULATIONS

The ATTORNEY-GENERAL (Mr. F. W. Holder, Acting): gave notice of the following motion:—

That this Council approves of the Customs (Amendment) Regulations, 1946:—

NOTICE OF QUESTIONS

POLICE ACTION IN PAINT THEFT FROM SHIP

Mr. ROTH gave notice of the following question:—

With reference to the widely publicized case of theft of paint from the ship "Turret Cape" and the allegations made in the Press against the Police of refusal to act in the said matter, will Government, in order to restore public confidence in the Police Force, take immediate steps, either by way of a Commission of Enquiry or by other means, to have this matter thoroughly investigated and those responsible brought to account?

CIVIL SERVANTS' LEAVE.

Mr. JACOB gave notice of the following questions:—

1. Will Government state whether Civil Servants on the "fixed" or "Other than Fixed" establishment are eligible or entitled to leave if they resign from the Service prior to their reaching the retiring age?

2. If the answer to question 1 is either in the affirmative or the negative, will Government also state:—

- (a) i. The names of those civil servants who have resigned from the Service since 1st January, 1945.
- ii The date of their appointment to the Service and the date of their resignation from the Service.
- iii The period of leave granted to them.
- iv. The grounds on which they were granted leave prior to their resignation from the Service.
- (b) Whether any of them were granted leave prior to their resignation from the Service with permission to accept paid employment during such leave.
- (c) Whether any of them were in paid employment at the time they were granted leave prior to resignation from the Service.
- (d) Whether they were in paid employment during the period of such leave granted to them by Government.
- (e) The names of those civil servants regarding (b), (c) and (d)
- (f) The names of those officers who applied for leave prior to resignation and whose applications were refused.
- (g) What were the grounds for treating those officers regarding (f) differently from the others granted leave prior to resignation.
- (h) The date of appointment and the length of service of the officers regarding (f).

ORDER OF THE DAY.

SUSPENSION OF STANDING RULES AND ORDERS.

The DEPUTY PRESIDENT: In connection with the Order of the Day perhaps I ought to inform Members that

Item 1 will be taken but not Item 2. The next Bill to be taken will be Item 3 on the Order Paper. The omissions for the present will be Items 2, 4, 5, 8 and 10. When the time arrives I will ask the hon. the Attorney-General to make a formal motion that the Standing Orders be suspended to deal with the altered position of all these Bills instead of doing it when each Bill is reached.

The ATTORNEY-GENERAL (Mr. Holder): Mr. Deputy President, I beg to move the suspension of the Standing Rules and Orders in order to give precedence during the day to Items 1, 3, 6, 7 and 9 of the Order Paper and also to enable the second reading of the Bills at Items 1 and 3 of the Order Paper to be proceeded with. At the same time I ask leave of the Council to take them in that order.

Mr. DIAS seconded.

Question put. and agreed to.

Standing Rules and Orders suspended accordingly.

AUCTIONS (BIDDING AGREEMENTS) BILL.

A Bill intituled "An Ordinance to render illegal certain agreements and transactions affecting bidding at auctions."

The ATTORNEY-GENERAL: With regard to the Auctions (Bidding Agreements) Bill, the "Objects and Reasons" set out clearly the purport of the Bill. The main objects of this Bill is to prohibit the making of agreements whereby, for reward, a person agrees or undertakes not to bid at a sale by auction, and to provide that both parties to any such agreement shall be guilty of an offence. It is considered that agreements or transactions which tend to destroy the principle of public competitive bidding at sales by auction should be made illegal. The Bill is adapted from the Auctions (Bidding Agreements) Act, 1927 (17 and 18 Geo. V., Chap. 12),

Briefly, the matter is that properties in the Village and Country Districts are often put up at execution sale for the recovery of rates because the proprietors of those properties allow the rates to become overdue, and the Local Authorities are forced to proceed to recover the overdue rates by auction sale. I understand that this is not done in any spirit of opposition but in order that title may be acquired for a property which will be difficult to obtain in the usual manner by transport from one person to another. Very often no transport exists in respect of the property. When these sales take place the genuine would-be buyers, the proprietors concerned, are often prevented from purchasing by persons who, knowing that the proprietors are anxious to buy in order to obtain title, bid at the sales but let it be known that they will refrain from bidding for the consideration of a sum of money.

As the law stands at present there is nothing to prevent any person obtaining money for reward for abstaining from bidding. In order to stop this practice this Bill has now come before this Council. Members may be told that this will not be such an easy matter, but we are making some endeavour to stop what is a very undesirable practice. I am sure hon. Members will agree that some such legislation is necessary, and without any further observation from me at this stage I beg to move that the Bill be read a second time:

Mr. DIAS seconded.

Mr. JACKSON: There is abundant need for a Bill of this kind. It has happened, and it will happen again, that there are properties in the Village and Country Districts owned by persons now dead whose names still appear in the Assessment Books of the Local Authorities concerned. A simple process has been adopted in order that the real owners should have transport for those properties possessed by their fathers or mothers before them. The custom has been for those propert-

ties to be put up at execution sale, and it has been discovered that there have been numbers of persons who attend the sales first of all with the object of either impeding the sales or getting money from them. It has been discovered also that numbers of those persons who attend with the object of obtaining title for their properties have been unable to do so, because others have got in and endeavoured to bid very high so as to prevent them from obtaining what they desire. It has also been discovered that some of the would-be bidders offer to cease bidding if they were paid an amount, and I know of many cases and, I think, the Local Government Board is also aware that sums of money have thus been obtained from persons who had a strong desire to obtain transport for their properties.

This Bill, while it cannot prevent persons from bidding at execution sales, is intended to prevent those vampires, who in order to secure money for themselves, endeavour to prevent persons from getting transport for their properties. I think a Bill of this kind will settle them in a measure. It may not do all that is required, but it may be the means of stopping this practice in some measure. I support the Bill in the hope that it will pass through all its stages without much difficulty.

Mr. EDUN: This Bill to my mind is very desirable, but I wonder whether what is required will be met by this Bill. In the "Objects and Reasons," paragraph 2 it is stated:

"It is considered that agreements or transactions which tend to destroy the principle of public competitive bidding at sales by auction should be made illegal."

How will this Bill be able to stop anybody from bidding? You do not want to destroy that principle. You cannot stop persons from bidding. So I am at a loss to know how the purpose will be achieved,

Mr. SEAFORD: I am in entire agreement with the Bill in principle and in theory, but is it practical? Are you going to be able to prove that money has been paid? How is it going to work out in practice? I am not quite clear.

Mr. GONSALVES: As far as I see, the difficulty or rather the nuisance that one experiences at these sales is that people go there very often and bid up against you and when they have carried you sufficiently high they just coolly turn away and walk off. It is very competent for another person to start off in the same line. This Bill will not stop that. It only says that between A and B they cannot agree that one must refrain from bidding. It may be tried, but I am doubtful whether it will put an end to what exists. Those of us who have attended execution sales know what happens. The Interpretation clause of the Bill states that "sale by auction" means:

"Any sale of property in any manner by auction or any sale whereby the highest bidder is deemed to be the purchaser at a public sale, whether the sale is by a licensed auctioneer or by a public officer or other person acting as an auctioneer, or whether the sale is an execution sale by the officer of a competent court acting in pursuance of a judgment or order of such court."

An auctioneer will see to it whereas the Registrar is not so capable of doing it. The Registrar is represented by a Marshal and the Magistrate by a Bailiff. An auctioneer is much too shrewd to allow that to be practised on him. As the hon. Member for Georgetown North (Mr. Seaford) has said, the theory is all right, but whether the practice is I have my doubts.

The DEPUTY PRESIDENT: I have considerable practical experience of these execution sales and the methods that have been employed to bring them about. With regard to the method of bidding to which the hon. Nominated Member, Mr. Jackson, has referred, that practice which has been followed by tradition has arisen as the result of the ancestors of

villagers and their descendants in turn omitting when purchasing property to get more than a receipt for the value of their property. A perfectly genuine sale is completed by a receipt passing from one person to another. Let us say that a father who has children and a wife purchases a property in respect of which he was a tenant at the time. He becomes then the owner of that property, but he is not the owner in law as he has no legal title but merely got a receipt. He, however, acquires active title by remaining in possession of that property for twelve years without interruption. The father of the family dies before he has acquired title to the property, and there is only one form of title that can be acquired and that is by transport. Formerly there were other means of getting title to a property and that was by what is called "Letters of Decree", which was the only form of title given to the purchaser at an execution sale.

This is where the trouble starts. There were two forms under the old Roman-Dutch law—Letters of Decree issued by the Supreme Court when you buy at execution sale, and when you pay the purchase money. The same position arises today. You get a transport which is passed to you by the Registrar. The people have now become quite informed about the subject. It is a very important matter affecting almost every Local Authority or every inhabitant of a Local Authority. I know hundreds of these cases, and I am sure the hon. Nominated Member, Mr. Dias, who has had as long a practice as I have, and the hon. Member for Georgetown South, Mr. Gonsalves, and other lawyers present here, know that we are confronted with these problems almost every day of our lives. What happens is this: A father has left a legitimate issue and even a wife. Some member of the family goes to the Village Office or applies to the Local Authority or writes Mr. Laing to use his influence to get the Local Authority to levy on

the property in order to obtain title. That expediency is quite helpful and is a good way. There is no evil design. But I have known several cases in which some member of the family thinks that he can get that done, and without the knowledge and consent of other members of the family he has gone about the situation. The taxes are not paid and he promises to pay them. Those people do not see an Official Gazette. They do not know what is going on, and the property is brought to execution sale.

Now a curious thing occurs. Those vampires the hon. Mr. Jackson spoke about—there are vampires and vampires—sometimes live next door and know exactly what are the tactics of the member of the family who wishes to secure the whole property. They attend the sale and disappoints the man, who brought it about, by bidding up the price. In that case they perform a very fine act, and I have known cases where men like him advance consideration. We had three such characters in this community. There was a man called Old John who never failed to attend an execution sale. Then there was Solomon Joe who always attended execution sales. Then there was also another very respectable druggist near the Market who never failed to attend such sales. The first bidder would say \$5 and the next \$10 and so on. We all knew those characters. They had their use, and I have known of people receiving consideration for abstaining from bidding. To make it illegal and make it easy and possible at these sales to allow a person when in the position of a principal, when one member of the family brought the sale about and another member who is not a consenting party bids, as he has a right to do, to say to the other "I will allow you to buy the property in if you give me my share", is a most difficult thing. That is an agreement where you have several other persons who are entitled to the property. You will never be able to distinguish whether consideration paid for

abstaining from bidding at the sale is genuine or not. It is a most difficult thing because the situation only arises on the spur of the moment. What is the Marshal to do?—Stop the sale and say to Mr. A. “You are bidding and I have information that you have got consideration”? That will destroy all competitive bidding. I do not see how you will carry it out.

I have spoken about this matter because in my opinion this Bill requires a great deal of consideration, and that is based upon actual experience. I know now of two instances where—and this is a strange thing hon. Members may not know as I never knew it until comparatively recently—Local Authorities are in possession of property and hold legal title to that property by transport when it is within their knowledge that the property belongs to certain other people, and stranger still they are receiving rates for the property from the people themselves. If they are owners then they should not receive rates on the property. Although my client has title to the property if he wants to convey he would meet with opposition in the Registrar's Office by the Local Authority. I examined the matter and found that the Local Authority had purchased at execution sale, and although my client had transport it was not endorsed. I was able to show the Registrar that my client was continuing to pay the taxes on the property. The Registrar said it was not the first time that had occurred.

I ask the hon. the Attorney-General in view of these facts I have stated not to conclude the second reading because there are other instances which I am sure the Local Government Board of which I see some members present and especially Mr. Laing will support that statement I have made, that title is being held by the Local Government Board as it were in trust for people—a position Government should not endorse. It would never do for Government to hold property which is in dispute or partial dispute. It is quite irregular to

hold property with legal title and still be receiving taxes from the people. I mention those matters because they form part of the *res jecte*.

Mr. THOMPSON: I am surprised to hear that such a state of affairs exists. If a property is acquired by a Local Authority they cannot collect rates on that property. I am surprised that such a matter coming within your knowledge should have been withheld all this time.

The DEPUTY PRESIDENT: It only occurred a couple of months ago and the matter is under consideration now. The trouble is to know what to do. It is the *Beterverwagting* property I am speaking of. There is another which the Deputy Registrar knows about.

Mr. SEAFORD: In view of the remarks you have made, sir, it seems that the rightful owner would be prevented by this Bill from protecting his own property.

Mr. THOMPSON: The Bill is quite all right in principle, but whether it will work is a matter between the bidder and the owner of the property. It is the only way we can side-track those people. There is a man who attends regularly at execution sales in Georgetown and has to be paid to refrain from bidding. The Marshal cannot stop the sale because somebody else is bidding, but what is known as a police trap could be resorted to. The fictitious bidder could be bought off with marked money.

Mr. PEER BACCHUS: Sir, I too am surprised at your experience with regard to Local Authorities. As far as I know the procedure I think I would not be wrong in saying that in 100 per cent. of the cases where a property is bought by a Local Authority at execution sale it is because the Local Authority had to bid up to a point to cover the rates due to it. When a property is thus acquired by a Local

Authority it becomes free from rates, therefore I do not know how it has happened that in one case rates are still being collected on a property in such circumstances.

The DEPUTY PRESIDENT: More than one.

Mr. THOMPSON: I am thinking whether it is rent that is being collected.

The DEPUTY PRESIDENT: You need not speculate because it came as quite a surprise to me. I know that transport has been passed. The Registrar has other instances.

Mr. PEER BACCHUS: I am surprised. I admit that it would be very difficult to stop the dishonest practice but we should endeavour to minimise it. One way would be for the owner of the property to withdraw the sale where there is an unscrupulous bidder, but in many cases the bidding is so hot that the owner forgets that he has the right to withdraw the sale by paying the rates due.

Mr. JACOB: I am a little puzzled after reading the Bill and listening to the various remarks which have been made. As I understand the position, and to quote a simple case, the owner of a piece of land or a house in a village dies without making a will. His child may be the rightful owner of that property but cannot get title except by the very tedious process of applying for Letters of Administration. Therefore, in order to get legal title for the property it is allowed to be put up for sale at execution for non-payment of village rates.

The DEPUTY PRESIDENT: You are speaking of a case in which a person who dies owned the property, but one of the great difficulties is that he may not have had title but only a receipt for the purchase. Letters of Administration would not help because his descendants would still be without title themselves.

Mr. JACOB: That is a complicated case. A simple case is one in which the present owner of a property wants legal title, and the usual way is to have the property put up for sale at execution. I understand there are persons who bid such properties up so as to inconvenience the rightful owners. Sometimes a relative is behind it. To put a stop to such unscrupulous practice I think it is necessary to have legislation to protect the rightful owner and to save him unnecessary expense. I think this Bill should make it illegal for a person who is not interested in a property to bid for it. I think if the Bill is re-drafted so as not to make both parties guilty of an offence it would meet the case in some way. A person who accepts reward to refrain from bidding for the property should be guilty of an offence, but I think the point has been missed in clause 4 of the Bill.

The DEPUTY PRESIDENT: As this is a matter of very great public and private importance, I am very anxious that the statement I have made should be confirmed by Mr. Sharples, the Deputy Registrar, who has personal knowledge of the facts I have stated. I therefore ask Members to hear Mr. Sharples on the subject.

Mr. J. B. SHARPLES (Deputy Registrar): The sale of properties at execution for the recovery of rates is a matter of expediency in the majority of cases. Somebody is seeking to get title. A person may be the *bona fide* owner of a property by purchase or right of occupation, but he cannot prove his title. A sale at execution is therefore a matter of expediency. I estimate that over 50 per cent. of the sales at execution are in that category.

The DEPUTY PRESIDENT (after consultation with Mr. Sharples): Mr. Sharples desires to make a further statement to confirm what I have stated

Mr. SHARPLES: We have actually had cases quite recently. I cannot remember the Local Authority concerned, but the person holding title to the property turned up a day or two before it was sold for rates and paid the rates to the Local Authority. Apparently the owner by transport had been paying the rates. Whether he had lost his title I do not know, but the Local Authority believed they were still the legal owners of the property.

The COLONIAL TREASURER: Can Mr. Sharples answer the question asked by the hon. Member for Georgetown North (Mr. Seaford) whether there is any chance of a rightful owner seeking title by this expediency being precluded in any way by this Bill if it were passed?

Mr. SHARPLES: Personally I think the Bill leaves the matter in the same position.

The DEPUTY PRESIDENT: I am much obliged to Mr. Sharples for making the statement he has. The Local Government Board will no doubt examine the situation.

Mr. LEE: I would like to point out that this Bill is intended to expedite the housing scheme by enabling rightful owners to property to obtain legal title, and preventing fictitious bidding at execution sales, but it is not intended to preclude a *bona fide* bidder from bidding at execution sales.

Mr. GONSALVES: I do not think the hon. Member understands the Bill. It is not intended to prevent anybody from bidding; it only says that one person must not make an agreement with another that he should not bid. What we want to stop is the unscrupulous practice of persons bidding up a property and not carrying through the sale.

Mr. THOMPSON: I think if we deleted clause 3 (a) the object of the Bill would be achieved.

The DEPUTY PRESIDENT: You have already spoken. You are only allowed to speak once on the second reading.

The ATTORNEY-GENERAL: Having heard the views of hon. Members I appreciate the fact that the Council is in support of the principle of the Bill, but, as I understand it, the view of the Council is that the provisions of the Bill do not go sufficiently far to provide adequate safeguards to meet all the cases suggested by the Deputy President and by certain hon. Members. Consequently I think it would be desirable to postpone the second reading of the Bill in order that some means may be found whereby we could stop the gaps and prevent innocent people from being victimized by what one hon. Member calls vampires.

That is one aspect of the question. The other is in relation to the point raised by the Chair, that where a person does not pay his rates and taxes and his property is taken over by the Local Authority something should be done to meet that contingency. With the approval of the Council I therefore suggest that further consideration of the Bill be postponed.

The DEPUTY PRESIDENT: With the consent of Members that course will be adopted. The Bill will be proceeded with at some future meeting.

CENSUS BILL, 1946.

A Bill intituled "An Ordinance to make provision for the taking from time to time of a census of the Colony or any area therein and for otherwise obtaining statistical information with respect to the population."

The ATTORNEY-GENERAL: From the Objects and Reasons it will be seen that the object of this Bill is to

authorize the Governor in Council to direct the taking of a census from time to time, and to provide the machinery necessary for the purpose. The last census was taken during 1931, and it is expedient to bring the population statistics of the Colony up-to-date. It is intended to take a census of the population during the current year. The Bill provides permanent provisions for the taking of a census at intervals of not less than five years, whenever it is thought proper to do so. This will in the future obviate the passing of an *ad hoc* Ordinance whenever a census is to be taken, as was the practice in this Colony up to the year 1931.

An Imperial census will be held in 1951. As will be gathered from the Bill, it is proposed to appoint a Census Officer who, under the provisions of the Bill, will divide the Colony into districts and sub-districts, and supervisors will be appointed for each district and enumerators for each sub-district. The duties of the supervisors and enumerators will be defined in Regulations, provided for by clause 8 (1), to be made by the Governor in Council.

The Bill is framed to cover two methods of taking a census—one in which the householder fills up the form, and the other in which the enumerator fills up the form. It is proposed that this census should be taken by the latter method—the enumerator filling up the form from particulars supplied by the householder. The procedure, as I understand it, will be that the enumerators visit houses within a month before the actual date of the taking of the census which has to be fixed by the Governor in Council, and has practically been agreed upon. It is midnight on the 9th of April. The enumerators will visit the houses and record the information required, and they will visit again on census night to check up the information already given.

The question of the remuneration of the supervisors and enumerators will be decided by the Governor in Council. Under clause 4 (2) it will be seen that the duties of the supervisors will be fairly wide. They will have to supervise the taking of the census, each in his district, and be responsible for the enumeration of every household in this district, checking the completed returns by inspection or in any other practical way.

I wish to inform hon. Members that the tabulation of the returns, provided for in clause 7 (1), is proposed to be done by the office of the Comptroller for Development and Welfare. For the information of hon. Members I should say that the forms are now in course of preparation, and the question of the districts is being considered and settled. With those observations I move that the Bill be read a second time.

Mr. C. V. WIGHT seconded.

The DEPUTY PRESIDENT: The hon. the Attorney-General did not refer particularly to the fact that this is intended to be practically a permanent Ordinance, so that Members will not have another opportunity to speak on it after it is passed, unless they move a motion that the Ordinance be amended. I did not hear the Attorney-General say so.

The ATTORNEY-GENERAL: said so.

Mr. EDUN: I welcome this Bill but I would like to know under what authority were previous censuses taken. Why is it necessary to pass this Bill?

The ATTORNEY-GENERAL: Ordinance 41 of 1930 was passed for the purpose of the 1931 census.

Mr. EDUN: In the Schedule there are 11 items. I would like to know what procedure will be adopted with respect to Hindus and Moslems so far as item 5 is concerned—whether their marriages will be considered legal? I would like to know whether for the purposes of the census a person whose parents were married according to Hindu rites will be recorded as illegitimate? I agree with the idea in item 7—that information as regards illiteracy should be recorded in the first census. Something should be done to item 5 of the Schedule in order to include Hindu and Moslem marriages. An outsider looking at our Census statistics would consider us to be a nation of illegitimates, because the Hindus and Moslems are not considered legitimate as their marriages are not recognised. For that reason I think something should be done so far as they are concerned. I agree that a census should be taken on the first eight items of the Schedule but items 9, 10 and 11 are not necessary at the moment. With these observations I welcome the Bill.

The DEPUTY PRESIDENT: Do you think the people are apprehensive in regard to item 9 as to possible taxation? Is there any reason?

Mr. EDUN: I think it is well known that a census is a necessity.

The DEPUTY PRESIDENT: I think Government would like to know what the nature of your objection is. Is it some fear of which you have been informed as to future taxation? You do not want disclosed what the crops are and the acreage held by East Indians. Is it that they fear to give the returns because they think they may be unduly taxed? Apart from your own personal view, have you any reason? I would be glad if you state it.

Mr. EDUN: Do you mean to say the Indian population would be hesitant in giving the information?

The DEPUTY PRESIDENT: No. You suggest that items 8, 9, 10 and 11 should be excluded from the survey, that the census should not include that information.

Mr. JACOB: May I rise to a point of order to enquire whether we are in the Committee stage?

The DEPUTY PRESIDENT: NOT yet!

Mr. JACOB: It would appear so.

Mr. EDUN: What I have learnt from His Excellency's announcement is that a living census is to be taken in order to facilitate the General Election. That is my reason for making the observation.

The DEPUTY PRESIDENT: I myself think it is a very important reference the hon. Member has made about the inclusion in the census of the status of people who are married and yet it does not include what is the personal law of the Moslem community and Hindu community who regard their marriages as perfectly lawful. I do not know how it can be met, but it does reflect on their status and it also indicates that their children are not legitimate. I knew the idea of Government then, but I do not know what is the present idea. There is a strong opinion that these marriages should be legalised. I think there is existing legislation in Trinidad which is enforced, and Members ought to know too that quite recently the Union of South Africa decided to recognize the status of East Indians there even to granting them the exercise of the vote. I do not know what the position is, but the hon. Member feels very strongly about it and, perhaps, he may move it in Committee. I would like to get some idea as to what he proposes to pursue.

The ATTORNEY-GENERAL: I wish to emphasize again what I said before, that this Bill is of a permanent nature, as will be seen from clause 2 (1) which reads:

"Subject to the provisions of this Ordinance, it shall be lawful for the Governor in Council by Order published in the Gazette from time to time to direct that a census shall be taken for the Colony, or for any part thereof, and any Order under this section may prescribe—

- * (a) the date on which the census is to be taken, and
- (b) the persons by whom and with respect to whom returns for the purpose of the census are to be made, and
- (c) the persons by whom information for the purpose of the census is to be furnished, and
- (d) the particulars to be stated in the returns."

That part of it is not immediately necessary for the purpose of passing this Bill, because power is given under clause 2 (1) for the Governor in Council to make arrangements in respect of those particulars. Then you have the proviso following which reads:—

"Provided that—

- (i) an order shall not be made under this section so as to require a census to be taken in any year unless at the commencement of the year at least five years have elapsed since the commencement of the year in which a census was last taken; and
- (ii) no particulars shall be required to be stated other than particulars with respect to such matters as are mentioned in the Schedule to this Ordinance."

So the hon. Member's point comes under that proviso. In other words, in the Schedule you have the maximum particulars which the Governor in Council may make regulations about. I hope the hon. Member appreciates that fact. It follows from the fact that we are seeking to put on the Statute Books an Ordinance of a permanent nature, so that when it is necessary to have a

census the Governor in Council will make an order as to the census required and the particulars required by that census. I hope the hon. Member appreciates the point.

So far as items 9 and 10 appearing in the Schedule are concerned, this Colony does not propose to have a census in relation to agriculture or fishing. The hon. Member appreciates that point, but still there may come a time, say in 1951 when the general world census is being taken, when it may be desirable from this Colony's point of view to include those items. I do not think it is necessary for me to deal with any further point at this stage. When the Council goes into Committee I will be pleased to answer any points raised by hon. Members.

Question put, and agreed to.

Bill read a second time.

COUNCIL IN COMMITTEE.

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

Clause 4— *Appointment and Payment of supervisors and enumerators.*

The ATTORNEY-GENERAL: Just a mere correction in the last line—the insertion of a comma after the word "of" and also after the word "by."

Question put, and agreed to.

Clause passed as amended.

Clause 5— *Power to enter houses and other place.*

The ATTORNEY-GENERAL: I ask leave to insert as an amendment a sub-clause—(2)—and to make the clause as it stands sub-clause (1). The proposed sub-clause (2) reads as follows:—

(2) Every person who obstructs or impedes a supervisor or enumerator in the exercise of his power of entry under sub-section (1) of this section shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding one hundred dollars or to imprisonment with hard labour for a term not exceeding three months."

Question put, and agreed to.

Clause passed as amended.

Clause 6—*Right of census official to inspect public records.*

The ATTORNEY-GENERAL: May I ask for the insertion of the words "the authorities of" between the words "to" and "any" in the last line of sub-clause (2).

Question put, and agreed to.

Clause passed as amended.

Clause 7—*Preparation of tabulated report.*

The ATTORNEY-GENERAL: As I have pointed out, it is proposed that the tabulation should be done by the Comptroller of Colonial Development and Welfare, and accordingly I suggest that instead of the words "any Order in Council made under this Ordinance" in the last line of sub-clause (1) the words "the Governor" be substituted. It should be by the Governor because the requirement, so far as the particulars are concerned, for the Comptroller will be communicated to the Governor and, therefore, he will be the proper person to agree to the method of tabulation which is to be done for statistical purposes.

Question put, and agreed to.

Clause passed as amended.

Clause 10—*Offences and penalties.*

The ATTORNEY-GENERAL: The word "Regulations" wherever occurring in this clause should be stated with a capital "R".

Question put, and agreed to.

Clause passed as amended.

Clause 11—*Jurisdiction.*

The ATTORNEY-GENERAL: May I just make a change in the wording of the clause, but the substance will be the same by the substitution of the following for the clause as drafted:—

"11. The Summary Jurisdiction Ordinances shall apply to all informations, complaints, and other proceedings in respect of offences against the provisions of this Ordinance".

Question put, and agreed to.

Clause passed as amended.

Schedule.

Item 5—*Condition as to marriage or civil condition relating to head of family, issue born in marriage or out of wedlock.*

Mr. EDUN: I wonder whether Government will be prepared to accept this amendment of the addition to item 5 of the words "or in accordance with Hindu or Moslem rites" after the word "condition."

The ATTORNEY-GENERAL: The position is this. The forms which relate to the census are standardized and apply to the whole Caribbean area, and so far as religion is concerned if a Christian it is given and if "Other" it includes Hindu and Moslem rites. Therefore it would appear that the religious rites observed by the persons would affect that which the hon. Member wishes to emphasize. The hon. Member's contention is that it might give a totally erroneous picture so far

as the marital relationship of Hindus and Moslems is concerned. Consequently he wants to get something more definite. But I am just pointing out that in the light of the fact that when the question of religion appears and is answered, the marital relationship which flows from that will be perfectly clear.

Mr. C. V. WIGHT: I think the position goes a little further than that. I do not know if I anticipate the hon. Nominated Member. The real question is that though those persons, under a personal law are born in lawful wedlock, according to the law of the country they are illegitimate. That matter unfortunately led astray one hon. Dame of the Royal Commission who adumbrated the great illegitimacy in the community. She forgot that entirely at the time—whether she knew it or not—because it is very difficult to ask anybody to come here with a vast community set up, as it is, and in two weeks go away and give expert opinion on the conditions of the Colony. It takes a genius to do that. There does remain this fact that the legitimate factor will be increased by this large proportion of persons born in lawful wedlock according to the personal law of their own race.

Mr. EDUN: I thank the hon. Member for his explanation. I wish to endorse what has been said and to state further that there should be a wedlock column in the form. If an enumerator goes to a Hindu's home and asks "Are you married?", the head of the family would say "Yes, in accordance with Hindu rites." There will be found a Hindu man living with a Hindu woman without being married, and their issue will be considered illegitimate. Therefore I say a wedlock column is a necessity and is very essential in order not to give to the outside world a bad impression as to the moral and social status of those people.

The ATTORNEY-GENERAL: I appreciate the point made by the hon. Member. If it can be covered by way of Regulations so as to emphasize the point he is making, it may be done when the Governor in Council is making the Regulations. But the form will have to remain as we have it at present.

The CHAIRMAN: I believe it is the intention of Government to take action in the matter, but I must ask the hon. the Attorney-General to reconsider his reference to the example given in the Bill about Christian and non-Christian. There is a form which speaks of Christian and non-Christian, and the unfortunate thing is that because they are non-Christians their children are illegitimate. I would like someone to answer me. What is the position? Take the Jewish fraternity. You have English Jews, French Jews and others all over the world. They are not Christians in the sense in which we regard religion, but their marriage is a recognised status and their children are not illegimates. To me it is an astounding position to take up by a nation, because persons are not Christians they cannot solemnize marriage to be recognised in law and as a result their children are branded as illegimates.

Mr. EDUN: The situation can be easily met by a special column in the form.

The ATTORNEY-GENERAL: I do not want to be misunderstood. There is a provision in the form pointing out whether a person is a Hindu or a Moslem or a Jew or a Christian. The point raised is that it will give a completely erroneous picture of the status of Hindus and of Moslems in view of their marital relationship not being fully appreciated. Consideration is being given to that question of moral law which has been raised by the hon. Member.

Mr. C. V. WIGHT: I understand the Government did intend to obtain in detail much information other than those required on the form. The form just takes a comprehensive general view, but there will be details collected by the enumerators who will be supplying that in their own forms.

Mr. JACOB: I am a little amazed at the statement of the last hon. Member. If the form does not have the details how would there be some record of what is required? The form must contain it. I appreciate the point made by the hon. Nominated Member, Mr. Edun, that there should be some differentiation as between people living in concubinage or otherwise. Christian marriages are considered legal, but Hindu and Moslem marriages are not. If it is stated in the form "Married according to Hindu or Moslem rites", the information would be available. But if, as the hon. Member for Western Essequibo says, the form will not have that but Government intends to keep a record of that, how can that record be had unless there is something on paper available. I suggest that the form be made in such a comprehensive way as to be properly filled up. It need not be tabulated, but the forms should be there for tabulation later on.

I did not intend to speak on this question. We want a census taken and as early as possible. There are other reasons for it. But this idea of various religious denominations I had intended to speak on. I notice it is on today's Order Paper—the motion on Governor's Message, No. 14, by His Excellency the Governor for the dual control of schools. I think something will have to be done as regards the religious persuasion and religious knowledge in the schools themselves. We have to take note of the religious persuasion of the several races in this Colony, and I notice in this report the matter has been entirely overlooked. I admit it is not quite relevant to refer to it under

this Bill, but since we are talking about marriages and legitimacy or otherwise we have to go a little further and do something more.

Dr. SINGH: I wish to say, our marriages are under consideration by Government—recognition of Hindu and Moslem marriages according to their respective custom.

Mr. EDUN: I do not know when that Bill will become law. It was mooted so very long ago. But what is a necessity is that it must be stated in the form that they are married according to Hindu or Moslem rites. It will give the impression that they are married under their personal law. They will also find a Hindu living with a woman. I take it that that will also be stated.

The ATTORNEY-GENERAL: In other words the position falls into two categories—those married according to Hindu rites and those who are not, and those married according to Moslem rites and those who are not. What the hon. Member is trying to safeguard is that persons married according to the rites of their religion should be so acknowledged in the returns.

Mr. C. V. WIGHT: The other cases referred to by the hon. Member would come under the ordinary common law. It is really absurd to go into things like that in taking a census. After all the forms are going to be filled up by the enumerators on the spot.

The CHAIRMAN: In view of the anticipated legislation I would advise the hon. Member to suggest to Hindus and Moslems that they should inform the enumerators whether they are married according to their religious rites.

Schedule approved.

Council resumed.

The ATTORNEY-GENERAL: If there is no objection by hon. Members I move that the Bill be read a third time and passed.

Mr. C. V. WIGHT seconded.

Question put, and agreed to.

Bill read a third time and passed.

WEST INDIAN UNIVERSITY.

The COLONIAL SECRETARY: Sir, beg to move:—

That, with reference to Governor's Message No. 12 dated the 15th of December, 1945, this Council accepts in principle the establishment of a West Indian University in Jamaica and approves of payment from public funds of the Colony's appropriate share of the recurrent cost on the terms set out in the Message.

In moving this motion I would simply ask that this Council, having considered the recommendations of the sub-Committee of the West Indies Committee of the Commission on Higher Education in the Colonies, agrees to give its warmest support to the proposal to establish a West Indian University in Jamaica. I will not detain the Council because His Excellency's Message, No. 12, has furnished Members with all the correspondence on the subject. It will be seen from paragraph 4 of the Message that the expenditure not covered by Imperial grant or local donations is estimated to amount to no less than £68,390 per annum. That is a very large sum but it is less than 50 per cent. of the actual estimated annual recurrent cost of the University, and I am asking Members this afternoon to agree in principle to this Colony contributing towards the cost in the ratio of its population to that of the whole area concerned. That suggestion was first made, I think, by the Governor of British Honduras, and has been accepted by the Government of the Leeward Islands and other Governments. I can think of no

better method by which the contributions from the various Colonies participating in the scheme can be assessed. I hesitate to give this Council any firm estimate of what this Colony's contribution will be on this basis, but I have worked it out roughly and it will be a figure in the neighbourhood of \$45,000 a year.

Finally I think this Council will no doubt wish to express its appreciation of the decision of the Government of Jamaica to provide a site for the University, and I hope Members will agree to this Government telegraphing to the Government of Jamaica that this Government is quite willing to leave to the authorities in Jamaica the question of the selection of a site. I now formally move the motion.

The COLONIAL TREASURER seconded.

Mr. JACOB: I do not think any Member of this Council will be opposed to this motion. I think a West Indian University is long overdue, and I trust that prompt measures will be taken to have it erected and ready to receive students within a year or two. The cost of travelling from this Colony to Jamaica is somewhat expensive, and I was hoping that some other place might have been selected, but as Jamaica has the largest population its contribution will be the largest in view of the basis of contribution proposed, and I think it is only right that the University should be established in that island. I trust we will have cheap and frequent communication with Jamaica by sea and by air so that students from this Colony will not find it too expensive to go to the University.

Secondary education in this Colony is not what it should be, I regret to say. There is not sufficient accommodation in any of the secondary schools, and we have lagged behind very long.

In Barbados a student can obtain several degrees, but in British Guiana we have nothing. Even the ordinary tuition up to the London Higher School certificate is somewhat difficult, particularly for girls. I trust we are taking the right course.

Dr. SINGH: I also welcome a University of the West Indies. Unfortunately Jamaica is situated so northerly in the Caribbean. It would have been more suitable if it were more central, but I agree with the last speaker that it has the largest population and the best facilities for a University. We therefore can do no better than accept it as the site for the West Indian University.

Mr. AUSTIN: I should also like to welcome this motion, but I would like to ask whether Guiana scholars will be precluded from going to the United Kingdom in the event of their parents wishing to send them there. In other words, will they be compelled to go to the West Indian University?

The COLONIAL SECRETARY: Guiana scholars can go anywhere. They will not be compelled to go to the West Indian University.

Mr. EDUN: I was pleased to hear the hon. Nominated Member raise that very important point. I consider a University education to be something more than academic. It ought to be the means of building character, and I trust that this West Indian University, an ideal to which we all looked forward and now taking practical shape, will attain the same cultural standard which a student can acquire in London and perhaps in Paris and other Continental cities. I believe in the infusion of new blood even in education. If we just centre around the Caribbean we would soon reach saturation point. Therefore we should have some affiliation of the West Indian University with those

in the United Kingdom, and there should be no restriction at all against any student who might wish to go to England or some other part of the world for higher education. A student who wants to go to the United Kingdom should not be told that he must go to the West Indian University first. I think it is desirable that the Governments in the Caribbean Colonies should support this project with all their resources. For a long number of years the people of the West Indies have been dreaming about such a University. It is about to come true, but for Heaven's sake do not let us have anything mediocre. It must be a University which could be compared with the best Universities abroad, perhaps even better than those in Canada and the United States.

Mr. ROTH: I do not know whether it has struck hon. Members that if we accede unconditionally to the principle of supporting a West Indian University in Jamaica we are practically forever giving up the cherished idea many of us had of one day having a University of Guiana. I therefore suggest that a condition be attached to our acceptance of the project—that the question of our contribution should come up for review at periods of 5 or 8 years. Personally I do not like the idea of having to send our children to Jamaica, 5,000 miles away. We have very little in common with Jamaica, and whether their culture is superior to that of British Guiana is questioned. We sent one of our sons there quite recently to lecture. I ask Members to seriously consider the suggestion I have made that our acceptance of the proposal be given on the condition that our contribution to the scheme will be subject to review at intervals. No doubt we will be told "What is the good of having a Guiana University, we have a Jamaica University?" Many will live to see the day when British Guiana will be in a position to support her own University.

Mr. C. V. WIGHT: The hon. Member has more or less anticipated the remarks I proposed to make, but I shall deal with one of the points he made. I have no hesitation in saying emphatically that the standard of culture in this Colony is far higher than that of the West Indian Colonies generally. With all due respect to some hon. Members who may have come from the Emerald Isles or the Coral Isles. I say that the advantage of such a University is that it would provide an opportunity for fraternization among the people of the West Indies and this Colony. They would to a certain extent forget their insularity and that, as some of them think, because they come from a particular island they are far superior to somebody else. They will learn in time that they are only a small unit in a huge world.

The hon. Member for North-Western District (Mr. Jacob) spoke about secondary education in this Colony not being what it should be. There are two secondary schools of some importance in this Colony—Queen's College and St. Stanislaus College. The hon. Member might agree with me that perhaps some expansion of secondary education might be achieved if Government thought it advisable to make some contribution to St. Stanislaus as the Government of Trinidad does to St. Mary's College.

There is one note of warning I wish to sound in respect of paragraph 4 of the Governor's Message which states:

.....It has been suggested that a fair way of arriving at the share to be paid by each Colony would be to base this on the population of each contributing Colony."

I only hope that when that has been effected we are not going to have any restrictions placed on the number of entrants to the University according to the contribution made by each

Colony. We should not want it to be said that because we are contributing so much we are only entitled to so many entrants. I think that should be definitely guarded against. We must not forget that Jamaica is making a very substantial contribution to this project, but we would no doubt have been just as generous had we received the generosity from the Imperial Government which Jamaica has received. It is a pity that we did not find ourselves in bankruptcy so that we could have had such a large slice from the Colonial Development and Welfare Fund.

The COLONIAL SECRETARY: There is only one point I wish to make. The Hon. Nominated Member, Mr. Roth, suggested that this Council should add a tag to our acceptance in principle of an annual contribution to this scheme. I think he said that we might like to review the whole position in 5 or 6 years' time, but I must ask hon. Members to resist that suggestion. Surely they must know what the intention of this Government is. If we accept in principle and contribute towards this University we cannot at the end of 5 or 6 years turn around and say "No, we want to build our own". I am afraid that the hon. Member's suggestion is not practicable. The only circumstances I can foresee, which would justify this Colony in ceasing its contribution in any one year would be bare financial necessity and no other ground. If we support this proposal now we cannot do so with a view to changing our minds in 5 or 6 years. That is my opinion. I think we should now say in good faith that we agree to participate and pay our share every year. I would ask hon. Members to bear in mind that a University does not mature in 5 or 6 years. A West Indian University would take perhaps 25, 30, 40 or perhaps 50 years to mature. The hon. Mr. Edun mentioned Paris and London Universities, and I was surprised that he did not mention Oxford or Cambridge. In formally

moving the motion I would ask Members to support it without attaching any tag to it.

The DEPUTY PRESIDENT: I should not delay the Council by making many observations on this question, although I have taken a good deal of interest in the matter and I would like to be able to make quite a long speech on the subject. I do not feel disposed to do that, but I would remind hon. Members that there is a report by the Commission on Higher Education in the Colonies which has been circulated among Members—at least I hope it has been—and that it would well repay perusal. It is proposed that this University should provide education agricultural, medical, law, veterinary and numerous other subjects, but I observe from the recommendations of the Commission that in making rules and arranging the structure of the organisation they are going to be confronted with considerable difficulties. I would like to think that whatever those difficulties are, students from this Colony, with whom we are immediately concerned, would be able to gain entrance to that University. I rather fancy that in time entrance would be clogged, not by any desire for exclusion but by the impossibility of providing the necessary accommodation for students.

We are establishing a University in a densely populated area. I do not know what Jamaica's contribution is going to be, but we can well imagine that there would be a clamour by the politicians of that Colony for special facilities for their entrants. I do not know whether that is going to be allowed; I do not know whether entrance is going to be based on a *per capita* basis or a contribution basis, but I would like to think that each Colony is going to be represented on the various Boards for the purpose of maintaining a balance of the distribution of the benefits of the University which promises to be of very great academic value. It may

not be possible to make it immediately residential, which is of course the ideal thing of any University. At present there is great difficulty in gaining entrance to Oxford University, Edinburgh, or any of the English and Scottish Universities, and I do not expect any great improvement in the near future.

Every parent wishes for his children something that immediately infuses into them a spirit of liking all that is important from the Colony's need in cultural and academic training. I personally think that if a parent wishes to complete his children's education a university education is essential but I doubt very much whether a University in Jamaica or the West Indies would for many years to come take the place of the Universities and obtain the atmosphere of the various colleges in the centres of Europe. For that reason, although I will not oppose this as a venture, we must guard against this University becoming not merely an avenue of learning or academic training but something of that higher culture which, I think, most of us in the West Indies are born with and only require the opportunity to mature. I will not speak at length on the subject because I venture to think it is something controversial. With the exception of the suggestion by the hon. Nominated Member, Mr. Roth, it is not a difficult motion and, I take it, it will be passed without opposition. I propose to put the question that the motion be adopted.

Question put, and agreed to.

Motion unanimously adopted.

COMPASSIONATE ALLOWANCE TO RURAL
SERGEANT LUCKIE.

The COLONIAL TREASURER: I beg to move:

That with reference to Governor's Message No. 13 dated 18th December, 1945, this Council approves of payment of a compassionate allowance of \$78 per annum as from 6th February, 1945, to Rural Sergeant Alphaeus Luckie.

There is little I can add or need add to what is stated in the Governor's Message. This unfortunate Rural Sergeant was very severely wounded in the execution of his duty in effecting an arrest. His injuries were very serious and resulted in the impairment of his left forearm to the extent of about 40 per cent. of the use of his left hand. He was employed as a Ranger on an estate and also was paid fees from Government to the extent of \$156 per annum. It has been proposed that since he cannot obtain a pension or allowance under a Government Pension Ordinance, this Council should be invited to permit the payment of a compassionate allowance at the rate of \$78 per annum. That is one half of the amount of fees he earned from Government before his injuries. I think the motion commends itself to Council. The amount is not a large one and certainly should be paid to him in compensation for the injuries he suffered in the execution of his duty.

The COLONIAL SECRETARY
seconded

Mr. JACKSON: I would have liked to be given the opportunity of seconding the motion, but it has been already seconded by the hon. the Colonial Secretary. I think the motion is a very laudable one indeed. I happen to know Rural Sergeant Luckie, and I know that he has been very useful in keeping down crime. He has indeed been a man who felt that his duty must be undertaken whatever came, and I know as a matter of fact that in the case in which he suffered this injury he really took up a position that even a Police Officer was not willing to take up. I think that a man who has been so efficient in the discharge of

a very difficult duty should certainly be assisted, and it is well on the part of Government that this particular case is taken up. I support the motion with all my heart.

Mr. EDUN: Sir, I also happen to know this man, and I have seen his injury. I was deeply sorry for him and I think the sum of \$78 is not sufficient. It should be \$120 per annum—something like \$10 per month. But I cannot press for that. I am supporting the motion. I, however, want to ask Government what it is doing about Police Constable Best who, I know, will receive compensation. Something ought to be done for him too. He is complaining bitterly. He is the man who was wounded in the ear in the Lombard Street incident.

The COLONIAL TREASURER: I do not know the case to which the hon. Member refers. I will have to make enquiries.

Question put, and agreed to.

Motion adopted.

REDUCTION OF DUTY ON SKIMMED MILK.

Mr. JACOB: Mr. Deputy President, you have mentioned that you want to see certain Members.

DEPUTY PRESIDENT: Yes, but there is only one other motion left.

Mr. JACOB: I want to say that I propose to oppose that motion and to speak at some length, but I have a very important appointment at 4.15—the paying of a last tribute to a good friend. I was wondering whether you can adjourn the Council now.

The DEPUTY PRESIDENT: The hon. the Colonial Secretary will move the motion and give his reasons although they are very well known. It will not

take many minutes, and when it is seconded I will postpone the discussion. There will be no other business taken today.

Mr. JACOB: I think it would be better to leave the matter over to tomorrow when there might be a fuller Council.

The DEPUTY PRESIDENT: That will be done. There are other Members to speak on it, but let the hon. the Colonial Secretary move the motion and then we will not proceed with any other further business.

The COLONIAL SECRETARY: I beg to move:

That with reference to Governor's Message No. 15 dated 17th January, 1946, this Council approves of the introduction in Legislative Council of a Bill to amend the Customs Duties Ordinance, 1935, to provide for a reduction of the duty on skimmed milk.

In moving this motion I would like to convey my sincere thanks to the "Daily Argosy" for its leading article on the subject published on 31st January which, to my mind, sets out the whole position very clearly. With your permission I will read the last paragraph of that article. The "Argosy" says:—

"We feel confident that this proposal by Government which aims at improving the health of the community will have the support of the entire Council."

I am indeed sorry to hear the hon. Member for North-Western District is going to oppose the motion. Hon. Members will recollect that in 1939 a similar proposal for the reduction of the duty on skimmed milk was rejected after a very long debate in this Council. I have the debates in front of me and I have studied them very carefully. It was rejected, as was explained in His Excellency's Message, principally on two grounds—

"(a) that the introduction of low-priced skimmed milk would compete adversely with a local dairying industry which requires protection; and

"(b) that the use of skimmed milk is not suitable owing to its low fat content."

Those were the two main objections that appeared throughout that long debate in 1939. But, sir, we are in a much better position to judge the whole subject today. The surveys which have been undertaken by Government—and I would be glad to give the actual statistics if hon. Members would like to have them—show that we have to go a long way before there will be sufficient fresh milk available to meet the minimum existing requirements of the community. Then quite recently on the very best possible expert advice Government has been satisfied that the consumption of skimmed milk powders will meet certain deficiencies in the present diet and that the original idea that it is not suitable owing to its low fat content can no longer hold water. It was really, perhaps, a little bit of red herring drawn across the trail during that 1938 debate. I personally was not there, so I can only speak from what I have read.

The motion before Council now is to amend the Customs Duties Ordinance so as to provide for a reduction of the duty on skimmed milk. I may make it clear that it is skimmed milk powders in question, as skimmed milk, I understand, can only come into the Colony in the form of powder. If this motion is approved today, the Ordinance will be amended so as to permit the importation of skimmed milk powders free of duty from Empire sources and at the specific duty of 50 cents per 100 lbs. under the General Tariff, the same as is now charged for evaporated and powdered milk. I want to make that quite clear because the motion reads "to provide for a reduction". Actually it is the intention, if this motion is approved, that skimmed milk should come in free of duty from Empire

sources and at the specific rate of 50 cents per 100 lbs. under the General Tariff. I do not want Members to be in any delusion about that.

Up to now its importation is prohibited so as to prevent any skimmed milk coming into the country except it is imported by Government for experimental purposes. I was speaking to the Controller of Supplies and Prices today. I asked him what would be the cost for sale of skimmed milk if imported free of duty from Empire sources, and he told me that roughly it will work out at 38 cents per lb or 5½ cents per pint. So that gives you some idea of the benefit which will accrue if this motion is passed and the law amended. Government's point is, now that subsidisation is reduced on

condensed milk and—I think I am correct in saying—altogether removed from fresh milk the introduction of this additional essential diet will be surely welcome to the lower income groups. I am not going to speak longer on the motion. It seems to me very obvious indeed that this measure is a good one. I will not anticipate objections. I will wait until I hear them. I accordingly urge this Council to adopt the motion.

The COLONIAL TREASURER seconded.

The DEPUTY PRESIDENT: As I have announced, the motion will not be proceeded with further today, and the Council stands adjourned until 2 o'clock tomorrow afternoon.