LEGISLATIVE COUNCIL

Friday, 21*st July*, 1944.

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

PRESENT:

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

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

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

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

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

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

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

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

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

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

The Hon. Percy C. Wight, O.B.E. (Georgetown Central)

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

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

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth (Nominated).

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

The Clerk read prayers.

The minutes of the previous meeting of the Council, held on Thursday the 20th day of July, 1944, as printed and circulated were taken as read and confirmed.

ANNOUNCEMENTS.

BUSINESS OF THE DAY.

The PRESIDENT: With regard to the business today we will proceed with the Bills, and it would be convenient to the Attorney-General if we took them in the following order: the Assistant Attorney-General (Repeal) Bill, which is of a formal character: the Employment Exchanges Bill, which is short and, I think, non-controversial; the Licensed Premises Bill, and the Shops (Amendment) Bill. That is the Attorney-General's proposal at present.

FRANCHISE COMMISSION'S REPORT.

I have just one other announcement to make and that is that at the special request of the Secretary of State I telegraphed the gist of the debate of the Franchise Commission's Report in Legislative Council and the views of the Executive Council expressed thereon in general conformity with the debate. The Secretary of State desired to have an early indication of what we were doing.

ORDER OF THE DAY.

SUSPENSION OF STANDING RULE.

The ATTORNEY-GENERAL: (Mr. Pretheroe) Sir, I move the suspension of Standing Rule No. 9 to enable the Order of the Day to be taken in a sequence other than that stated therein.

Mr. AUSTIN seconded.

Motion put, and agreed to.

Standing Rule No. 9 suspended.

ASSISTANT ATTORNEY-GENERAL (REPEAL) BILL:

The ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to repeal The Assistant Attorney-General Ordinance, Chapter 253," be read a second time. I think it is hardly necessary for me to say anything as hon. Members know that the Assistant Attorney-General Ordinance established the post of Assistant Attorney-General and defined his duties. That post has now been abolished and has been substituted by that of Solicitor-General. The duties of the Solicitor-General are set out and defined by common law. In the schedule hon. Members will see two amendments to two Ordinances, and as the Solicitor-General cannot appear in Court until this Bill is enacted I am asking hon. Members to allow it to go through all its stages to-day in order that the Ordinance may become effective on Saturday next to allow the Solicitor-General to appear in Court. I move that the Bill be read a second time.

Mr AUSTIN seconded.

Mr. JACOB: I believe that what I am going to say is going to be a little surprising to the majority of Members of this Council, and particularly to the Government. I am entirely opposed to this Bill. I think we are making progress backwards; we are not going forward at all. The post of Solicitor-General was abolished some years ago and the post of Assistant to the Attorney-General created. Then it was thought that Assistant Attorney- General would be a better designation for the officer. Now it is thought that Solicitor General is a better designation for the office. We had a Solicitor-General in the past and we changed the title; now we are going backward. We have had many Generals here. We have had a Receiver-General, a Surgeon-General and an Inspector-General. We still have one or two Generals. I think Generals are not required in civil life or in any civil Government. The sooner all those posts, (that of the Attorney-General included) are better named the better for the Empire. I think we should follow the example of Ceylon where they have a Chief Secretary, a Legal Secretary and a Financial Secretary.

The ATTORNEY-GENERAL: The hon. Member is two years out of date. Those posts have all been abolished.

Mr. JACOB: Maybe I am out of date. Probably all those posts have been abolished, but I think if we are going back we should have a Receiver-General. We now have a Colonial Treasurer. In Trinidad there is a Financial Secretary and so on. We have had a Surgeon-General, which has been changed to Director of Medical Services, a more appropriate title. I have nothing to say against the officer concerned; I am speaking on the principle of the Bill. If there is an Attorney-General there should be uniformity of titles throughout the Colonial Empire. There may be half a dozen assistants. The Solicitor-General may think he is an independent officer and that he should not take any instructions from the Attorney-General. We also have a Legal Draughtsman, a Crown Counsel, &c. I think it is unwise to change this designation. Government has actually appointed an officer without any legal right. He cannot appear in Court until this Bill goes through, so that this is a mere formality. I object very strongly to this Legislature being made a mere formality. I think I have said enough to indicate that we are not going forward; we are going backward.

Mr. FERREIRA: I think I would be correct in saying that this matter was discussed in Finance Committee and we agreed to it in principle..

The PRESIDENT: That is so.

Mr. JACOB: I am opposed to star chamber methods. I am not in favour of Finance Committee meetings without publishing anything, and at which Members have no opportunity of discussing matters and having their views recorded in writing.

The ATTORNEY-GENERAL: The hon. Member made reference to the fact that in the past we had a Solicitor-General and an Attorney-General, and that the post of Solicitor-General was changed to that of Assistant to the Attorney-General. The reason for that was that the Colony was unwilling or unable to pay a sufficient salary for a Solicitor-General. It therefore appointed an Assistant to the Attorney-General who, by virtue of being allowed private practice, could afford to exist on the salary voted by this Council. Now the general feeling of this Council is that this Colony should be a first-class Colony, and many hours have been spent on various measures to do that. You will not have a first-class Colony without a Solicitor-General, but if you want to have an Assistant Attorney-General I tell you straightaway that only one other Colony has one. In other words this move is only one of a number aiming at the same object. If you desire this to be a first-class Colony, to enjoy the same privileges and have the same external appearance as a first-class Colony, you must have a Solicitor-General—not a part-time assistant who makes his living and gets a small allowance by virtue of practice allowed in the Attorney-General's office.

The hon. Member mentioned the case of Ceylon. He is at least two years out of date. There was a Legal Secretary in Ceylon but his post was abolished because it was completely unworkable. To-day in Ceylon there is an Attorney-General, who has three Assistants, a Solicitor-General, several Crown Counsel and Legal Draughtsmen. We have not gone quite as far as that. We have an Attorney-General, a Solicitor-General, a Legal Draughtsman and a Crown Counsel, but the day we achieve the full status of a first-class Colony I hope we will have an adequate legal staff.

The PRESIDENT: I welcome the comments of the hon. Member for North Western District (Mr. Jacob) and I have made a careful note that he favours the appointment of a Legal Secretary, so that when the day comes and we come back to the Council and ask that that step be taken with, of course, the necessary substantial increase of emoluments, I shall expect his full support. (Laughter).

As regards his comments on the Finance Committee I would just repeat that if Members do not welcome the opportunity of discussing easily and in such a way that Government can give maximum and detailed information without the rigmarole of hours of sitting in Legislative Council, I would be quite prepared to abolish the sittings of the Finance Committee and sit daily in Legislative Council from 1 to 9 p.m.

Motion put, and agreed to.

Bill read the second time.

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

COUNCIL IN COMMITTEE.

The Schedule was amended by the addition thereto in the first, second and third columns of the following:—"Cap. 56"; "The Promissory Oaths Ordinance"; and "In the Schedule for the words "Assistant Attorney-General there are hereby substituted the words "Solicitor-General," respectively.

The Council resumed.

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

Mr. de AGUIAR seconded.

Question put, and agreed to.

Bill read the third time.

EMPLOYMENT EXCHANGES BILL, 1944.

The ATTORNEY-GENERAL: I move that—

> A Bill intituled "An Ordinance to provide for the establishment of Employment Exchanges and for purposes connected with the matter aforesaid."

be read a second time. I need only say that I think this Bill reproduces all the main provisions in the original Labour Exchanges Bill in England which afterwards became the Labour Exchanges act. They have changed the name from Labour Exchanges to Employment Exchanges, so we have adopted the new name. There is one provision in this Bill which does not appear in the English Act and in similar legislation in most of the Colonies of the Empire. I do not think I need comment on the Bill clause by clause, because it is very simple and straightforward. The only thing I need speak about is the financial implications resulting from this measure.

In the first place power is given to the Governor to establish and maintain such places as he thinks fit. At present it is only intended that a single Exchange should be set up in Georgetown to replace the one we have now. That does not preclude the establishment of agencies in various parts of the Colony. Registration can be done by post quite easily, and officers could be sent to New Amsterdam, Bartica and other parts of the Colony for the purpose of interviewing the persons concerned. I wish to emphasize that this is very similar to the Old Age pensions Ordinance in that it has to be started and then extended in a gradual manner in the light of the experience gained.

Above all it is desirable that at least the first Employment Exchange in Georgetown should be established fully manned by a trained staff and in full working order before the cessation of hostilities, because in the ordinary course of events wars are for a longer or shorter length of time followed by a period of unemployment. Therefore the object is to go straight ahead with the establishment of the Exchange and the appointment of the staff, and the most difficult thing of all, the training of that staff. It is not everybody who can be a successful member of the staff of an Employment Exchange. One has to be able to deal with unemployed persons with sympathy and tact, getting required information from them and at the same time having discussions with and getting information from employers. Therefore it is not necessary to say that we will not find persons for such a staff walking about the streets of Georgetown or anywhere else. The Commissioner of Labour with his experience will be able to train that staff.

Members may think that it all sounds very terrifying and ask how much it is going to cost. Fortunately, for a new scheme it is going to be comparatively cheap. The Commissioner wishes to start in a very small way, and he has members of his staff who can do the work in addition to their present duties. The only additional staff he will require at the moment is as follows:—1 Class I clerk, 2 Class II clerks, and a certain amount of temporary clerical assistants. That is to say that while they are compiling the registers and records he will require a number of clerks to assist in the compilation, but their employment will be purely temporary. Those will not be members of the Civil Service. It is proposed that the Commissioner should select his own staff, the only condition being that he shall not pay anyone of them more than $100 per month. He will also require a messenger, and the maximum possible expenditure in the first year will be $2,560, but it is most unlikely that that figure will be reached. The maximum possible expenditure in any year when everyone is on full salary with bonus is

$7,760. In the first year there will be certain necessary expenditure for office furniture, files, records and things of that sort and the possible figure for all other charges is $825. Of all new measures introduced in this Colony I honestly think this is the cheapest. I formally move that the Bill be read a second time.

Mr. deAGUIAR seconded.

Mr. AUSTIN: I would like to know whether the staff to be employed in the future will be pensioners or selected from young people who will have to seek employment after leaving school? I am inclined to think that we should make progress in the way of endeavouring to find employment for lads who are now being educated rather than for individuals who are in receipt of pensions either from Government or from commercial firms.

Mr. CRITCHLOW: I would like to know whether the Exchange will deal with the registration of women?

The ATTORNEY-GENERAL: With regard to the question asked by the hon. Mr. Austin, as far as I recollect the position was that the Commissioner was given a free hand to engage people who can carry out the duties he wishes performed. As far as I know no restriction was put upon him. Of course no one is better aware of the position than he.

With respect to the question asked by the hon. Nominated Member, Mr. Critchlow, the answer is "Yes." There is one other point. The Colonial Secretary has drawn my attention to a slip I made in dealing with the staff. I should have said one clerk at the rate of pay of a Class 1 Clerk and two clerks on the scale of Class 11 clerk, and that the entire lot will be temporary appointments.

Motion put, and agreed to.

Bill read the second time.

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

COUNCIL IN COMMITTEE.

Clause 3—Establishment of Employment Exchanges.

Mr. JACOB: I think when the Resolution was passed for the establishment of Employment Exchanges it was suggested that the registration of women would not be included. I think that decision may have prompted Mr. Critchlow to ask the question he has asked. I understood the Attorney-General to reply that women will be included in the registration.

The ATTORNEY-GENERAL: What I said was that the Bill does include women.

Mr. JACOB: I am not opposed to this. In fact I support it very strongly, but I am not at all satisfied that these new labour methods are working in the direction I had expected them to work. I hope that those Exchanges when established will be the means of not having people going to and from them day after day, week after week and possibly month after month before they are told something and before something is done for them. A good deal of time is wasted in that way and, as stated by the hon. the Attorney-General while moving the second reading of this Bill, the employers should be men of sympathy and should be tactful people as well. I am afraid that up to the present there is very little sympathy, so far as I know. Complaints have come to me so often about unsympathetic treatment on the part of several Officers of this Department, and some people have got so disgusted that they will not go near the place at all. I hope these Exchanges will not have the effect of people not going near to them.

I am at a loss to think the scheme will cost so much money per annum. I do not think you want so many people.

As I understood the hon. Mover to say, temporary clerical assistants will be employed at $100 per month. I am always in favour of paying fair salaries, I do not think such a limit as $100 is too high for a temporary clerical assistant, but if you are going to have a First Class Clerk starting at $100 then the clerical assistants should not be employed at $100 per month. I think the maximum salary of a temporary clerical assistant is a little too high.

As regards the statement by the hon. Nominated Member, Mr. Austin, I think it is a very sore question—the re-employment of pensioners from time to time. This is something new, and I trust no pensioners will be employed so that the men employed now will gain experience at a later stage. There is far too much favouritism as regards the employment of pensioners. Once a man has served his time and earned a pension he should leave the Service to someone else, particularly the young people of the Colony. I trust that in this new department no pensioners will be employed.

Mr. ROTH: With regard to sub-clause (2) of clause 3 I am of the opinion that far too great power is given to the Commissioner of Labour, and I would like to see the words "subject to the approval of the Governor in Council" inserted. As the sub-clause now reads the Commissioner of Labour will be able to do exactly what he likes. With regard to the reference by the last speaker to the re-employment of pensioners—I speak with a certain amount of diffidence on the subject being a pensioner myself — I cannot understand the attitude of my hon. friend in trying to pin down pensioners. It strikes me that when Government re-employs pensioners it is doing a good thing by taking advantage of those persons' experience gained in the past. It is to Government's advantage to re-employ pensioners in certain cases.

Mr. FERREIRA: It was not my intention to speak on the Bill at all, but after hearing the remarks of the hon. Member for North-Western District who, I thought, would have welcomed the Bill I think that in fairness to the Labour Department I must say that the Officer in Berbice carries out his duties in a most efficient manner to all parties concerned. I speak from personal experience. I think the hon. Member is incorrect in saying that the Department will cost $10,000. I think that such a Bureau is essential. I agree with the hon. Nominated Member (Mr. Austin) as regards the re-employment of pensioners, and I regret I must disagree with my good friend on my left (Mr. Roth). When one looks at the number of young men coming out of the schools every year one wonders why Government should still seek to re-employ pensioners. Only yesterday we had a Government Officer telling us he wanted to make use of the experience of a certain pensioner. We agree that pensioners have experience, but at the same time we cannot help remembering that there was a time when that pensioner had no experience whatever. It is only fair that young men starting at the bottom should gain that experience and these pensioners who have served should remain aside to enjoy their pension and give others a chance.

Mr. CRITCHLOW: In my opinion pensioners who are getting a very small amount as pension should be re-employed so as supplement their small pensions, but those who are in receipt of fair pensions which they can live on should give way to the youths who are coming out of school. I do not agree that all pensioners must not be re-employed. As regards the Labour Department I can assure hon. Members that since these Labour Commissioners are in this Colony we have less trade disputes. They always try to bring Capital and Labour together for the purpose of settling their differences and. I can assure you, I have found them very impartial to both sides.

Mr. SEAFORD: As regards the employment of pensioners, I think the

general feeling in the Colony is that they should not be re-employed as a general rule. Under present conditions not only Government but commercial firms and others are looking around for assistance from people who have experience. I cannot see how Government can very well avoid re-employing pensioners. If Government is able to get other people to carry on certain works by no means employ pensioners. We know that the war has thrown a good deal of work on various Departments, especially the Commodity Control, and I am satisfied that had they not employed in that Department pensioners they would not have been able to carry on at all. War time is not like normal time. We have lost a good number of persons as the result of their having gone to the war, and we are bound to use substitutes. Only yesterday the Finance Committee agreed unanimously to employ a pensioner because it was found that the work could not properly be carried out without his services. I do feel you must make allowances for the present when Government Officers are more than overworked.

The COLONIAL SECRETARY (Mr. Heape): I thank the hon. Member who last spoke for what he stated. That is exactly Government's policy. Government does not re-employ pensioners unless there are no other suitably qualified persons available to take the posts. Actually I have a list of pensioners and Government is quite ready to justify the employment of each one of them to this Council if desired.

The ATTORNEY-GENERAL: With regard to the suggestion by the hon. Nominated Member Mr. Roth, it is quite true as you read the sub-clause that it looks as though the Commissioner of Labour will be a complete power to himself, but that is the common wording used in all Ordinances. You find it in the Labour Ordinance, the Transport and Harbours Ordinance, the Sea Defence Ordinance and in every Ordinance appointing a Head of a Department, but all this is subjected to the over-riding general instruction in a despatch that all Government Officers are subjected to the direction of the Governor. Whatever you may say in the end is subjected to the over-riding power of the Governor. One and all are subjected to his direction. It does not matter how the phrase may be worded, it is understood that His Majesty's Representative has an over-riding power under the terms of appointment. It is therefore not necessary to say "subject to the approval of the Governor in Council." It is implied in every case, so I do not think it is necessary to make an amendment in this or any other case.

The CHAIRMAN: In a great deal of our legislation the term is used "subject to the approval of the Governor in Council", and as the result of that, strictly speaking, all sorts of petty details have to go to the Governor. He has to sign papers dealing, perhaps with trivial things. We can get over that under an Ordinance we have permitting the Governor to delegate his powers by publication in the *Official Gazette*. Possibly it is more convenient to put certain powers in the name of the Head of the Department in the actual Ordinance. His findings are subject to the understood Royal Patent or Royal Instruction which says the Governor has the right to call upon the obedience of all Government Servants. I think it is covered in that way.

The Council resumed.

The ATTORNEY-GENERAL: I move that a Bill intituled "An Ordinance to provide for the establishment of Employment Exchanges and for purposes connected with the matters aforesaid" be read a third time and passed.

Mr. J. A. LUCKHOO seconded.

Question "That this Bill be read a third time and passed" put, and agreed to.

Bill read the third time.

LICENSED PREMISES BILL, 1944.

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

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

This Bill has been before Council in a different name for a long time. I think nearly eleven months. The reason for changing the name, I may explain first. It was before the Council the last time as the Spirit Shops Bill, and as the whole of the Shops Regulation Ordinance, except one column in the Schedule and two sections relating to hotels, had been repealed it was thought just as well to take the Shops Regulation Ordinance off altogether and substitute this one. There are very few provisions in this Bill which are new. Hon. Members know what actually happened the last time. We had before the Council two Bills—the Shops Bill and the Spirit Shops Bill—both designed to restrict the hours of work in shops by shop-assistants. Different hours were proposed for Georgetown and New Amsterdam on the one hand and rural areas on the other.

Before this Bill was introduced the existing Shops Regulation Ordinance controlled both. At the last meeting the rural areas caused no difficulty at all nor the City of Georgetown in so far as the Spirit Shops Bill was concerned, but when we came to the Shops Bill or Shops Ordinance a number of amendments were moved to the Schedule and we took it back, reconsidered it and brought it back a second time. It was read a third time and passed and the result was that in rural areas the hours for shops to be open were not the same as for spirit shops. I think most people know that in the rural areas in a great number of cases the spirit shops are under the same roof as the provision shops. That section came into operation which said they must be divided to the satisfaction of the Commissioner of Police, and then any amount of trouble started.

It is necessary to understand this. In most countries it is absolutely prohibited for spirit shops to be under the same roof with other shops of any sort or description. Each must be under a single roof. The result was that local shopkeepers thought this a very harsh obligation when they were required to make the division up to the roof in the case of spirit shops and provision shops being in the same building. They said it was expensive, they could not get materials, they could not get breeze. Hon. Members know there was a great deal of controversy and several wrote letters to the newspapers. One would have thought a major question of policy was involved. The matter is quite simple. Every person who owns a spirit shop and provision shop in the same building has to open and close both shops together and there will be no difficulty about a division.

After the last Bill was withdrawn, another Committee of the Executive Council was appointed which spent hours and hours on this question, and we approached it from this point of view. Assuming that all owners of shops and spirit shops under the same roof would like to open and close at the same time in order to avoid the question of a sub-division, we had to find out what time they would like to open and close both shops. We started off from the fact that 117 proprietors of spirit shops had written to Government and said when they would like to open and close. In the meantime a great number of communications came to Members of the Committee including myself, and we were fortunate to travel to the Courantyne and Berbice and make personal enquiry during the journey. We came back with the times the shopkeepers much preferred to open both spirit shops and provision shops. We also made enquiries from those who have spirit shops without provision shops attached and the result was we found a very large majority of shopkeepers in the rural areas are in favour of opening and closing at the hours set forth in the Second Schedule to this Bill. They said they prefer that rather

than to be tied down to keep their shops open and lose all assistance. In order to make the position still easier that Schedule is prepared to satisfy what we believe is the wish of the vast majority of the people of the country. I am not speaking of the City of Georgetown and the town of New Amsterdam, but elsewhere.

To make sure that no hardship will be done provision has been made in the Bill. Clause 11 with a proviso gives power to the Governor in Council to alter the hours of opening and closing in respect of any licensed area or single licensed premises. With that power there should be no excuse if any difficulty arises. If anyone in a rural area thinks those hours which are set forth in the Schedule are not the best hours for the area, he only has to apply under that proviso and establish his grounds and, I have no doubt, special hours will be prescribed for that area. Even now East Demerara District thinks the hours will not suit and has already applied before this Bill has come to this Council, saying that if the Bill is enacted an Order under that proviso may be made prescribing hours other than those as set out in the Schedule. These are wide powers to adjust any sort of licensed premises or any licensed area, and I cannot see any possible objection to the hours as set forth in the Second Schedule.

With regard to the Third Schedule that is copied actually word for word from the existing law—the Shops Regulation Ordinance. There is not one change. As far as the hours of closing shops in the City and New Amsterdam are concerned, no change is proposed in the Bill as set forth. But there is one indirect change. Under the present law licensed premises within one mile of the boundaries of Georgetown and a quarter-mile of New Amsterdam have the same hours as Georgetown and New Amsterdam. That is not the case in the Bill now before the Council, but that proviso which I have already referred to makes it possible for any place at any distance which desires to adopt different hours to do so. The only limit of the powers under this Bill is that they cannot extend the hours of work of workers in licensed premises, but they can alter the hours. They can adjust the hours but cannot extend the actual hours of work. This Bill is intended to regulate the hours of work and not to regulate the hours of opening of licensed premises. But it so happens in regard to the rural areas that this is the most convenient way to do it. They cannot afford to pay two or more shifts and, therefore, for their convenience they prefer instead that the hours of opening and hours of work of their assistants should coincide. That is why this Bill is in parts.

With regard to hotels no change is made in the law, but as regards taverns, as the Bill stands, a very big change is made in the law that is existing, and I have placed before hon. Members a typewritten amendment which will have the effect of making the law relating to taverns identically as it is now. Although the Bill is somewhat really a consolidating Bill the changes made are as follows:

(a) It limits the hours of work of people working in licensed premises in Georgetown and New Amsterdam;

(b) It fixes the hours for opening and closing during prescribed hours of work of workers in licensed premises in rural areas. Beyond that, I can say there is no major change whatever.

Part III of the Bill makes provision for sanitary requirements. Hon. Members will see from the last clause the date of commencement is deferred to such date as may become possible. Part III is taken from the Shops Ordinance under which shops are required to provide these sanitary arrangements for the benefit of employees, and there is no reason why spirit shops and taverns should not do the same thing. It is copied word for word from that Ordinance. The only change made which does not exist at the moment is in clause 28 which states:—

"Where it appears either necessary or desirable in the interest of the public in any rural area that the provisions contained in Part I of this Ordinance should apply—

(a) to licensed premises in the area; or

(b) to any specified licensed premises in the area,

the Governor in Council may by Order make the provisions of the said Part applicable to the area therein described or to the premises therein specified."

The reason for that is, you have got Bartica and Buxton on the threshold of being towns and probably the hours of urban areas will be more practical than rural ones. In case development takes place it will be possible to issue an Order in Council to say that Bartica ceases to be a rural area for the purpose of the Ordinance. When that is done the whole of the provision of Part I will apply to the exclusion of Part II. I move that the Bill be read a second time.

Mr. J. A. LUCKHOO seconded.

Mr. de AGUIAR: I am going to take this opportunity to repeat what I may describe as the same annual cry of mine, and that is to make reference to the necessity of revising and bringing up to date the local Licensing Ordinance. I have referred to it many times before, and I have had several promises from Government that sooner or later it will be done. It seems to me that it is going to be later that opportunity will be taken to bring the revised Ordinance before this Council. The reason for that is clear, and that is why I refer to it again today. In the Liquor Licensing Ordinance as well as in this Ordinance certain provisions are inserted which undoubtedly create a hardship on licensed proprietors except for the inclusion of clause 21 which imposes certain penalties on licensees and does away altogether with penalties against other parties who may be just as much responsible for breaches of the Ordinance. The draughtsman will bear those remarks in mind and see what he can do to separate these penal clauses to cover the various parties who we know are liable.

I ought to invite attention to clause 26 which will certainly bring home very forcibly what I am trying to explain to the Council. Clause 26 makes it obligatory that so long as a licensee is convicted on three occasions of offences under this Bill no hotel or retail spirit shop licence shall be issued to him. I am going to suggest an amendment later on. I do not think such a provision should be made in this Bill which provides certain penalties in respect of the hours of opening and closing of shops and the hours of employees. A person may own three or more shops and may be convicted, and if convicted on three occasions of offences in respect of one of them it would mean that he would not be able to obtain a licence at all. I suggest that that could not have been the intention of the draughtsman. The idea behind it all is to make it so hard on licensees that they would observe the provisions of the Ordinance. I submit that the other penalties provided for such offences are sufficient. I have in mind a similar provision in another Ordinance where, in addition to various fines that may have been imposed, a licence may be withheld after three convictions, but in that case the offences are somewhat serious. I refer to offences under the Spirit Ordinance. This is only a Bill dealing with the hours of opening and closing and the working hours of employees, and it seems to me that this penalty might well be left out of it.

I would like to know whether my interpretation of the definition of urban areas is correct. As I understand it, in the case of urban areas the intention is merely to prescribe these hours with

respect to Georgetown and New Amsterdam as defined in the Town Council Ordinance. In the case of the Tax Ordinance it goes a little further than that. I think in one case it says "within a quarter of a mile of the boundaries." As I understand the definition in this Bill, it seems to me that premises in Newtown Kitty and Campbellville will be included in rural areas.

Mr. J. A. LUCKHOO: I am inclined to agree with the hon. Member that clauses 21 and 26 should be omitted from this Bill. A person who has frequently committed offences under the Intoxicating Liquor Licences Ordinances is penalised by being deprived of his licence, but I do not think it would be safe to allow these two clauses to stand in this Bill. Clause 26 reads:—

> "26. No hotel, tavern or retail spirit shop licence shall be issued to any person who has been convicted on three occasions of offences under this Ordinance."

That may mean three convictions of a holder of a licence for a particular shop or the holder of licences in respect of three different shops, and if such a person is convicted on three occasions in respect of one shop he would be deprived of his licences in respect of the other two shops. Clause 21 on the other hand makes a licensee penally liable and responsible for any breach of the Ordinance by any member of his family or any employee. An employee with a grievance against his employer may commit a breach so as to make him liable to the penalty provided in clause 26. With those two clauses deleted I think the Bill should be passed at this session of the Council. It has reached the nine months stage, thus equalling the period of gestation, and I think we should give birth to this Ordinance.

Mr. CRITCHLOW: The shop assistants thank Government for introducing shorter working hours, but they are strongly opposed to lengthening the hours of opening of shops. They suggest that the hours should be 8 a.m. to 12 noon and from 2 to 6 p.m. every day except Wednesdays and holidays. They are also prepared to work on Saturdays from 8 a.m. to 12 noon and from 2 until 8 p.m., which would work out at a 46-hour week. They have grave fears that with the introduction of a shift system some of the employers would reduce their wages, and a reduction of wages in the present crisis would cause them to suffer materially. In the social welfare programme it is certainly not the intention that people should consume more liquor. Shops which sell foodstuffs are closing earlier. In Trinidad the rumshops are open from 10 a.m., and even in England no pub is open before 11 a.m..

Mr. FERREIRA: But they are open on Sunday.

Mr. CRITCHLOW: Don't worry about that. I am referring to the good parts, not the bad ones. (laughter). The Attorney-General has referred to the fact that a great number of spirit shop proprietors had sent him a letter asking for longer opening hours but stating that they would not make their employees work longer hours. If Government intends to protect the people I am asking that spirit shops be made to open and close at particular hours and not allow the proprietors facilities to open longer hours. An employer remarked to me that it was unfair that he could buy his "grog" and take it home while the ordinary worker could not. My point is that so long as he has a shilling a poor man can get his "cut down" at any time. When I was a boy the rumshops were open until 11 and 12 o'clock on Saturday nights. The hours have been changed from time to time and the people have got accustomed to the changes.

Mr. GONSALVES: I would like to refer to what has been said by the hon. Member for Central Demerara (Mr. de Aguiar) and the hon. Nominated Member, Mr. Luckhoo. I did not hear the point made sufficiently clear but it may have

been mentioned. It seems to me that if the provision in clause 26 was that on a third conviction for a particular offence a person would lose his licence it would have had some weight with me, but as it is three convictions regardless of what the offence is it seems to me to be distinctly hard. I have known of cases in which Magistrates have found themselves in difficulty in carrying out the provisions of the present law in respect of three convictions. They realize that sometimes an offence is not serious enough to justify a person losing his licence. Having regard to the fact, as pointed out by hon. Members, that these shops are not run by the proprietors themselves, it is a very harsh provision. For instance the Hotel Tower is run by a limited liability company who employ a barman. If by any chance the barman is reckless and does not observe the closing law and convictions follow—

The ATTORNEY-GENERAL: The barman of a hotel is not responsible for the hours of working.

Mr. GONSALVES: If the barman keeps the bar open longer than the law permits he has committed an offence and the licensee is liable under this Bill. He is dismissed and another barman is employed. If he also does the same thing and is dismissed and a third man is employed who commits the same offence the proprietor will lose his licence. A barman may wickedly keep the bar open after hours so as to make his employer liable.

With regard to the rural areas I take it that Bartica comes within those areas, and unless an order is made the hotel at Bartica would have to close at 7 p.m. except to resident guests. If a resident guest is entitled to be supplied with liquor there must be someone on the premises to serve it. I am told that certain representations are to be made with respect to the hotel at Bartica.

As regards the hours of employees I am not prepared to raise any question with respect to the hours fixed in the Bill. I appreciate what the hon. Nominated Member, Mr. Critchlow, said with regard to the closing of spirit shops, and his humorous remark that we must look at the good things done in England. I think he knows that one can go to a pub in London up to 10 o'clock at night.

Mr. ROTH: With regard to spirit shops in rural areas it seems that the hours during which employees may work more or less coincide with the hours fixed for the opening and closing of the shops. It seems to me a great pity that that principle was not applied to the urban areas because, although Part I provides that employees shall not work more than a maximum of 46 hours per week, I do not see any machinery to enforce that an employee who is asked to remain an hour later is not going to complain against his employer.

Mr. deAGUIAR: Clause 14 provides for the enforcement.

Mr. ROTH: I see no reason why City rumshops should be open for 13 hours on end. I think if they were allowed to open from 8 to 12 noon and re-open in the late afternoon that would meet the case.

With regard to the objection raised to clause 26 I think the difficulty could be overcome by restricting it to three convictions in respect of the same premises.

Mr. SEAFORD: I am in agreement with the hon. Members who have suggested that clauses 21 and 26 are somewhat harsh, but I do not propose to deal with that matter now because I am sure it will come up again in Committee. I have listened to what the hon. Mr. Critchlow has said with a good deal of interest and sympathy. This Bill sets out to regulate the hours of work but he suggests that although the hours may be maintained (an 8-hour day) the

proprietors may reduce wages in order to make the same profits. I am rather ignorant of the working of rumshops, but I think one way to meet the difficulty would be to allow them to be open during any hours suitable to the proprietors with a limit of 8 hours per day, and the obligation to set out the hours in a notice posted outside the shop. In that way we would definitely control the hours of work. I think it would be grossly unfair if employees should have their wages reduced in any way. Conditions are not easy nowadays, and nobody would like to see wages cut. I would like to hear the views of hon. Members on the suggestion made by Mr. Critchlow.

The ATTORNEY-GENERAL: Comments have been made on four points in this Bill. In moving the second reading I stated that I was only concerned with the main proposition of the Bill which is to restrict the hours of work of employees in these shops. Those Members who hold views that the hours themselves should be restricted are, of course, quite competent to move that the hours of the shops should be restricted, but that quite definitely is not the object of the Bill. I am only concerned with the hours of employees. The hon. Member for Georgetown North (Mr. Seaford) mentioned that he wished to specify the number of hours a rumshop could be kept open, but that the proprietor or lessee should select his own hours. If a proprietor has three shops next door to each other it would mean 24 hours' service in the same building. That is not practicable. If the hours of opening are to be controlled a Bill would be drafted forthwith, but the primary object before us is simply to regulate the working hours of employees.

Hon. Members mentioned clauses 21 and 26. I am speaking from memory. I think you will find both have been copied literally word for word from the existing provisions which had been law for many years. They may be very harsh provisions, but I may ask how many cases have been recorded in respect of this clause 26. It is astoundingly a very small number for the years it has been in force. The convictions under this Ordinance are for if you keep your shop open too late, or keep your employees too long hours, or do not provide proper sanitary fittings. Whether you own 10 or 5 shops, if you allow your assistants to work overtime and you are convicted two or three times you should not have another licence. It is a matter of opinion. You may say that if you live in Georgetown and have an employee at Buxton or even farther apart who wishes to spite you, he can leave your shop open after hours and cause you to be convicted. I do not think you will be convicted; he will be the one, though I admit you will be liable. The charge is invariably brought against the actual culprit. In that case the conviction against the employee is not a conviction against the licensee. I repeat that in practice it is not done except there is connivance between the licensee and the employee.

As regards clause 21, that is a general thing which has been law in this Colony from the start. Unless you have some provision of that sort for licensed premises you can never get a conviction at all. The other one, I think, is harsh, but if this one is not there a licensee can cover himself up under another person and not take the slightest notice. I do not say there cannot be a better wording but that is the wording in the existing Ordinance. I think a provision of this sort is necessary. It is the easiest thing to avoid the provisions of an Ordinance of this sort.

The hon. Member for Georgetown South mentioned the case of the Bartica Hotel. I thought Bartica would welcome it. Guests in the hotel and residents come under the same restriction, but travellers are entitled to call at a hotel and receive refreshment at any time. Particularly in the case of Bartica, guests, residents and travellers very largely form their customers

as far as I see. The power still remains if necessary under clause 16 for the Police to extend the hours of the Bartica Hotel. I formally move that the Bill be read a second time.

Mr. SEAFORD: I would like to ask the hon. the Attorney-General if that French Island be quoted has the same difficult licensing of premises as in this Colony. Here you have a Licensing Authority which will not allow you to set up three booths next to one another. They must be a good distance apart. Conditions in a French Colony must be very different.

Mr. GONSALVES: Under the Intoxicating Liquor Licensing Ordinance you cannot own more than one shop in the same district.

The PRESIDENT: Our primary objective in putting the Bill through is to limit the hours of Assistants. We do not want to introduce any changes which will effect that objective or endanger the Bill itself. As has been pointed out, the question of hours incidentally only appears in the Schedule. It merely appears because the other Ordinance in which that Schedule exists has been repealed. If it is not practical to do anything in the matter at the moment—personally I sympathize with the point of view expressed by the hon. Members—at some later time you may by resolution of Council or in some other way ask that steps be taken in the matter.

Question put, and agreed to.

Bill read the second time.

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

COUNCIL IN COMMITTEE.

Clause 26—Three convictions under this Ordinance bar further issue of licence.

Mr deAGUIAR: I am going to move the deletion of this clause. I think I have given sufficient reason already, but I would like to add that to my mind the other provisions of this Bill provide sufficient and ample penalties against the holders of licenses for offences under this Ordinance. It seems to be a harsh provision to appear in such a minor Bill of this kind. If it was a Bill where the question of Government revenue or something more serious was involved I would in such circumstances give way as it would be a matter of right to impose harsh penalties including the cancellation of licences, but in this case , I submit, it is a very small matter. I think the hon. Member on my left (Mr. J. A. Luckhoo) gave an illustration. Take my own case. I own three premises; if I am convicted once in respect of each premises automatically I am not permitted to hold a licence. I know that in this country there are many ways in which that can be got over due to the mentality of certain people. Mr. A. who is the holder of a licence is convicted on a second occasion. What will he do? He will transfer his licence to Mr. B. who happens to he a gentleman without any responsibility and any morals. I do ask that we should never permit such a thing to exist in this country. I say it can be got over, but I am advising this Government not to allow legislation to pass which will afford people an opportunity to turn rings around it. I am not trying to defend evil but to hold up law and order in this country.

Mr. J. A. LUCKHOO: I beg to second the deletion of clause 26. I do so for the reason which I gave a little while ago. It is provided under the Intoxicating Liquor Licensing Ordinance for a breach of that Ordinance—conviction of Sunday trading—to forfeit the licence. I think that is an offence grave enough to allow the person to whom application is made to refuse the issue of a new licence in such circumstances. I agree with the hon. Member for Central Demerara, Mr. de Aguiar, that this Bill only deals with the hours of work so

far as the employees are concerned, and I do not think such a harsh and highly penal provision should find its way into it at all.

Mr. HUMPHRYS: I join in the application to have this clause deleted. Knowing how things go on in retail spirit shops in this Colony, while I cannot point to any specific instance, it may not he at all unusual to have one unfortunate spirit shop owner convicted three times through the negligence or ill-will of his servants brought about by the competing owner of another spirit shop. I think the other penalties provide sufficient punishment. If this clause is a repetition of an existing enactment, I do not think we should perpetuate what is wrong. I do not think the owner of a rumshop should be penalised by having his licence taken away through no fault of his own but brought about by his servants' disregard of just orders or by the evil intention of others against him.

The ATTORNEY-GENERAL: Here is a certain amount of objection to this well established clause. Far be it from me to make an opposition to such objection. I suggest the amendment should be to insert after the word "who" the words "not being the holder of any such licence". The intention is to prevent persons, anyone retired or employed in or about a licensed premises, convicted on three occasions of offences under the Ordinance themselves becoming licensees.

Mr. de AGUIAR: I cannot accept that, although I was trying to give it considerable thought while the hon. the Attorney-General was speaking. I am a little bit alarmed when you take also a convicted person who has retired and may have had three convictions before. I am now the holder of a licence. I give up my licence but in the meantime I have been convicted three times under this Ordinance. Ten years hence I am no longer the holder of a licence and I apply to be told "You come under the category of a person who is an undesirable having been previously convicted." I will be in the same position ten years hence as to-day. What I would like to tell the hon. the Attorney-General is this: I cannot remember the occasion when an employee was charged with any offence under this Ordinance. It has always been the proprietor or holder of the licence. That is why clause 21 and similar clauses find their way in other Bills; it is because the difficulty of holding on to the employee is realised. All that happens is, if he commits an offence more than twice he just takes his hat and walks out. That is what happens with the employee. I think we must be very careful. I do not want to impose any penalty on the employee. If he is convicted on three occasions and later becomes prosperous I want him still to have a chance to have a licence. I do not want to stand in his way.

Mr. GONSALVES: I am going to support the amendment of the clause. I have already spoken on it. I think the clause ought not to be there. I do not see that the amendment by the hon. the Attorney-General is going to help us in any way. I again repeat that the provision is harsh. When the hon. the Attorney-General remembers that under the Motor Vehicles Ordinance a chauffeur or driver is licensed to kill—to use a common phrase—as when he kills or seriously injures anyone his license is suspended but he gets it back while in this case because a man opens a shop beyond the time he loses his license altogether, it can be seen how harsh is the provision. I cannot see any provision in this Bill which says the employee shall be prosecuted for keeping the shop open beyond the time Clause 5 says:—

> "An employee shall not be employed in or about the business or businesses of one or more licensed premises for more than forty-six hours (exclusive of meal intervals) in any one week or for more than eight hours (exclusive of meal intervals) in any one day."

Clause 7 says:—

"Every employee shall be allowed to cease work in or about the business or businesses of licensed premises at the hour of 12.30 in the afternoon on one week-day at least in each week."

Clause 8 says:—

"No license shall permit any employee to work in any licensed premises on any day for more than four and one-half consecutive hours without an interval from such work of at least one hour."

And clause 11 says:—

"No licensee shall open or permit to be open any licensed premises for any purpose whatsoever except on the days and between the hours respectively set out in the Second Schedule hereto."

I do not see anything there making it an offence for an employee to have the place open after hours. For that reason I do not think it is reasonable to say a man should lose his licence because of three convictions. There is nothing in the law like that against provision shops. It is true they deal with different commodities, but I have known some people to refer to good whisky as good liquid food and to compare it as being as good as a cup of barley. I think the law should not be as harsh as is contemplated by the clause.

Mr. J. A. LUCKHOO: I do not think the suggested amendment by the hon. the Attorney-General will meet the case at all. As has been pointed out by the last speaker, it seems hardly to touch the employee. Clause 21 says every licensee shall be penally liable. The law reaches him and not the employee. Sub-clause (2) reads:

"Any member of the licensee's family or any person in his employment in the business of the licensed premises may be examined as a witness for or against the licensee on any charge brought against the said licensee under this Ordinance and any person so examined shall not be liable to be charged in respect of such breach."

The intention of this Bill is really to reach the employer and not the employee, and it does seem to me that the amendment suggested by the hon. the Attorney-General will not really reach the case in point. I think there will be much wisdom in this Council not pressing for the retention of clause 26.

Question "That clause 26 stand part of the Bill" put, and not agreed to.

Clause deleted.

The remaining clauses 27 to 30 renumbered as 26 to 29.

Clause 28 — Repeal.

The ATTORNEY-GENERAL: This clause reads:—

"The Ordinances set out in the Third Schedule in this Ordinance are hereby repealed."

I move that it be deleted and the following substituted therefor:—

"The Ordinances set forth in the Third Schedule to this Ordinance are hereby repealed to the extent specified in the third column of the said Schedule."

There is no third column at the moment but I shall move that in later.

Question put, and agreed to

Clause as amended passed.

First Schedule—Section 4.

The ATTORNEY-GENERAL: I beg to move that the First Schedule be amended by the deletion of the words "taverns and" from the heading to the third column.

Question put, and agreed to.

Mr. ROTH: I move that the hours in the First Schedule in respect of taverns and spirit shops be amended to 8 a.m. to 12 noon and 4 to 8 p.m. every day except Sundays, Christmas day and Good Friday; 8 to 12 and 4 to 10 on Saturdays and all days immediately preceding a public holiday, and the period from 15th—31st December (inclusive); 8 to 12 and 4 to 10 on Easter Saturday, Boxing Day, and any public holiday falling on a Saturday: 8 to 12 on public holidays; 8 to 12 on Wednesdays immediately following (1) Easter Saturday and (2) Boxing Day and (3) any public holiday falling on a Saturday; and 8 a.m. on any occasion provided for under sections 16 (1) and 18 (1).

The ATTORNEY-GENERAL: I move that the First Schedule be amended (a) by the deletion of the words "taverns and" from the heading to the third column; and (b) by the addition thereto of the following column:—

"PERIODS DURING WHICH TAVERNS MAY BE OPEN.

"During the period of one hour before the expected arrival of any train or vessel, being the property of the Transport and Harbours Department, and half an hour after the departure of such train or vessel and at no other time."

Mr. de AGUIAR: I do not know whether the Attorney-General has considered the hours at the tavern at the Georgetown ferry stelling. The ferry steamer starts to run at 5 a.m., so that the tavern there would be open from 5 a.m. until 7 or 8 p.m.

The CHAIRMAN: The hours of the assistants will be governed by this Bill and cannot be more than 8 hours per day.

Amendment put, and agreed to.

Mr. de AGUIAR: I would like to move that the hours should be 12 to 4, 6 to 8 and so on. I have just mentioned that to show what would be the effect if the hon. Mr. Roth presses his amendment. I would move several amendments.

Mr. FERREIRA: I am not objecting to these places being closed at the same time but I wish to prevent unscrupulous employers taking advantage of their employees. I suggest that we stick to the hours set out in the First Schedule. I would like to point out that the licensed premises in New Amsterdam which do wholesale trade at present would not he able to supply liquor to passenger buses travelling to the Corentyne. Between 12 and 4 is the time when a certain amount of business is done.

The CHAIRMAN: What is the grand idea of opening so early as 7.30 a. m.?

Mr. ROTH: I think the hours of opening and closing should be the same in the urban and rural areas. My reason is that there is no safeguard against employees being made to work within those hours.

Mr. FERREIRA: It is not permissible for a retail spirit shop and a provision shop to be carried on under the same roof in urban areas.

Mr. de AGUIAR: This only means rehashing these hours all over again. What the hon. Nominated Member suggests is a restriction of the right of the holder of a spirit shop licence to open and close his shop within the hours he is permitted to do so under

the existing Liquor Licensing Ordinance. I say that is wrong. We are merely concerned to-day with the number of hours employees should work in those places, and I think there is ample provision in the Bill in that respect. As pointed out by the hon. the Attorney-General, this Schedule should not be in this Bill at all; it belongs to the Liquor Licensing Ordinance. If the hon. Member presses his amendment I would have to move another amendment because the hours suggested by him would not suit other licenses.

Mr. SEAFORD: Wouldn't my suggestion meet the hon. Members— that they open their shops whenever they like so long as they do not exceed 8 hours per day.

Mr. de AGUIAR: The objection to that is obvious. First of all I personally think that would necessitate a fresh Bill. There may be three shops in one street opening and closing at different hours.

Mr. SEAFORD: Is there any objection to that?

Mr. de AGUIAR: Quite a lot of objection.

Mr. ROTH: I beg to withdraw my amendment.

The CHAIRMAN: The point is that this Schedule appears in the Bill and the Council is asked to approve of it. We are asked to approve of 13 hours a day and 15 hours on Saturday. It is enormous, but I am only expressing a personal opinion.

Mr. FERREIRA: A notice board could be put up outside the shop stating the hours.

Mr. de AGUIAR: This Bill provides for a small board being put up in the shop setting out the number of hours during which employees would work.

The CHAIRMAN: Are all shops going to remain open all these hours?

Mr. de AGUIAR: In certain areas where trade warrants opening longer hours employers may fall into line with these hours. In certain districts it may be necessary, but the proprietors will be bound to comply with the provisions of the Ordinance that employees should not work more than 45 hours per week. In certain cases shorter hours may be prescribed by the licensees themselves.

Mr. SEAFORD: The difficulty seems to be the long hours of opening. I understood from the Attorney-General that the real object of the Bill is to control the hours of work. If that is the case, rather than that this Bill should not get through to-day it would be better if we passed it as it stands, leaving it open to any Member of the Council to move a motion to amend the hours.

The CHAIRMAN: It may be worth our while to see how it works.

Mr. CRITCHLOW: My point is that nobody wants rum so early in the morning. Some gentlemen complain that they cannot get labour. Some people become "sweet." (laughter). The shop assistants are entitled to take their wives and children for recreation. Because of the present conditions some children do not like their fathers.

Mr. de AGUIAR: Most Members have the idea that a spirit shop is only open for the purpose of selling spirituous liquor. There is a lot of other work to be done. In view of the limited number of employees (usually two or three), if their time is taken up in selling during certain hours they have no time to do anything else. The rum has to be prepared and bottled. That is where the second shift will come in. That is why long hours are necessary. When a spirit shop has to be closed it is closed. If anybody is found on the premises after hours the proprietors are liable to a very severe penalty.

Mr. J. A. LUCKHOO: It seems to me that if we debated this matter for another nine months we would not get an agreement. I appeal to hon. Members not to allow this Bill to be still born. We have already had it nine months.

First Schedule as amended put, and agreed to.

Second Schedule.—

The CHAIRMAN: There will be the same amendment of the Second Schedule with respect to taverns as in the case of the First Schedule.

Amendment put, and agreed to.

Mr. HUMPHRYS: The hon. Member on my right (Mr. King) has just pointed out to me what seems to be a very sad omission, and has reminded me how thirsty he is likely to be on Sundays at Bartica which he often visits in the course of his business. It seems to me that no provision is made for the opening of a hotel bar on Sundays in respect of resident boarders and travellers. There is a hotel at Bartica and apparently a boarder would not be able to get a drink from the bar on Sunday or during prohibited hours. Why a hotel in New Amsterdam should be better placed than one at Bartica I cannot imagine.

The CHAIRMAN: Is this only that people can drink at Bartica on Sundays?

Mr. LUCKHOO: No, it is for the convenience of residents at the hotel.

Mr. KING: Sometimes the Bartica steamer does not arrive until after 7 p.m. on Saturday. I travel very often to Bartica and it would mean that I may not have a drink until 7 o'clock on Monday morning.

Mr. HUMPHRYS: I move that (a) the following words "Every day to a *bona fide* resident, boarder, or traveller in a hotel," be inserted in the first column, and (b) the words "No limit" be inserted in the second column of the Schedule.

Amendment put, and agreed to.

Second Schedule passed as amended.

Third Schedule—

The ATTORNEY-GENERAL: I move that the Third Schedule as printed be deleted and the following Schedule substituted therefor:—

"THIRD SCHEDULE.

(Enactments repealed)

Number.	Short Title.	Extent of repeal.
Cap 77	The Shops Regulation Ordinance...	The Whole
Cap. 107	The Intoxicating Liquor Licensing Ordinance.	The words "during any hours prescribed in any Tax Ordinance" in paragraph (c) of section 3.
No. 8 of 1930	The Shops Regulation Ordinance, 1930	The Whole.
No. 14 of 1935	The Shops Regulation (Amendment) Ordinance, 1935.	The Whole.
No. 43 of 1939	The Tax Ordinance, 1939	The provisio to sub-section (2) of section 39.
No. 44 of 1939	The Shops Regulation (Amendment) Ordinance, 1939.	The Whole.

Amendment put and agreed to.

The Council resumed.

SHOPS (AMENDMENT) BILL, 1944.

The ATTORNEY-GENERAL: I move that—

> A Bill intituled "An Ordinance to amend The Shops Ordinance, 1944, in certain respects"

be read the second time. This Bill is necessary in order that the hours in rural areas, working on shifts, might conform to those in respect of licensed premises. The reason for this is to get over the difficulty of partitioning. The only difference between the new Schedule and the existing one is the time is pushed back one hour in the afternoon. These hours are those asked for by the people concerned. The other amendment is the substitution of the word "sixteen" for the word "fifteen" in section 3 of the Ordinance. That is a mistake. A clause was inserted in this Council and the renumbering was not correct.

Clause 3, it was pointed out by the Secretary of State, as it stands, should not be unduly restrictive. This provision is identical with that in the Licensing Bill. I have already mentioned the consequential amendment to Clause 5. The amendment I propose to add is this—that in the Schedule now which says the provisions or articles which dealers may sell, one of which is "cooked food", to substitute "food cooked on the premises." The reason is this. A large majority of the canned foods are cooked foods and they may be sold at all hours and at nights by bakers. I beg to move that the Bill be read a second time.

Mr. J. A. LUCKHOO seconded.

Mr. FERREIRA: I ask that some consideration be given as regards the shops in the Berbice River District. I have discussed it with the hon. the Attorney-General.

The ATTORNEY-GENERAL: I have put a proviso in the Ordinance and the hours can be adjusted to any hours thought desirable. The hon. Member can get his desire now by application to the Governor in Council. His suggestion has been put in the Ordinance itself.

Question put, and agreed to.

Bill read a second time.

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

COUNCIL IN COMMITTEE.

Clause 5 — *Amendment of Third Schedule of the Principal Ordinance.*

The ATTORNEY-GENERAL: I beg to move that the following be substituted:-

> "5. The Third Schedule to the Principal Ordinance is hereby amended—
>
> (a) by the deletion of the words "restaurants and"; and
>
> (b) by the substitution of the words "food cooked on the premises" for the words "cooked food".

Question put and agreed to.

Clause passed as amended.

The Council resumed.

BILLS FOR CONSIDERATION.

The PRESIDENT: We have got four other Bills!

The ATTORNEY-GENERAL: There are many amendments addressed to me which I only received yesterday. I think I am right in saying they are eight. I do not think we should take the Soap Bill today. Then as regards the Rice Farmers (Security of Tenure) Bill, the hon. Member for North-Western District has asked particularly that it be not taken until he has had an opportunity of making some representation in the matter. The Clubs Registration (Amendment) Bill and the Intoxication Liquor Licensing (Amendment) Bill—I have four suggestions from the Commissioner of Police about them and I want to incorporate those suggestions.

The PRESIDENT: So you do not want to proceed further.

The ATTORNEY-GENERAL: I suggest to let the Council stop at this stage.

The PRESIDENT: Is it the feeling that we should proceed with any of these Bills? My proposal is that we proceed with the second reading of the Rice Farmers (Security of Tenure) Bill. Government is most certainly going ahead with the Bill and it is not a question of withdrawing it on any representation. If Members feel that way I would ask the hon. the Attorney-General to move the second reading.

RICE FARMERS (SECURITY OF TENURE) BILL, 1944.

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

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

I need not remind hon. Members what the history of the Bill is. During the early stages of the war numerous complaints were received from individual rice farmers regarding overbearing charges and other allegations against landowners also against millers. As the result of enquiries made certain steps were taken in the County of Essequibo under the Emergency Powers Defence Regulations. After those Regulations were published, every rice tenant said he had been oppressed by his landlord and too much padi was being taken as milling fee. At that stage His Excellency appointed a Committee under the chairmanship of Mr. E. M. Duke, then acting Second Puisne Judge. That Committee contained Members of this Council and toured the whole coastal belt of the Colony taking evidence in all rice-growing areas. They submitted a lengthy report and found in substance the allegations were substantiated—that millers had raised the milling fee every time the price of padi was put up, that millers were overcharging in the case of padi for milling, that millers were not giving the right kind of rice recovered from farmers' padi.

A great many recommendations were made and with two exceptions every one has been incorporated in this Bill before the Council. It is admittedly hard on the landlords, but this must be remembered that the vast or a large majority of the landlords brought this upon themselves. The Duke Committee carried out their investigations and found that in a large majority of cases the allegations were only too well founded. That being the case—it is unfortunate in the case of the good landlord—there are restrictions being sought to be imposed. I myself would be the last to advocate them but a strong Committee has suggested no lesser action than those, and I do not feel that I can raise any objection to it provided it is right. I know nothing about the practical side of rice-farming. Two separate committees considered this Bill, and I only did the drafting part and made certain suggestions.

If hon. Members desire to discuss this Bill, I do ask them to stress those parts dealing with the draughtsmanship or to treat that in part relating to the Duke Committee's report. I leave that to hon. Members. The actual Bill itself has been published so long and the amended edition published so long, there is no need to go through it clause by clause. It follows the recommendations of the Duke Committee's Report clause by clause. This Bill merely gives legal effect to that Report. The Committee commends it to hon. Members' support of the recommendations and desires you to give effect to them. I beg to move that the Bill be read a second time.

Mr. J. A. LUCKHOO seconded.

Mr. PEER BACCHUS: I agree that the rice farmers in various parts of the Colony should be given security of tenure and as far as possible that be done by legislation, but at the same time I would like to see the landlords given fair and reasonable protection. I must compliment Government on the bold step it has taken to introduce legislation of such a difficult nature. Maybe it is because of the difficulty that has arisen from the inception in drafting this legislation that in some respects it is found that a coach can be driven through it. In many places it has the landlord as the biggest rogue on earth and the peasant as a harmless creature. We have, I will admit, both bad and good tenants as well as landlords, but what is significant in the rice industry is that we find conditions are not the same in all parts of the Colony. Bad conditions predominate in certain parts of the Colony and even the Committee's Report on which this legislation has been framed admits that in other parts of the Colony the complaints are insignificant. I do not think this Government should adopt stringent measures towards an industry which, if disorganised, would do more harm than good not only in this particular Colony but in the West Indian Islands, and Government should besitate before introducing legislation where it is doubtful whether it will achieve the desired effect. Here is this intended legislation crowded with doubts as to whether it will give the relief that Government is seeking to achieve for the rice farmers not of the Colony but of a particular county. Even when representations were made to this Government, I take it, those complaints came from a particular county of this Colony because of the fact that action was taken under the Emergency Powers Acts in respect of a particular county only. If that is so, I doubt whether it is in the best wisdom to legislate in this Council to change conditions and disorganize the industry throughout the Colony. It would not be a precedent if Government is dissatisfied with those conditions, but the dissatisfaction among the growers of padi is concentrated in one particular county. If we have a clause in this Bill as we have in the Rent Restriction Ordinance, any one area can be declared to be under this Ordinance, but to take the first bold step in bringing the entire Colony under subjection is bound to disorganise the entire industry and will not be to the best interest of the Colony nor of the West Indian Islands.

So far as the Bill is concerned, does this Government realise that it is also a landlord to a very large extent? Is it also prepared to take a share of the responsibility in so far as this Bill is concerned? Moreso I intend to include in my observations to-day certain interests that are excluded from this Bill so as to obtain the support in opposing such a measure which is not reasonable to the industry as a whole. If we look at the definition of "rice land" what do we find? The Bill says this:—

> "Rice land" means any land which is let or agreed to be let either wholly or mainly for the cultivation of padi and which is not let to the tenant during his continuance in any office, appointment, or employment held under the landlord but does not include any land forming part of any estate which. at the commencement of this Ordinance, is being used by its owner, or any person claiming title through the owners, for the cultivation of sugar cane or the production of rubber as his principal crop on such estate; or any person claiming. etc."

That is where I say a coach can be driven through this interpretation. If we look around it would be difficult to find any one estate that is wholly or mainly interested in the rice population. How are those proprietors going to come under this definition? Why should certain interests be excluded from this Bill? It may be argued but I doubt it can be argued with any success that

a plantation that is growing sugar cane or rubber is giving facilities to its labour to grow rice on that plantation as a contribution towards the income earnings of that particular plantation. But the land used wholly or mainly for growing padi provides the same benefits though they may not be shared by many others. The income from the rice lands is the main income of that estate. I heard the hon. and learned the Attorney-General refer to dissatisfaction between the millers and growers. This Bill has not attempted to deal with that but with that between landlord and tenant. Many rice estates, 100 per cent. of them, will be able to prove that the principal business is rice milling from which they obtain most of their income. That does not tend to support the observation of the hon. the Attorney-General. In this Bill, while in a good many cases the responsibility or obligation of the landlord is being increased towards the tenant, a 10 per cent. increase of the rent is considered sufficient to meet the huge additional cost in working the estate and compensate the landlord. It appears to me from certain clauses that this Bill is based on the Duke Committee's report.

Clause 4 (b) provides that rent must be paid annually at the end of the calendar year. There are two seasons for the growing of rice in this Colony. May is the time for the transplanting of the Autumn crop. The draftsman had in his mind the area from which all these complaints have arisen. In the case of the Berbice area in which padi is broadcast, the farmers start to plant in February or March at the latest. Now can they put their crops in before May? In those circumstances the area in which broadcasting is done cannot be occupied at all.

Clause 4 (c) provides that rent must be paid by the tenant not later than 21 days after the padi has been reaped. I am asking Government seriously if it is satisfied that a landlord would ever be able to get his rent if the tenant is allowed 21 days to do so after reaping his padi? Clause 7 (b) provides that a landlord shall be entitled to give his tenant not less than one month's notice to quit his rice land if he removes his padi from the land without his permission. If clause 4 (c) and 7 (b) are to be put into effect they would be inconsistent one with the other. On this point par. 36 of the Committee's report states:—

> "36. We are agreed that the landlord shall be entitled to determine the tenancy forthwith and without notice, if a tenant, not having previously paid his rent, removes his padi from the land without the permission of the landlord. Such a provision is reasonable and necessary, as a landlord has a lien on the padi in respect of his rent.

The COLONIAL TREASURER: Has the hon. Member read paragraph 37 of the report?

Mr. PEER BACCHUS: Paragraph 37 (1) reads:—

> "37 (1) Where the rent is payable in padi, the rent should, we think, be surrendered to the landlord within 21 days after the padi is reaped. The tenant should be able to thresh and winnow his padi within that period."

How can the rent be surrendered if it is payable in padi? I would like to know how and when clause 4 (c) would be put into operation.

Mr. LEE: The hon. Member knows the custom that exists on the West Coast of Berbice. The tenants pay their rent in the padi reaped.

Mr. PEER BACCHUS. The hon. Member will have his opportunity. The only remedy a landlord will have is not to rent the tenant any land the following year.

Mr. J. A. LUCKHOO: The Bill does not deprive a landlord of his rights to sue,

Mr. PEER BACCHUS: I observe that clause 5 (3) (b) takes away certain facilities enjoyed by the tenant. Those who are familiar with present conditions know that farmers are assisted by their landlords in various directions. I think that if a farmer is in difficulty and seeks the assistance of his landlord the loan made by the landlord should be protected in the same way as if it was made for the purpose of cultivating or reaping padi. If a tenant wants money to pay a doctor's fee, as happens every day, the loan made by the landlord is not protected under this Bill. I think it will be more to the disadvantage of the tenant than the landlord because he will be denied such assistance in future.

Clause 7 specifies the cases in which a landlord is entitled to give his tenant not less than one month's notice to quit. In Committee I may be able to suggest other conditions that may be added.

I think Government will admit that it will require a capable officer to put this Bill into effect, but this intricate bit of legislation is being left to young and inexperienced District Commissioners to handle. I think its operation will require far more capable men than the present staff of District Commissioners. What is worse is that in various matters the decision of the District Commissioner is to be final. I do not think it is fair to a young District Commissioner with no experience of what is good estate management or good husbandry of crops to ask him to decide on matters of that kind and to say that his decision is final. I hope that the Council will not allow that clause to remain in the Bill because it would he fatal to the rice industry. I feel certain that when this Bill is passed it will be found that a separate department will be required to settle disputes between landlords and tenants all over the Colony, many of which will after investigation be found to be frivolous and without foundation.

Clause 12 (2) (b) provides for compensation to be paid to the tenant by the landlord who gives him notice to quit after the land has been broken in for the cultivation of padi. The Bill is silent as to whether compensation should be paid whether the land is broken in or not. I think it should be made clear in that clause that if the tenant has had nothing to do with the breaking in of the land he should not be compensated.

Clause 13 fixes the year 1941 as the basis for the calculation of the standard rent of rice lands. I do not think it is reasonable to fix that year. It is within my knowledge that some landlords increased their rent before 1941 while others did not increase theirs until 1941. As the clause stands those who increased their rents before 1941 will be allowed a double increase while those who increased their rents after 1941 will only be allowed an increase of 10 per cent. I am suggesting that the basic year for the standard rent should be 1939 and that the percentage of increase should be more than 10 per cent.

Clause 14 (2) states:—

> "14 (2) If in any year the drainage and irrigation or drainage or irrigation rate is less than that paid in respect of the same land in the year nineteen hundred and forty-one, an amount which shall bear the same proportion to the difference between the two rates aforesaid as the area of the tenant's rice land bears to the total area in respect of which the landlord is assessed shall be deducted from the standard rent for that year."

Clause 14 (3) reads:—

> "When the rent of any rice land exceeds the maximum amount permitted under this section the amount of the excess shall, notwithstanding any agreement to the contrary, be irrecoverable from the tenant."

Now, sir, when it is less you deduct it but if it happens that it is in excess of the maximum rent then the landlord has to forego the excess and suffer the loss. That, I do not think, is fair to the landlord and, I think, in one case he should be allowed to increase it proportionate with his rates. I must here refer to clause 15 which says:—

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

To my mind this clause is inconsistent. Where the landlord cannot exceed the maximum it will be taken as a separate contract and will have nothing to do with the previous clause I quoted. These two clauses to my mind are inconsistent one with the other The next point I wish to make is as to what will happen where the land is not in a declared drainage area. The landlord himself must bear the expenditure of running the estate in so far as drainage and irrigation are concerned, and that will cost him more. After the standard rent has been fixed he will not be allowed to charge any addition for additional work done to provide additional drainage facility, though if the land was in a declared drainage area he might succeed in getting an addition. In a drainage area he will have to do the internal drainage, foot the bill and recoup from his tenant. He should not be made to suffer as suggested in clause 14 (3). I am making this earnest appeal to Government. As I said at the beginning, I will lend my support to any reasonable condition so that the farmers can be secured and cannot be evicted by the whims and caprices of any landed proprietor, but due safeguard must be given to both landlord and tenant and, I stress this other point very much, I do not think it is in the best interest of the Colony that we should now legislate for the entire Colony. If this Bill is passed—and I hope it will pass perhaps with certain amendments—I hope a clause will be put into it as has been done in the case of the Rent Restriction Ordinance that anyone of the areas or the entire Colony may be declared for the purpose of this Bill, if Your Excellency so thinks fit at any time according to the circumstances and conditions prevailing in any one area. I ask that those two points be given careful consideration by this Government in the interest of the industry.

Mr. KING: It is not very often that I raise objection to legislation in this Council, because I always feel that any legislation introduced by Government is impartial and fair to every member of the community, but on this occasion I regret to say that I do feel that this legislation not only is not fair but is very unfair to what I consider a very important element of the community. the proprietors of rice estates. I cannot help but feel that this Government is attempting to introduce legislation in a matter that really does not require the type of legislation which this Bill proposes to introduce. I am not denying for a moment that there have not been rapacious landlords who, perhaps, obtain more from the occupation of their land than they should, but I do feel that they are very much in the minority and the proposed legislation places them on the same level with the landlord of rice land who is doing his very best for the rice industry. That is unfair and unwarranted. There are numerous landlords in the Colony today who are doing everything in their power not only to help the tenants and their families personally but to assist them and what they hope will be when the time comes, a very important industry in British Guiana. We cannot say that at the moment the rice industry

has reached its limit. I personally look forward to the rice industry as an industry that will to a large extent assist the Colony through the troublous and difficult times that are ahead of us after the war, but I feel certain that legislation of this type is not helpful and does not assist an industry which is controlled and carried on by the people and of the class such as do grow rice in this Colony.

Your Excellency, in your discretion under the Emergency Powers Defence Regulations has controlled the landlords in so far as giving notice to tenants of rice land is concerned, and as far as I am concerned that was sufficient to protect the tenants. But on top of that Government introduces a Bill which interferes with what has been always considered, so far as the Empire is concerned, one of the sacred rights of the citizen. This Bill attempts to interfere in every way with the carrying on of property valuable as they are and to interfere with the right of ownership of proprietors. Not only it says what the landlords can and cannot do, but practically gives to the District Commissioner, who may be a very junior officer, powers of control of a man's estate. It is true that they have the right of appeal to the Governor, but a man who is managing his estate does not want to have so often to appear before a District Commissioner to satisfy him that his action is correct and then have to prepare a petition to the Governor of the Colony on a matter that does not really amount to very much.

Mr. PEER BACCHUS: To a point of correction! May I refer the hon. Member to subclause (d) of clause 11 which says:—

> "any legatee who is aggrieved by any refusal of consent by a landlord under this section may appeal to the District Commissioner and the decision of the said Commissioner shall be final."

Mr. KING: The hon. Member for Western Berbice has evidently overlooked the provision in clause 21 of the Bill which says:—

> "(1) A landlord or tenant may appeal by way of petition in writing to the Governor against any decision of the District Commissioner given under the provisions of this Ordinance."

It is true the right of appeal exists, but the proprietors of rice estates are far too busy men at times to appear before a District Commissioner, state their case, have a decision against them and then to appeal to the Governor by way of petition. I submit there is not the slightest reason for it. The report which founded this Bill was made by three Barristers of Law who are supposed to know nothing about commerce and who did not even have the benefit of instruction by a Solicitor.

Mr. WOOLFORD: I rise to a point of correction! What is expected of us is not to trade but to have a knowledge of it. We are expected to have a fair knowledge of commerce even better than our clients, yet we are not allowed to trade.

Mr. KING: I am saying a Barrister has no right to trade or to have anything to do with commerce, but he acquires a certain amount of knowledge. Is it suggested that any Barrister ever managed or had anything to do with the control or running of a rice estate? I am in the happy position while a legal practitioner to do so. I am a Solicitor and I am entitled to trade.

The PRESIDENT: Do you know what Dr. Samuel Johnson said: "I never like to say anything evil of a man, especially a man who has just come out as a Solicitor."

Mr. KING: We have borne a lot of people's evils in the Courts and our career is sometimes very unjustifiable.

I do feel that the report given to Your Excellency by these five gentlemen who were appointed — Messrs E. Mortimer Duke, C. Vibart Wight, Theo Lee, A. W. B. Long and L. D. Cleare — men of experience in their own spheres but not men experienced sufficiently in the intricacies and difficulties of the rice industry to give Your Excellency the advice so necessary to enable your government to form an opinion as to what legislation, if any, should be introduced to protect the tenure of rice land. That was all they were asked to advise on and I submit, the protection of tenure of rice land is sufficiently provided for by the Emergency Powers Defence Regulations of 1942 and the provisions of this Bill are onerous, difficult and inapplicable. The District Commissioner is to have the right to go on a man's property and tell him that his trench is not properly cleaned or that he is not complying with the provisions of the rules of good estate management. That, I consider, is improper. A man runs his estate as he thinks best. Sometimes the difference between profit and loss in some years is very small, and any interference with the management of that estate by someone who is inexperienced, as most District Commissioners in the outlying districts are, may involve the proprietor of that estate in serious loss and, perhaps, in time may take away from him the property from which he was making a living. I am appealing to this Government not to enforce the provisions of this Bill in their present form. If Government is of the opinion that the provisions of the Defence Regulations are not sufficient to protect the tenants of rice land in this Colony, then I am asking that this Bill should provide only for that need and delete the other clauses and unnecessary provisions which it contains.

When this Bill was introduced in the Council last year October, Your Excellency asked Members to submit their views to your government. I understood the idea was that these views would be considered, and to some extent with the view of assisting Government I wrote the hon. the Colonial Secretary on the 22nd October making suggestions in a letter of nineteen typewritten pages, and except in one or two instances where I see the Bill has been slightly re-worded to meet some legal objection made, I cannot say that even the slightest notice was taken of a single objection I raised in that letter. I am sure it can be said of me that I am not an unreasonable man. I said in that letter that I had experience in the management of a rice estate, and I still do and know only too well that the tenants of rice estates are not the saints, though I admit they are not all devils, as suggested of them. I do know that at times they are the most difficult people to deal with. It has taken me nearly one and a half years—as a matter of fact I have not yet—in evicting a tenant from an estate which I control, who flouted the authority of the management by disposing of his rice grown on the estate off the estate. All rice grown on the estate must be milled there, and it has taken me certainly a year to obtain the approval of the District Commissioner to enable me to give him a notice. While I have every intention of getting him off the estate because he is a menace and danger to the other tenants, I have not yet succeeded in doing so. He is only one of many that proprietors of rice estates have to put up with, and the lot of the average proprietor of a rice estate is certainly not an easy one. He is at times accused by tenants of all sorts of malpractices, fraud and deceit, yet at another time, I know from personal experience, he has to put his hand in his pocket and help and assist those very tenants to enable them and their families to exist.

There is a provision in the Bill which says a landlord may advance money to a tenant for the purpose of enabling him to plant or reap his crop. If that is the only condition on which a landlord can advance money to his tenant and deduct it from the value of his rice when it is reaped and milled, then I am saying you are putting the rice tenant in a most difficult financial position. On the property I control we have to lend thousands of dollars to the tenants in between crops to assist them to live. If I am going to be told I cannot recover from tenants money advanced other than as loan for the purpose of planting or reaping then I say, Your Excellency is going to find it exceedingly difficult to assist the numerous tenants who will require help in between their crops. They are not people of wealth; they live a more or less hand to mouth existence and at times as a result of a marriage or a case of death they have to meet expenses they can ill afford, and unless the landlord of the estate helps them through those times the lot of the tenants is going to be very hard. Yet a provision in this Bill definitely states that money must only be lent for the purpose of reaping.

There are other provisions which are most objectionable and, I submit, certainly unfair. Let us take the provision in respect of standard rent in the Bill. That is the rent during 1941, plus 10 per cent., plus a further one per cent. as regards rates, etc. I submit that that is perpetuating a wrong that may have been carried on by the landlord in this way: On my estate the rent has always been low partly because the estate was owned by the late Mr. Khan who was a very charitable man and on his estate a good many of his family lived and assisted him in the management. After his death it was inherited by his son who unfortunately did not live long to enjoy his inheritance. The estate got into a bad financial position, a very unfortunate position in so far as the upkeep of control was concerned. When the control of the estate was vested in me I realized it would not be fair to the tenants to increase their rent immediately, although it was necessary for the present company to spend quite a large sum of money to put the estate in condition so as to get a fair amount of rice from the land. There are other estates in the Colony where the landlords take advantage of the tenants and charge them as much as six, seven, eight or nine dollars per annum as rent. Speaking personally our rent is $5 and we have given notice that from the end of this year it will be $6 per annum. Those landlords who are rapacious to charge $9 per annum will get ninety cents more, whereas others like myself who had been considerate will only get fifty cents more. It is not reason; it is not fair to tell a man who has taken advantage of his tenants in the past "You are going to profit by your unfair treatment of the tenants and are going to get another dollar a year". If I may say so without being offensive, that is in my opinion childish and what I may call an easy way out of it, but it certainly cannot be called fair. The proper way to arrive at the standard rent is to fix the rent for the various parts of the Colony. I am aware there are lands in various parts of the Colony which are evidently of higher rental value than in other parts, the reason being that the rice lands in some parts of the Colony have a greater yield than the other rice lands and, therefore, the tenants can pay the additional rent. But I do appeal to Your Excellency not to allow the standard rent to be fixed in the way suggested by the Bill. It is not fair to those who have done their best to assist and foister the industry and have done their best to assist the tenants who occupy their land all these years. It is not so difficult that it cannot be overcome.

At this stage the Council adjourned to Thursday, 27th July, 1944, at 12 noon.