

LEGISLATIVE COUNCIL.*Friday, 27th April, 1945.*

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

PRESENT.

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

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

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

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

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

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

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice)

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

The Hon. T. Lee (Essequibo River).

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

The Hon. V. Roth (Nominated)

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

The Clerk read prayers.

The minutes of the meeting of the Council held on the 26th April, 1945, as printed and circulated, were taken as read and confirmed.

ORDER OF THE DAY.**COMMITTEE OF INQUIRY INTO P.W.D.**

The DEPUTY PRESIDENT: Yesterday afternoon the hon. Member for Georgetown South was speaking, and the hon. Member for Western Essequibo intimated to me that there are other Members who would like to take part in the debate. The hon. Member for Western Essequibo is not here; he is engaged at the present moment in the Law Courts and hopes to be here by 3 o'clock. Has the hon. Nominated Member any objection to waiting a bit and our taking some Government business—Bills—and then resuming consideration of his motion?

Mr. EDUN: I have no objection.

The DEPUTY PRESIDENT: I am glad for that.

**POST & TELEGRAPH (AMDT.)
BILL, 1945**

On a motion by the ATTORNEY-GENERAL seconded by Mr. DIAS Standing Rule and Order, No. 9, was suspended to permit of item 2 on the Order of the Day being taken first.

Second Reading of—

A Bill intituled "An Ordinance further to amend the Post and Telegraph Ordinance, Chapter 185, by providing that the Governor in Council may fix rates of duties of postage and other sums to be charged under the Ordinance by providing for the issue of a Post Office Guide; and by providing that the Post Office Fine Fund shall cease to be appropriated for the benefit of the families of deceased officers of the Post Office."

The ATTORNEY-GENERAL: This is a short Bill to amend the Post and Telegraph Ordinance. It proposes to do three things.— Firstly, to correct two mistakes in the Ordinance as it now stands, secondly, to raise the standard of the Post Office Guide to that of an official publication; and thirdly, to alter the application of the proceeds of the Post Office Fine Fund.

Firstly, to correct two mistakes appearing in the Ordinance—hon. Members are aware that when the laws were consolidated in a vast number of places the Officer making the consolidation made use of the expression "Governor and Legislative Council" which is quite meaningless, as the Governor is President of the Legislative Council and therefore is part of the Council. That appears in two places, sections 16 and 30. We are seeking to substitute the expression which is always intended "Governor in Council." That change becomes necessary as section 16 says the Governor and Legislative Council can alter the rates of postage, whereas section 17 says the Governor in Council can give effect to the Universal Postal Regulations. Under the Universal Postal Union Regulations. Air Mail postage is now included. One section of the Ordinance says the Governor and Legislative Council may do something and the next section says the Governor in Executive Council may do the same thing. To have

two Orders made makes us look quite silly, when Orders so made come before this Council. It is proposed to add a new subsection (3) set out in the Bill which says in effect that every Order made under section 16 must be laid on the table of the Council within four days of the Order made and thereafter the Council can move that part be annulled. This Council still maintains control over the rates of postage. In the case of internal postage that is a matter mentioned in the Budget and is subject to any change. This only relates to overseas and for all practical purposes to Air Mail postage.

The second change relates to the Post Office Guide. At the present moment the Postmaster-General publishes a volume called the "Post Office Guide" which contains useful information regarding the commission on Postal Orders and the rates of postage, and various business done, and also extracts from a number of Orders and Regulations in relation to the Post Office for the benefit of the country districts, owing to the fact that the laws have been reprinted so long ago there are a number of ancient regulations and orders still in operation but out of print. It is proposed until the laws can be printed, certainly not in a year or two under present conditions, the Postmaster-General will set out in the Guide those Orders and Regulations in order that Postmasters can know what they are doing and any member of the public who buys the Guide will also know what he is doing.

The last amendment relates to the Post Office Fine Fund. Amounts paid as fines are placed in the Post Office Fine Fund and, as it stands at the moment, the proceeds of that Fund are used in connection with the death of ex-officers of the Post Office and also the death of officers and their families. As a matter of fact, the fines are very small and

the Fund is incapable of meeting the calls of the death of officers of the Post Office and their families. In a year or two the demands exceeded the whole fund except for a few trifling amounts coming in. Therefore it is proposed that the proceeds of the Fund should be payable in respect of the officers' funeral expense and not that of their families. I beg to move the second reading of the Bill.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

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

Council in Committee.

Clause 1—Short Title

The ATTORNEY-GENERAL. I move the substitution of a capital letter for the common letter "a" in the word "amendment" in brackets.

Question put, and agreed to.

Bill passed as amended.

The Council resumed.

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

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the third time and passed.

CINEMATOGRAPH ENTERTAINMENTS
BILL, 1945.

Second Reading of—

A Bill intituled "An Ordinance to amend the Tax Ordinance, 1939, by increasing the duties payable in respect of Cinematograph entertainments."

The ATTORNEY-GENERAL: Hon. Members will remember that the hon. the Colonial Treasurer in his Budget Statement last year remarked that we will have to find fresh sources of revenue to meet additional expenses because of the payment of Old Age Pension and other schemes. At that time he mentioned that one of the methods would be to increase the Licence Duty on Cinemas and also the Entertainment Duty on visitors to the theatres. Lessees and patrons of theatres have a five months' run for their money before the legislation is brought forward. The object of this Bill is to give effect to the proposals by the hon. the Colonial Treasurer at the Budget Session.

Clause 2 of this Bill seeks in effect to increase the Entertainment Licence Duty on the lessee or owner of a Cinema which is paid quarterly. Under the Ordinance as it stands now, they actually pay a three monthly licence. That is not the same thing as a quarterly licence although it is so called. It is proposed to institute a small amendment in the last part of the section, and to increase all the licence fees in respect of the theatres. In the case of those in Georgetown which now pay \$40 a quarter it is proposed to increase that to \$120 a quarter; those in New Amsterdam at present pay \$24 a quarter and it is now sought to increase that to \$80; in the rest of the Colony where they now pay \$8 it is sought to increase that to \$24.

Clause 3 seeks to increase the Entertainment Duty paid on tickets purchased by people attending the performances in these theatres. It is difficult to compare the proposed new rates with the old ones. One effect is that in respect of tickets between 8 cents and 24 cents there is no alteration at all, but all other tickets will have a slight increase. That increase is much heavier in respect of the more expensive seats.

The duty paid now on Cinema tickets comes up to one cent on eight cents, two cents on between eight cents and twelve cents, four cents on between 12 cents and 60 cents and six cents on tickets exceeding 60 cents. I need not read out the proposed rates as they are very clearly set out in the clause.

The last clause deals with the date of the commencement of the Ordinance. It is proposed to make one date for the tickets and another for the licence. At the time it was provided the Ordinance said quarterly licences will be up in March, June, September and December. In fact it is found now that licences are taken out at various times of the year and at odd dates. I beg to move that this Bill be read a second time.

Mr. DIAS seconded.

Mr. ROTH: While I am fully in agreement with the general principles of this Bill I am not in agreement with the threatened forms of its administration. The increase in the Entertainment Tax on each individual ticket no one can find fault with, but I would draw this Council's attention to clause 2, sub-clause (d). Government has acknowledged the difference in status of the theatres, those in Georgetown and those in New Amsterdam, and a further difference between those in New Amsterdam and those in the country districts, but it has failed to acknowledge the difference between the theatres in Georgetown. Government's proposal is to put one tax on all theatres in Georgetown irrespective of their capacity or status. Is it fair to put the same tax on a little theatre like Rialto or Capitol, or Olympic, which has a seating capacity for 1,200 and which only shows second-run pictures, as on the four first class theatres in the town? I ask hon. Members to think of that little matter.

If we pass the Bill in this form it would be an open door for another monopoly as occurred some years ago. The poor man cannot carry on under these conditions, and I ask Government to consider the idea of fixing the licence on the basis of the seating capacity. When we come into the Committee stage I shall ask Government to defer the question and reconsider the point. At present I am not in a position to state the seating capacity of the small theatres except that I know the difference is very nearly in the vicinity of 100 per cent. Therefore I am not in a position to move an amendment. I do ask Government to defer that clause and reconsider it in the light of the facts I have mentioned. If this Bill is passed the small man would have to sell out and we would then have a monopoly as some years ago, one firm owning all the theatres in Georgetown.

Mr. EDUN: I realize that the picture theatres are the only simple kind of recreation the working class people indulge in. I was thinking whether or not the licence should be increased. I think the theatres in Georgetown can pay more than \$80 a year.

The ATTORNEY-GENERAL: They pay a quarterly licence.

Mr. EDUN: I think that is quite in order.

Dr. SINGH: I agree with the views expressed by the hon. Nominated Member, Mr. Roth. Theatres like Capitol, Rialto and the one at Lombard Street are really second grade picture houses and show second rate pictures. For that reason, I think, some concession should be made to the owners of them in regard to this tax.

Mr. DIAS: The two theatres mention by the hon. Members are not the only second rate ones in George-

town. I refer to the London Theatre. I have been there and seen pictures which had been shown two or three times elsewhere. They have no original pictures of their own to show, and to ask them to pay \$120 licence will mean closing them down altogether. The Empire Theatre is the next in line. I was in the balcony there and there were not more than ten persons in that section because they were showing pictures which had been shown before. That is the position. I went there just a few minutes before 5 o'clock and the lower flat was practically empty. These theatres cannot be placed in the same category as the Metropole and Astor.

Mr. FERREIRA: There is another view I would like to express. The points made by the hon. Nominated Member, Mr. Roth, I would not worry to press too much, but surely it is in the interest of the picture houses to increase their capacity or go about their business in a much more businesslike manner than they do in providing better pictures so as to cater to the community. The Cinema that shows second-run pictures do not pay the same rental for them as the ones showing first-run pictures and, therefore, what they lose on the one hand they gain on the other. From what I have seen in Georgetown there is hardly a cinema house which does not have a crowd particularly at the first two shows. Now I see they run three shows a day. I have the facts before me. Why the licence in respect of cinema houses in New Amsterdam should be increased from \$24 to \$80, whereas that of others is being increased by the multiple "three"—\$40 to \$120 in Georgetown and from \$8 to \$24 for those in the country districts—beats me. The town is small and I do not see why New Amsterdam theatres should be called upon to pay more than the others.

The DEPUTY PRESIDENT: My personal regret in the matter is that we cannot get the anticipated revenue out

of the film companies which are looking only to do business in this Colony without having to pay for it. The system by which films are released is that they are rented here for a limited period and shown at the various theatres. The greater part of the proceeds go to the film companies who have no domicile here, and contribute nothing to the revenue of the Colony while they get away with a large sum of money. I have brought the matter to the notice of Government on several occasions but the financial advisers, the Comptroller of Customs and myself, have not been able to conceive a way of taxing those companies. There should be some way of getting some revenue from those companies, and I intend to think out a scheme by which that can be done.

In the meanwhile the proposal is that this tax should be paid by the general public. If the general public are going to submit to it without making some effort to get themselves relieved of it they will do so, but I know of publics who would not stand it, and for a time at least would avoid going to cinemas where prices are increased, or would occupy cheaper seats. At one time I thought of organizing a campaign to do that, but what I felt about the matter was that a certain enterprising local gentleman would have done something in order that the public should be entertained. I should be the last person to try to injure the local manager of one of the theatres who is very businesslike and very accommodating. I know of cases where the local cinemas have endeavoured to get films which would not ordinarily be released here. I do not think the public realize how the local cinemas are controlled by the film companies abroad who actually go the length of saying what pictures should be shown at this theatre and that theatre. I hope that some public-spirited person will be able to conceive a method by which this revenue, instead of being paid by the public here, would be paid by the film companies abroad.

The COLONIAL TREASURER: Sir, I am grateful for what you have said. I understand you to say that you will at some future time endeavour to conceive some scheme by which we in this Colony, and our neighbours in the West Indian Colonies too, would be able to impose some form of taxation on the owners of films. That is a problem which has been exercising my mind, and the minds of my colleagues in the West Indies, for quite a long time, and I can assure the Council I have given it up as being completely impracticable, except in one particular.

The films are exhibited here by the proprietary companies to whom the rights are sold by the manufacturers of the films in the United States. Those films come here and are leased to the exhibitors in consideration of a percentage of the takings of each house. There is no manner by which we can impose a direct tax on the owner of the exhibition rights of the films. Whatever we may do he would be still in the position to reimpose that charge on the exhibitor, and the exhibitor in turn on the patron. Up to a few years ago we were even unable to bring the owners of the films into assessment for income tax, but I am glad to say we have overcome that particular difficulty. In order to safeguard their rights in these Colonies the film owners have appointed local agents in each territory, and by doing that they brought themselves within the pale of local income tax, and so we have been able to put assessment upon them—not very successfully because, although their collections are large, that is what they collect from the exhibitor—what they are charged on the other side, representing the cost to them of the film charged by the manufacturer abroad is very heavy also, and therefore their profits appear to be very small. However, we do get something by way of taxation from those people who hire the films.

I was interested to hear the remarks of the hon. Nominated Member, Mr. Roth. He said that we must not impose a tax on all the picture houses irrespective of their status. At first blush that does seem hard, but the hon. Member has suggested something which would not work also. The seating capacity of the London Theatre is probably greater than that of the Empire; it is probably as great as that of the Metropole, and while, as one Member said, the pictures are second rate and the profits of the London are much less he would impose a tax based on seating capacity. Therefore he would impose on the London Theatre a tax which would be as great as that imposed on the major picture houses. Seating capacity is not the criterion. In fact I do not know what the criterion is.

Mr. ROTH: I understand that in England the tax is based on seating capacity.

The COLONIAL TREASURER: I am suggesting that there are large picture houses with very poor results, such as the London Theatre. The results of a picture house are very much in the hands of the proprietor. If he wants to have good results he must show good films. The hon. Mr. Dias spoke of the poor attendance yesterday afternoon at the Empire Theatre. I have gone to the Empire Theatre myself at a time when I could not get in. It all depends upon the class of picture. If they show good pictures they secure good takings. If they show poor pictures, or show pictures for a second or third time, they cannot expect to get good profits. But as another Member has pointed out, the expenses of the cheaper shows are smaller, and perhaps they make as good a profit as when they are showing a better film and paying much more for it.

The last point I wish to make is that the increase of the licence will in no way cause so great a financial em-

barrassment to the smaller picture houses as would cause them to sell out. At present they pay \$160 a year. The Bill seeks to increase it to \$480 a year, an increase of \$320. I cannot conceive that the Capitol or the Olympic Theatre is going to go into bankruptcy by having to pay an addition of \$320 a year. It is really a very light tax for the kind of business they do. They do a cash business and they are all doing fairly well.

Question put, and agreed to.

Bill read the second time.

COUNCIL IN COMMITTEE

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

Clause 2 (d)—

Mr. ROTH: With all due deference to the explanation given by the Colonial Treasurer, I ask that this clause be deferred, and that Government consider the question of taxation on the basis of seating capacity.

The CHAIRMAN: Does the hon. Member realise that this imposition has been long deferred? Government's intention is to impose it early. Until when would you like it deferred?

The ATTORNEY-GENERAL: The hon. Member has the idea that a system of taxation by seating capacity would be more equitable than the figures set forth in this clause.

Mr. ROTH: In Georgetown.

The ATTORNEY-GENERAL: That is the position in the West End of London. I suggest that we should not defer the Bill, for the reason I gave when I intimated that I would move an amendment to clause 4. I will undertake that the matter will be looked into and a comparative table prepared showing

how the two systems would work. I suggest that the Council should wait and see the figures.

The CHAIRMAN: Does the hon. Member agree with that?

Mr. ROTH: I have nothing more to say.

The CHAIRMAN: Have you any alternative method to suggest? Do you move an amendment?

Mr. ROTH: Unfortunately, I have not the figures of the seating capacity of the theatres, and I am not in a position to move an amendment. I only made the suggestion that Government should reconsider the basis of the tax.

Mr. de AGUIAR: I am sorry I was not here when the debate began. I was hoping that the hon. Member would have pursued his point particularly with respect to the theatres in the country districts. Since the publication of the Bill it has been brought to my notice that an increase of the quarterly licence from to \$24 might be particularly hard in respect of some of the theatres in the country districts. The theatre at Bartica may be able to pay the increased tax but I doubt very much whether those for example at Plaisance, Buxton, Beterverwagting and Golden Grove would be able to carry a similar charge. I do not think we want to see these picture houses go out of existence. I do not agree that there is any chance of those theatres being sold to a big controlling company, but it does seem to me that an increase of the tax to \$24 a quarter would be very hard on them. I would suggest that if the existing rate were doubled we might be doing justice to the particular houses I have in mind. I do not think we would like to see these small theatres in the country go out of business. They serve a useful purpose although sometimes they serve bad

purposes. I formally move that the rate be increased from \$8 to \$16 a quarter.

Mr. EDUN: I agree with both of the Members so far as the country theatres are concerned. I should say that there is a craze for pictures so far as Indian films are concerned. I have visited theatres in the country districts. I attend the one at Vreed-en-Hoop and I can say that it makes money, especially when Indian films are shown.

Mr. de AGUIAR: I move that \$16 be substituted for \$24 in par. (2) (c).

The ATTORNEY-GENERAL: I cannot speak with any knowledge of the subject, and I was pleased to hear one or two facts from the hon. Member for Berbice River (Mr. Ferreira) about the cost of leasing pictures. All I know is that I see people coming out of the theatres both in Georgetown and in the country. If that is anything to go by then the people who lease these theatres are doing very well. There are times when the roads are blocked by people and cars. I have seen in a report of Police Court proceedings the number of people in one of these small village cinemas. Do Members really think that the lessees of those theatres would mind paying the extra tax? If they do not why should hon. Members excite themselves in their behalf? Before the Bill was introduced the Colonial Treasurer caused inquiries to be made, and he is abundantly satisfied that all classes of lessees of picture houses are doing very well indeed. I cannot see any justification for a reduction of \$8 when those people are making money on the scale they are doing.

Mr. de AGUIAR: There is one point I wish to make in reply to the Attorney-General, and that is that I thought I had made it perfectly clear when I spoke just

now, that it was represented after the Bill was published, think the implication was that I was not speaking out of my hat, but with a certain amount of knowledge and as a result of representations made to me. If I spoke as a Member of the Legislative Council it is because I am entitled to do so. It was represented to me that a tax of \$24 a quarter on country cinemas would create a hardship on the people carrying on those theatres. I went further and said that in some instances it might mean that a theatre here and there might have to be closed down. If that shows the prosperity of the cinema business in the country districts I do not know. The theatre at Vreed-en-Hoop may be all right. I have no doubt that when an Indian picture is being shown—they are very rare pictures—there is a full house, but I think the hon. Nominated Member, Mr. Edun, will agree with me that it does not show an Indian picture every week. I do know that there are certain country picture houses which, for some reason or other, cannot get a crowd, and will never get one even if they had the best pictures. Will Members be surprised to know that the majority of those country theatres give only two or three shows a week? Their best nights are Saturdays, Sundays and Mondays. I am not going to press my amendment.

Mr. EDUN: The theatre at Vreed-en-Hoop gives four shows a week, on Thursday, Saturday, Sunday and Monday, and practically every week there is an Indian picture. Indian pictures draw a full house every night. I have seen crowds refused admission. So long as the present craze for pictures exists the cinema proprietors can easily pay the increased tax. I am satisfied about that. Let us have it for a year, and if there is any real hardship we can reduce it.

Mr. de AGUIAR: It is very difficult to single out a particular theatre. I know that a number of houses are doing fairly well, but everybody knows that the one at Suddie had to be closed down. I went there on one occasion when there were half a dozen persons present. I also attended the theatre at Beterverwagting one evening and I could count the number of persons on the fingers of one hand.

Mr. LEE: I have had representations from the owners of cinemas in my constituency that the increased tax would be a heavy burden on them. I refer to the theatres at Bartica and Wakenaam. Are we going to use the cinema as a means of educating the people in the country, or tax it because they want to learn? Only when an Indian picture or a cowboy picture is being shown the country theatres draw a crowd. The policy of Government should be to use the cinema for the showing of educational films. To increase the tax on country cinemas by 300 per cent. would be an imposition. Is there any other form of amusement for the poor people than the Cinema? Have they the facilities of Clubs or otherwise? They have none. Because some bright specimens of humanity in British Guiana think the Cinemas can be taxed, they go to the Government and say "Tax the Cinemas." I say this imposition can only emanate from the brains of some persons who want to do away with the Cinemas which provide the poor man's entertainment. I am moving the deletion of this item entirely.

Mr. PEER BACCHUS: I am in favour of the item as printed.

Mr. LEE: Because my friend does not go to the Cinema perhaps!

Mr. PEER BACCHUS: Maybe. If cinemas have been closed because they cannot pay a licence for \$8, I think it is very unfortunate that area has been selected for a cinema at all, because if a cinema cannot pay a licence for \$8 it does not justify its existence in an area. I cannot for the life of me see that an addition of \$16 more per quarter will cause the closing down of any cinema. If there are taxes to be raised you can do so no better than through the Cinemas.

Mr. SEAFORD: I do not propose to speak on the subject. I am sorry I was not here to hear the debate. When the hon. Member for Essequebo River says that is the only recreation the poor people have, I suggest to them football and cricket. Outdoor recreation is better for them than sitting in a dusty room where they are all packed together and run the risk of contracting disease.

Mr. LEE: If my hon. friend says that, may I ask where are the grounds?

Mr. SEAFORD: All over the countryside.

Question that sub-clause 2 (c), as printed, stand part of the Bill put, and the Committee divided, the voting being—

For: Messrs. Edun, Jackson, Peer Bacchus, Austin, Dias, Critchlow, C. V. Wight, Seaford, the Colonial Treasurer, the Attorney-General and the Colonial Secretary—11.

Against: Messrs. Roth, Lee, Dr. Singh, de Aguiar—4.

Amendments negatived.

Clause 2 passed without amendment.

Clause 3—*Substitution of new section 50 in the Principal Ordinance.*

Mr. DIAS: A tax is to be put on the Cinemas by increasing the licence. We understand that. On the other hand I want to say that while you put the additional charges as outlined here, there is nothing to prevent the proprietor of a cinema in the meantime raising his present charges to anything he likes when this Ordinance is passed. If you look at the last item—“(e) Where the payment exceeds 72 cents—12 cents.”—

The COLONIAL TREASURER: Clause 3 deals with the tax collected by the proprietor and paid over to the Government. It is collected along with the admission charge.

Mr. DIAS: But there is nothing here to prevent a proprietor increasing his charges to any figure he likes. He can do that and more than compensate for the difference between his present licence charge and what he will have to pay. Unless you are going to secure something to the public it is no good. I can quite understand, if you leave it open they will collect more than this.

Mr. SEAFORD: One point I would like to ask the hon. Member. I am not a theatre fan. Don't they vary the prices according to the picture they show? If you notice in some of the theatre advertisements they state “Usual week-end prices,” but there is nothing to inform anyone what they are. I have not been going to theatre for some years, and I went when “Song of Bernadette” was being shown and I was made to pay one shilling more, but they did not announce the increase to the public. That is the only case I know about.

The CHAIRMAN: “Gone with the wind” is another.

Mr. DIAS: Government must protect the public. There must be limitation to these theatre charges. They have to charge something more which Government calculates will compensate for the extra licence fee they have to

pay. The visitors who attend the shows must pay this additional licence fee, but in addition to that the theatres can make any charge they like for admission to their shows. If Government sees any sense in what I say, something should be done in order to protect the visitors to theatres.

Mr. LEE: I would like to support the hon. Nominated Member in his remarks. I know as a fact that the proprietors of theatres in Georgetown have got together and are welcoming this increase, because the moment this law is passed they are going to increase their prices. Then where is the protection to the public? This is only protection to the Government and to the people who own or lease theatres. I think it is an imposition. May I enquire from Government how much revenue this increase of the tax will give, and if we are going to apply it to something constructive?

The COLONIAL TREASURER: If the hon. Member had been here when I moved the second reading he would have known that I did remind the Council that part of the amount is required for the payment of Old Age Pension. This is one of the methods of raising money to pay Old Age Pension.

Mr. CRITCHLOW: That is why I support it!

Mr. LEE: You are going to apply this increase to Old Age Pension. May I enquire what it is?

The COLONIAL TREASURER: We do not anticipate that immediately the Cinema people are going to increase the prices of tickets. If they do, it may only be by a few cents. I suggest that we wait and see what the Cinema people do. If they increase the prices and we can say that the increase is unsound and prohibitive, Government can introduce an Amendment Bill and attempt to restrain them. Why jump to the

conclusion that there is going to be an increase? Why not wait and see what will happen?

Mr. ROTH: It is definitely stated by the theatre proprietors: "We do not mind the increase. We will pass it on to the public."

Mr. LEE: What I am telling this Council is what has been brought to my notice. I have been requested to oppose the tax in respect of country theatres. I am giving information conveyed to me because of the fact that the proprietors met at a certain hotel, discussed the matter and decided that the moment the tax is increased they are going to increase their charges. Government is affording the theatres an opportunity to get more money from the public, which is not the proper thing.

The CHAIRMAN: The hon. Member is quite in order in presenting his views before this Council. This increase is purely required to augment general revenue because of the increased expenditure due to Old Age Pension. The hon. Member can anticipate the revenue. However, the revenue this clause will give, providing the figures do not vary materially over the past three years, is \$20,800.

Mr. DIAS: Is that figure based on the present charges?

The ATTORNEY-GENERAL: On the average attendance for the past three years.

Mr. DIAS: Those prices are not remaining as they are today. If it is intended that the public should pay more money we can understand that, but that is not the intention. Then it should be made so clear as to prevent any attempt being made by anyone to increase those charges.

The CHAIRMAN: There are different views on cinema entertainments. Some look at them as a luxury and

some as entertainments of educational value. The hon. Member may bear in mind that educational films are shown and suggest to the Government that on those days no entertainment tax be collected. The hon. the Attorney-General says it is applicable under this Ordinance.

Mr. LEE: If I may point out, the first part of the cinema shows relate to information about Great Britain, America and the Allied countries. That is educational in itself. They also show what is called a travelogue, and that is educational in itself. I understand that those films are lent free of charge to the theatres.

The CHAIRMAN: There being no amendment the question is "That clause 3 stand part of the Bill."

Question put, and agreed to.

Clause passed.

Clause 4.— Commencement of Ordinance.

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

"This Ordinance shall come into operation on the fourteenth day of May, nineteen hundred and forty-five."

The reason for that proposal is that enquiries made show that the date as set out in the Bill will have the effect of levying on the three big theatres for three quarters while the others will only be for two. By adopting this amendment it will put all theatres in the same position.

Question put, and agreed to.

Bill passed as amended.

Council resumed.

The ATTORNEY-GENERAL moved and Mr. DIAS seconded that the Bill be read a third time and passed.

Question put, and agreed to.

Bill read the third time and passed.

COMMITTEE OF INQUIRY INTO P.W.D.

The Council resumed consideration of the following motion by Mr. EDUN—

WHEREAS the recent Public Works Conspiracy Case that was heard and concluded in the Supreme Criminal Courts of British Guiana having very clearly disclosed that grave irregularities in the general administration and in the expenditure of Public Funds by that Department are being committed;

AND WHEREAS the very nature of the such and said existing irregularities is absolutely inimical to the best interests of the tax-paying element of the Colony, aforesaid, and that the said tax-paying element continue to experience and exhibit a very deep feeling of uneasiness;

AND WHEREAS not having since or subsequent to the determination of the said case made, in fact, any public announcement or otherwise given any information, knowledge and/or intelligence to the said tax-paying element of any course of action which it may consider desirable to prosecute, with the view to restore the people's confidence in the aforesaid Department of Public Works;

BE IT RESOLVED that this Honourable Council recommends to His Excellency the Governor the desirability of setting up a Competent Committee of Inquiry to investigate and report on the broad and detailed functioning of the Public Works Department, aforesaid, in relation to all works of a public nature undertaken and carried on by the Department; aforesaid; e.g. the Drainage and Irrigation Board, the Pure Water Supply, the Transport and Harbours Board and other Boards connected and entrusted with Schemes within the Colony of British Guiana; aforesaid;

AND BE IT FURTHER RESOLVED that this Honourable Council recommends to His Excellency the Governor the appointment of a VIGILANCE COMMIT-

TEE comprising of Members of the Legislative Council to act as watch and ward on the expenditure of Public Funds by the Departments, aforesaid.

Mr. CRITCHLOW: Sir, as a member of the Public Works Advisory Committee I believe in constructive criticism and not destructive criticism. I can assure this Council that on the suggestion of a member of the Committee we visited the Triumph Office and were not satisfied with the method of paying. The Paymaster will call for "John Brown" who will be asked if he is the person and on his saying "Yes" he is paid. When the next man was called I asked him how much he had earned and how much overtime he made, and the man did not know. A labourer may not be able to calculate his pay but he can say how many days he worked and the overtime he worked. We found that some of the men for some reason would not tell us how much they had worked for. That was because they did not know how much they were down on the pay-sheet for. We found that after a time the men ran back and said they had overdrawn so much which they handed back to the person who had booked their names and knew how much they had worked for. The men being afraid of not getting more employment handed back the extra money. The system is bad. We suggested a system like that employed at waterfront. If no one is there to say that the person answering to a name is the person, there should be some photograph of the person to satisfy the paymaster that he is the same person who had worked. But they said that would entail too much expense.

It is not that the Advisory Committee is inactive. When it was noticed that certain things were going on, the Chairman suggested that more efficient men be employed on certain jobs. I remember that on one occasion when the Chairman found out they could not get the necessary help the Public Works Department wanted, he approached the

Governor and asked him to increase the staff with some efficient men which we could not get. Hon. Members must remember that our Committee was appointed after some of the crimes referred to were committed. Since then the Committee strove to do everything to improve the situation. It is difficult to prevent people from stealing at this time. I know cases where policemen have been put to watch and the very policemen encouraged the committal of crimes.

The motion speaks of a Vigilance Committee. That puts me in mind of the last war. It was then said that the Army, Navy and Air Force were fighting to end wars, but I see there is still another war. I agree that we must have a strict eye on the Department. The Chairman of the Advisory Committee and the Director of Public Works are not responsible for what is going on in the Department, and any suggestion to improve the situation we will welcome. You cannot blame the present Committee for what is going on.

Mr. JACKSON: The debate, I think, has served a useful purpose. I read some of it and yesterday I heard some of it. I am satisfied that it has served a very useful purpose, and I am wondering whether if we admit that it has served the purpose for which it was primarily intended the motion will not be pressed. For years the Public Works Department has been slated considerably in this Council, but for the present I believe that the main object is to bring before the notice of the public the extreme care that at the present time is being taken over the finances of the Colony by certain Members of this Legislature. As a matter of fact, if we were sure that the General Elections were soon then I believe those who have spoken with such vehemence would have a good chance, including the hon. Member who knows as a matter of fact that after the General Elections several Members will be out of this Council. I can see that the motion will not be

pressed, but the electorate has already, I believe, noticed through the Members who have spoken showing out the weakness and irregularities of the Department and is satisfied that those Members are the people who should manage this Council and should be elected at all time to carry on the work. We may not have a Director of Public Works to suit certain Members of this Council. We may not have an Accountant in the true sense of the term in the Public Works Department, but for one thing, I think, we can be satisfied, if we are to take him at his word, we have an Accountant in this Council. We were told yesterday that one hon. Member was trained as an Accountant and knew all the phases of the accountant's job. What I am very sorry for is that the foresight of His Excellency has not gone so far as to place that Member on the Committee and make him Chairman of it. If that had been done, there would not have been any need for this discussion because we would have had a trained Accountant at the head of the Committee, one capable not only of detecting faults but finding faults even where they do not occur, one who is capable of carrying on and managing a huge department as the Public Works Department is.

There is no doubt there have been irregularities. No one will be so bold as to doubt that. But any attempt to have the irregularities checked altogether by the motion that is put forward is to my mind an attempt that is futile and cannot succeed. I cannot believe that hon. Members of this Council—I believe there are not many who will—will at all sanction a motion of this kind when Government has appointed an Advisory Board or Committee to go and look after the affairs of the Public Works Department as well as the affairs of other Departments. If there is an Advisory Committee appointed for that purpose, it is to my mind madness to take two or three men of the same Committee to go into the matter as a Vigilance Committee. Let the Com-

mittee perform its duties. I am satisfied that the Committee as at present constituted is enough and with a capable Accountant much of the wrongs that have been or are being perpetrated in the Department will be seen and checked. The motion should certainly be voted against, and I do not know whether it will be pressed. To my mind it is a great political dodge intended to catch the eyes of the electorate. Fortunately, or unfortunately, the Elections are not near. To my mind this is a motion that cannot be accepted, and I am perfectly satisfied that this Council will turn it down.

Mr. SEAFORD I would like to say a few words. I do not propose to go into the various details of the accusations made here, but merely to generalize because, as a member of the Committee which inquired into the staff of the Public Works Department about two years ago, I was a party to certain recommendations made to Government. Our chief recommendation was that the staff of the Department was quite inadequate to carry on the work of the Department. Works which the Department has to do now are three or four times greater than what it had to do in the past, while the staff has not been increased more than 20 per cent. We are asking the Director of Public Works and his staff to do infinitely more work.

There are irregularities throughout the Colony, but I think it is unfair to blame the officers of the Department who have not the time to devote to the supervision of the various works as they should and would like to do. I know that Government and the Advisory Committee have made efforts to increase the technical staffs of the Public Works Department, the Sea Defence Board, and the Drainage Board, but it has been quite impossible to get the right type of people with experience to fill the posts. A scheme was started to train apprentices, and youngsters were taken from school and trained, but it will be some time before they are fully equipped

for the jobs which they will have to undertake. It is not easy to find qualified and experienced men to fill these posts.

I do not myself think that a Vigilance Committee would serve any useful purpose. I come into close contact with the officers of the Public Works Department in various ways, and I am quite satisfied that the Advisory Committee has been very vigilant indeed, and gets assistance from the Director of Public Works. It does not matter how vigilant one is, and what steps he takes, he can never prevent irregularities so long as there is collusion amongst members of a staff. I have had a great deal of experience on sugar estates where much higher wages are paid than by the Public Works Department, and in spite of checking, cross-checking, and supervision, irregularities still take place. I can assure Members that with all the Vigilance Committees in the world we will not stop irregularities. Let us be honest and face facts. Let us give the Advisory Committee a chance to put things right. The Director is doing his utmost, and the mover has said that he has a great admiration for him.

The mover of the motion remarked that if experts could not tell when accretion or erosion would take place they should be sacked. As far as I know there is only one expert who could tell when such things would take place but, unfortunately, He is not on this earth.

Mr. C. V. WIGHT: Everybody seems to have spoken, and I think I should be as brief as I possibly can. I would like first of all to say that I resent one remark made by the hon. Member for North-Western District (Mr. Jacob). At the beginning of my career in this Council I repeatedly warned the hon. Member that I would stand no personal attacks from him, and that I would give as good as he was prepared to take. The hon. Member, who is not in his seat today, deliberately accused me of a crime. He said

I knew the culprits in the Public Works Department, and I was shielding them. I would like to tell him that I have never yet faced a jury in this Colony, and the Supreme Court has never yet convicted me of bribery and corruption or any election offence, and I hope I will never have that privilege. I hope that statement will be recorded for his benefit. I will go no further as I know that he is now in the throes of a libel action, and I am not prepared to help his opponent by giving him any material upon which he could be cross-examined in the witness-box. In the House of Commons, if a Member makes an accusation against a Minister of Works, there is a procedure whereby the Minister can go to the House and call for an explanation. Unfortunately, we have not got that procedure in this Council, or I would have challenged the hon. Member to do so.

However humble a man may be one cannot accuse him of an offence unless one has proof. The hon. Member expects to whisper to me that this or that man in the Public Works Department is guilty of this or that offence, and that I must act on it. Am I not to be satisfied in the interest of that man that the hon. Member is not getting at him for some personal reason? Am I just to take his word that an offence has been committed? The hon. Member is a member or the President of a trade union, and he would be the first to say that that man had been thrown out of employment without being given a fair hearing. That should be the hon. Member's attitude if, as he states, he is a leader of a labour organization. I doubt whether he would be prepared so to do, and I fear what goes on in any organization controlled by him.

With regard to the basins incident which was reported to me, I have already stated that I travelled three or four times and inspected the basins, making a check-up to see where they came from. There was a missing link,

but it was found out who delivered it, in what cart it was conveyed, and to whom it was delivered. The hon. Member suggests that there was a culprit, but he has not the gumption to name the person he suspects. Why doesn't he put it in writing? If he does I would answer the charge and plead guilty, but until he gives me that evidence I refuse to take any notice of what he says. We know who he was getting at. There is an hon. Member of this Council who represented the individual concerned, and if he so desires he can tell this Council that there is not a tittle of evidence on which to lay a charge against the person whom the hon. Member suspects. Is the hon. Member aware of those culprits? Does he know who they are? If he does he should come forward like a man and tell us, and we would see if he can be prosecuted, and use our best endeavours to see that he is prosecuted. The hon. Member submits anonymous letters and hearsay evidence by one employee against another. He suggests that one overseer or foreman is guilty. He does not produce any evidence. How are we to know that his information was not supplied by a man who wants the foreman's job? A foreman is entitled to protection.

I wonder how the hon. Member was allowed to get by with his general accusation against the officers of the Department. If I were an officer in that Department he would not be privileged to accuse me of being dishonest by saying that every man in the Department is dishonest. He would have to answer for it. It is unfair to say that every man in that Department is dishonest. The hon. Member has said that there is dishonesty from the top to the bottom, and I resent that remark. The mover of the motion has said that he admires the Director of Public Works, and so do all of us. The Advisory Committee is working as harmoniously as possible with the Director. I go further and state that this Committee is working harder than

any other Advisory Committee, and harder perhaps than Members appreciate. There are certain hon. Members who think they are the "know-alls" of this Colony, and are the future leaders of the country. I am prepared to fight. They suggest that everything in this Colony is wrong, and everybody is wrong and crooked except themselves. If a man is honest he does not have to stand up every time and say "I am an honest man." He has practically stated in plain language what the future of this Colony would be if those Members were put in charge of our destinies.

The mover of the motion stated distinctly that he had nothing against the Director of Public Works. I personally would welcome Committees to investigate if they were necessary. I would welcome Committees to investigate even the work of the Advisory Committee, but I do not think it is necessary. A Vigilance Committee would have to be comprised of dozens of members who would have to be on the spot every day checking up on the labourers. Surely they would have to depend on the very same persons on whom the Director and the Executive Engineers now have to depend. Are they going to take part in the execution of works? Are they going to be on the job every minute of the day? In any community, or in any society of persons, we must depend on others. Every man at the top has to depend on the man below him, and as long as human life is what it is nobody in this world will be able to prevent theft. We hear about irregularities in the Public Works Department. Who knows about them better than the members of the Advisory Committee? But they did not start in our time. Members would be surprised to know that as a member of the Sewerage Board I overheard a certain remark, and I saw a new car with five new tyres. From that casual remark I got from the chauffeur all the information I wanted. I was not then Chairman of the Advisory Committee,

but that information was followed up, and we have to give credit to the Director of Public Works and certain officers of the Department for finding out what was going on.

I place the blame for these irregularities on hon. Members themselves. You cannot place a man in a position of trust and only pay him \$30 per month. The Advisory Committee has repeatedly drawn the attention of Government to that fact. Attention has also been drawn to the fact that the whole Department is understaffed, not only in respect of Executive Engineers, but also the general staff and the accounting staff. Hon. Members must appreciate the considerable increase in work which has been thrown on the Department in the last two or three years, and the considerable amount of work that will be put on the Department if the works that are planned are carried out. I do not think that the Committee or any Committee has had much opportunity to go into this.

I was rather surprised to hear the hon. Nominated Member who seconded the motion suggest that a Committee of the Advisory Committee should be appointed to investigate. Why not let the whole Committee sit every fortnight and continue its work? The mover of the motion suggested that there should be a Committee of which the hon. Nominated Member, who seconded his motion, should be Chairman. I would suggest that if there is necessity for the appointment of a Committee it should be comprised of three members — the hon. Nominated Member, Mr. J. A. Luckhoo, as Chairman, with Mr. C. R. Jacob and Mr. Edun. I do not, however, see the necessity for such a Committee, but if a Committee is to be appointed I would suggest that it should be composed of the members I have named.

Mr. EDUN : I do not think the hon. Member has followed the remarks of the seconder of the motion at all. He

suggested a Committee of Inquiry into the affairs of the Public Works Department—not a Standing Committee to administer the Department.

Mr. WIGHT : I was rather surprised, and I am sorry he is not here. I think the most reasonable suggestion came from the hon. Member for Western Berbice (Mr. Peer Bacchus) who suggested that if it became necessary we should extend the powers of the Advisory Committee. I do not at the moment see the necessity for such an extension, because it is advisory and not executive. After all one must appreciate that in ordinary business the Board of Directors or the Managing-Director, who is on the spot, cannot prevent frauds. One hon. Member suggested that this debate will in itself have some effect; that the matter having been ventilated, those who were inclined to continue with those irregularities would realize that they are being watched, not only by the Advisory Committee and the Executive Officers of the Department, but by each Member of this Council. Therefore the debate will have served its purpose. Beyond that I cannot see that any purpose can be served by the motion.

I do not propose to go into any details, given to me, but as Chairman of the Advisory Committee I would like to say that information supported by evidence, or on which evidence could be obtained, is welcome. We welcome assistance not only from Members of this Council but from the public. Some Members think they are the only people who can give information. We are also in touch with the public. It seems to be thought that members of the Advisory Committee do not know any members of the public. A departmental inquiry would serve no more purpose than what has already been achieved by the Court. It has been said that certain officers of the Department are being protected. How can anybody who has listened to the recent trial and seen what transpired in that case suggest that the

real culprit has not been brought to justice. During the 60-days' trial the learned K.C. did his utmost in the interest of one of the accused. Wouldn't he have laid the blame on the right man? He had it in his power to do so. It therefore seems unfair to say that certain officers of the Department are still guilty.

The DEPUTY PRESIDENT: The accused themselves made statements and were allowed every facility to do so.

Mr. WIGHT: You know that yourself, sir; you were one of the counsel defending. Every one of the accused gave a statement of what transpired, implicating himself. I consider that the Department is to be credited with having got to the bottom of the matter. How can it be said that other people are being protected?

With regard to the question of the roads I would like to refer briefly to the statement I made on a previous occasion that the work was progressing and was being investigated by the Road-Research Department. A survey has actually been started on the East Coast with the view of eliminating some of the bends but, unfortunately, when the surveyor had got well up the Coast his services were required elsewhere on account of shortage of staff. The Department is hopelessly inadequately staffed, and wants at least six more Engineers. The question will have to be decided some day whether the present system of paying labourers' wages by the Paymaster is satisfactory, or whether the Executive Engineers should make the payments. The districts are large, and the Advisory Committee advised Government to increase the staff of Engineers, but Government was placed in the unfortunate position that, although willing, it could not obtain Engineers.

As regards the accounting work in the Department that is also unsatisfactory, but we are still in correspondence

with Government on that matter. The questions of leave pay, roadside trenches, co-ordination of transport services, building construction, and timber priorities are all under consideration, but the activities of the Department are being concentrated at present on the completion of the airport. I think I have given Members a comprehensive survey of what we are doing, and I feel sure that they will not support the motion.

The DEPUTY PRESIDENT: I proposed to put the question this afternoon. Can the hon. Nominated Member reply in a short time?

Mr. EDUN: I do not think so. So many things were said which were not satisfactory, and I would like to make some observations on them.

The Council was adjourned until Thursday, 3rd May, at 2 p.m.