

# LEGISLATIVE COUNCIL.

*Thursday, 3rd August, 1939.*

The Council met at 10.30 a.m., pursuant to adjournment, His Excellency the Acting Governor, SIR JOHN WADDINGTON, K.C.M.G., O.B.E., President, in the Chair.

## PRESENT.

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General (Acting), Mr. S. E. Gomes.

The Hon. J. S. Dash, Director of Agriculture.

The Hon. E. A. Luckhoo, O.B.E., (Eastern Berbice).

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

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

The Hon. W. A. D'Andrade, Comptroller of Customs.

The Hon. E. M. Walcott (Nominated Unofficial Member).

The Hon. G. O. Case, Director of Public Works and Sea Defences.

The Hon. L. G. Crease, Director of Education.

The Hon. B. R. Wood, Conservator of Forests.

The Hon. W. A. Macnie, Commissioner of Labour and Local Government, (Acting).

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

The Hon. J. Eleazar (Berbice River).

The Hon. Jung Bahadur Singh, (Demerara-Essequibo).

The Hon. Peer Bacchus (Western Berbice).

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

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

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

The Hon. T. Lee (Essequibo River).

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

The Hon. G. H. Smellie (Nominated Unofficial Member).

The Hon. F. H. Martin-Sperry (Nominated Unofficial Member).

## MINUTES.

The minutes of the meeting of the Council held on the 2nd of August, 1939, as printed and circulated, were confirmed.

## ORDER OF THE DAY.

### CUSTOMS DUTIES (AMENDMENT) BILL.

Mr. D'ANDRADE (Comptroller of Customs): I move that "A Bill intituled an Ordinance to amend the Customs Duties Ordinance, 1935, by substituting new duties for those now payable on butter substitutes" be read a third time and passed.

Mr. WOOD (Conservator of Forests) seconded.

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

Bill read the third time.

### COCONUT PRODUCTS (CONTROL) (AMENDMENT) BILL.

Mr. D'ANDRADE: I beg to move that "A Bill intituled an Ordinance to amend the Coconut Products (Control) Ordinance, 1935, to provide for the fixing of duties on Coconut Products by Resolutions of the Legislative Council" be read the first time.

Mr. WOOD seconded.

Question put, and agreed to.

Bill read the first time.

Mr. D'ANDRADE: I move the suspension of the Standing Rules and Orders to enable the Bill to be taken through all its remaining stages.

Mr. WOOD seconded.

Question put, and agreed to.

Mr. D'ANDRADE: I move that the Bill be read a second time. This Bill provides for the repeal of Section 20 of the Coconut Products Ordinance of 1935, which fixes a duty of 12 cents per gallon on edible oils and 42 cents per 100 lbs. on lard substitutes manufactured in the Colony, and the substitution therefor of another section providing for the fixing of duties on coconut products by resolutions of this Council. I explained yesterday that it was impossible to increase the import duties now payable on lard without variations of either the United Kingdom—United States of America Trade Agreement or the Canada—West Indies Trade Agreement of 1925. The intention of this Bill is to afford relief in another direction by temporarily suspending the imposition of a tax on coconut products manufactured in the Colony. I also reminded the Council that the Government of Canada has given notice of intention to terminate the existing Canada—West Indies Agreement which will shortly expire, and that a Conference will shortly be held to go into the drawing up of a new Agreement. If it is found possible in that new Agreement to remove the clause which precludes us from increasing the duty on lard, it would then be necessary to review the whole position and probably re-impose these excise duties. There is nothing further I can add to-day after the discussion on the other Bill yesterday. I therefore move that the Bill be read a second time.

Mr. CASE (Director of Public Works and Sea Defences) seconded.

Mr. ELEAZAR: I am not sure if this Bill has gone far enough. Certainly it is the intention of Government to give the people some measure of relief by removing the duties which they are now paying so as to enable them to compete with the imported lard. But, I think, we are all aware by now that one reason for the trouble is that we cannot get these people to be honest. They get behind the Ordinance.

People, who hitherto were producing crude coconut oil, have now relieved themselves of that part of the business and are competing with those who are supposed to be producing edible oil. That is because they manage to get behind the Ordinance. Should not the whole thing be done at one time? Should not those people be made to remain as producers of crude coconut oil? It was never intended that they should abandon their regular trade and go in for the production of edible oil.

As I understand it, this Government took the opportunity to introduce the Ordinance on the suggestion of a reputable firm in this Colony that they would produce something which would keep out the large quantity of cottonseed oil which was pouring into this country. On that understanding that firm embarked upon an expenditure of large sums of money, and commenced to produce what they thought would be a substitute for cottonseed oil, and it seems as if the trade went up. But immediately that was done, the producers of crude coconut oil by some device or other—I think it was due to a defect in the Ordinance—began as well to compete with that firm. Naturally that firm could not maintain the price because they had competitors whom they did not expect. The price dropped and the smaller producers could not produce the required quantity of the same refined article, with the result that the whole thing collapsed. If that is correct, it is time to do something, and this Bill is merely relieving them of the duty. But is it not the duty of Government to say: "You who are producing crude coconut oil must continue to do so," and to make it impossible for them to do anything else? By doing that they will continue in their legitimate business, and the additional help afforded by the Ordinance will give some filip to the industry.

It does not appear that the collapse of the industry is due only to the fact that they are paying this duty. It is true that it will give some measure of relief, but, I am afraid that relief is not going to help the situation if these people continue to compete in the way they are doing now by abandoning the production of crude coconut oil and confining themselves to the making of refined oil. It was suggested yesterday that there are only a few who are doing so, but I know to

the contrary. The people are taking advantage of the Ordinance and are trying to produce the refined article, but how far they have succeeded I do not know. I do not think, however, they can succeed. If the other people—that firm—had to obtain expensive machinery to produce their article, I cannot understand how with a few old gasolene drums these people can produce the same article. It is the same thing as the manufacture of bush rum. The bush rum maker gets a gasolene drum and makes any quantity of high wine mixed with lease water, but it cannot be compared with the stuff which has been scientifically made with a proper still. The bush rum maker is, however, prosecuted but the coconut producer is allowed to continue manufacturing refined oil along with those manufacturers with expensive machinery. Both practices are just the same and should be treated alike. These people, who are making the crude coconut oil by whatever process they are doing it now, are not succeeding to the extent of producing good refined oil as one is being made to believe. They should be prevented from doing that and made to stick to their own trade. Whatever they can use in making crude coconut oil they will utilize and what they cannot use they will sell to the people who are making the refined article. I think that while Government is trying in this instance to assist the coconut producers by means of this Bill, they have to be saved from themselves because this assistance will not go far enough. I do not think it will meet the case, and after the passing of this Bill you will have the same cry you have been getting all along.

Mr. PEER BACCHUS: I quite appreciate the argument of the hon. member who has just spoken but, if I remember correctly when the Coconut Products Bill was introduced into this Council, Government gave the crude coconut oil makers an undertaking that by no legislation whatever their trade will be interfered with. I will be the last to subscribe to any legislation that may restrict the activities of the crude coconut oil makers. I will, however, admit the whole difficulty with this Ordinance is that it is so loose that a coach can be driven through it. There was a suggestion which, I presume, Government still has under consideration and that is, to eliminate that difficulty by

making it compulsory that edible oil be made from copra only. If Government favourably considers that proposal, I think it will eliminate a lot of the illicit trade.

I may also mention for the information of this Council that besides the Demerara Oil Mills Company there are other mills in the Colony which can use copra for the manufacture of edible oil. Therefore there can be no question of any control by the Demerara Oil Mills Company, as there are also a few other mills which are making refined oil up to the standard of that manufactured by the Demerara Oil Mills Company. I will be the last to subscribe to any measure that will restrict the crude oil makers from carrying on their legitimate trade. I appeal to Government to further consider the proposal that edible oil be made from copra only.

Mr. ELEAZAR: To a point of explanation. I never said to restrict them in their trade, but to restrict them to their trade of producing crude coconut oil.

Mr. D'ANDRADE: The Demerara Oil Mills, it is well known, manufacture their oil from copra and produce an edible oil which compares favourably with the imported article. There are other manufacturers of this oil who may be divided into two classes—the man who is registered to manufacture refined oil and refines the crude oil which he purchases, and who pays excise duty on his oil which conforms to the standard laid down by the Ordinance; and the other man who is not registered but puts the crude oil through a certain process and produces an article which is offered for sale, and not only does his oil in many instances not conform to the standard but he evades payment of the excise duty. The question is whether Government is to legislate for the restriction of the manufacture of this article by a particular process—that is, by producing the crude oil in the first instance by means of mills, and secondly by subjecting it to a special process of refining—and to prevent persons from producing the crude oil by means of boiling the coconuts and then refining it by a different process which yields an oil conforming to the standard required for refined oil. In the case of the man not paying the excise duty, he will not have that advantage in future, because the duty is removed and they will all be on

the same level. The question of further amendments to the Copra Ordinance is engaging the attention of Government, and I understand further consideration will be given to the matter. There is nothing more I can add.

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.

Clause 2—Repeal and re-enactment of Section 20 of the Principal Ordinance.

Mr. WALCOTT: I have very little to add to what I said yesterday, but I repeat that I think this is a retrograde move. I do not think the removal of this excise tax is going to help the coconut producers in any way. We are not now legislating against oil coming into the Colony, but against the restriction so as to bring one person down to the level of the other. The whole idea of the original Copra Ordinance was to raise the level, and we are now going to reduce it. I do not wish to delay the Council for any length of time, as I have already spoken in different places and at different times at quite a length on this subject. I only desire now to record my regret that Government should have found it necessary to bring in a measure of this kind. Your Excellency knows my views on it.

I may say again that we will have no better condition for the coconut producers unless and until the coconut producers themselves get together and until we export our surplus production. We have got to lose money in exporting our surplus in the shape of copra under present conditions, but we must also try to export our surplus of coconuts. Unless the whole of this industry is thrown into one big pool wherein the crude oil and the edible oil and the copra are controlled by one body, you will have continuous trouble. I shall not say anything about the collecting of the revenue, as I said enough yesterday even, perhaps, at the risk of earning Your Excellency's displeasure. I regret this Bill and regard it as an extremely retrograde measure.

Mr. HUMPHRYS: I certainly support the removal of the excise duty on refined coconut oil. My principal reason is that I am thoroughly convinced that the Ordinance passed yesterday will not in any way help the coconut industry. Since yesterday I have been at pains in making enquiries—I speak subject to correction, and I am sorry the hon. member for Central Demerara (Mr. DE AGUIAR) is not here—and I am reliably informed that this is the position: One firm in this Colony produces a white margarine which is being sold at 8½ cents per lb. Bakers' white margarine on which has been put a heavy tax is being sold at 8 cents per lb, and being heavily taxed now will not be able to compete. Another company sells a white margarine called white compound lard at 9½ cents per lb. The trouble is that under the Canada-West Indies Agreement we cannot prevent lard from coming into the country from Canada, and the effect of the tax on white margarine has been to hand over the whole of the trade to Canada until that Agreement comes to an end in 1940. My information is that Canadian pure lard is sold here at 9½ cents per lb. and we cannot compete with that. I am quite sure that neither of the firms which manufacture white margarine and white compound lard can compete with Canadian lard. The only support for the coconut industry is the removal of the excise tax. I am sorry I had not this information yesterday when the other Bill was being considered, but on account of the discussion I made enquiries and got the information from a merchant of high standing in Water Street.

Mr. ELEAZAR: I have said all I wanted to say on this Bill, but I just rise to emphasize that I have not heard anything from the hon. Comptroller of Customs to make me feel otherwise than that this Bill does not go far enough. There is an admission that the makers of crude coconut oil are attempting by some device to make a refined article known as edible oil. That was the beginning of the drop in the price and the hampering of the people who are making a more refined article. By taking away the excise duty it gives them a better chance to pull the other people down to their level. Cannot Government see its way to restrict the maker of crude coconut oil to that manufacture? If that is done both will live,



otherwise both will continue to go down. The unfair competition by this illicit manufacture of what is termed edible oil was the commencement of the trouble. Government should step in and do the right thing. Let the crude oil manufacturers go back to where they started and remain there. I feel that this removal of the duty will not give the assistance that Government contemplates. As a matter of fact it will bring the industry down lower and faster.

Mr. MARTIN-SPERRY: What the hon. member for Eastern Demerara (Mr. Humphrys) has stated is correct. There has been a great deal of cabling to Canada within the last few days to bring down and flood this market with pure lard, which will land here in the present circumstances at a lower price, or even at competitive prices, or at slightly higher prices, or at such prices as adversely to affect the local compound lard—I am speaking not of all factories which attempt to make lard here—and make the actual production of this article inoperative. I have already on a previous occasion pointed out the difficulties and the ways and means by which outside concerns attempt to circumvent the objective desired, and I can only confirm what the hon. member for Eastern Demerara has just stated. This market will be flooded with pure lard, and it is up to Government and this Council to consider what steps should be taken to protect the local industry. That is all I desire to say on the subject.

Mr. WOOLFORD: I may be excused if in this debate I make a few observations. I am thoroughly familiar with the situation that is existing—the conditions surrounding the sale of coconut products, the manufacture of those products, and the effect on the community. I listened yesterday to the hon. member for Central Demerara (Mr. De Aguiar) inviting us to consider the situation as regards coconuts 100 years ago, and I was told by another hon. member that we are all hastening to a state of confusion. I feel that impression still exists to-day. At the present moment we are considering a measure which will remove the excise duty payable by the local manufacturers. The situation can only be met by degrees by Government. This is the precursor of future legislation. I happen to know—and other hon. mem-

bers do too—that while the Copra Products Ordinance imposed an excise duty on products manufactured from the coconut, it is a fact that one firm alone contributed towards the total excise duty as much as 70 per cent. of the aggregate payments to Government. It follows, therefore, that there are coconut manufacturers who are escaping payment of that duty altogether. As much as I would like to be able to blame Government in every respect for the failure of the legislation, I happen to know that it is possible whether an Ordinance is water-tight or otherwise for fraudulent people to drive a coach through it. I will give an example of what I mean. There have been several prosecutions; some have failed, and some have achieved their objective. To give an idea of what happened

In order that the manufacturer should put his product on the market, it is imperative that he should obtain what is called a “permit.” What do we find as the result of evidence led in public trial? The man manufacturing this supposed good edible oil applies to the Commissaries Department for a permit for the removal of 30 gallons of his stuff. It is given him, but he immediately removes 50 gallons and supplies his customers. You cannot make a provision in the Ordinance to prevent a fraud of that kind. I think the *bona fide* manufacturers have a right to complain in a good many respects, as while they are made to pay an excise duty the others escape it. It does appear to me that the proper thing at the moment is to relieve all manufacturers of the payment of this excise duty, if it means that there will be a stimulus in the purchase of coconut products. I conceive that will happen. In my opinion if the Government can see its way to reduce the price of copra under this very Ordinance that we are considering to one-half of what is now the fixed price, it will be a great help to the coconut industry. The manufacturers cannot afford to buy copra at the price fixed by Statute and compete with the edible coconut oil which is being produced. Although it is supposed to be controlled by a price of 45 cents per gallon, we know it can be purchased at a lesser figure, and the position is that the manufacturers, who have hitherto manufactured a good edible oil from copra, are precluded from continuing the manufacture of a high quality oil like that

because it is possible for the manufacturers of a similar product from coconut oil to undersell them all the time and to defraud the revenue by not paying an excise duty.

I have seen a draft Ordinance which would include in many respects the present situation. It would control the sale of all coconut products or all so-called edible oil, and would be of great help to the coconut producers themselves. It is essential that this Bill should go through, if the coconut industry should be partially saved from extinction. I have very great respect for the hon. Mr. Walcott's commercial experience and great respect for his contribution to this debate, because he is persistent in making the complaint that the measure we passed yesterday will not afford relief. If that is the position, Government will have the power to prohibit the importation altogether if that is the only thing to help the industry, but I do feel that Your Excellency's contribution to the subject yesterday is being entirely overlooked. I am in a position to state that Government is not to blame in the present circumstances. The Council has been informed on a previous occasion that the Anglo-American Trade Agreement was one concluded on the other side. This Government had not an opportunity to examine it. Whatever may be said about it, whatever may result from a situation of that kind, the fact remains that the local Government is not responsible for the present state of affairs. I do feel that if by some united efforts we can assist the local Government in its duty to the consumers and manufacturers of the coconut industry, if we can stand together it may be possible to get an amelioration of what is stated to be impossible. We must, however, go slowly.

In regard to the import duties imposed yesterday, it must be borne in mind that Government has the power to alter the provisions in the Customs Duties Ordinance and prohibit the importation of white margarine, if it is necessary, but at present it is desired that hon. members consider the removal of the excise duty, and at a later stage some argument and some examination of the Copra Products Ordinance can be proceeded with when the amending Bill comes up for discussion. Do not superimpose on Government the necessity to help the industry by reference

to other situations under an amending Bill which will be brought into the Council later on. All these arguments can be of use then, as to whether these people are to be licensed, or whether it is possible to license them at all, as the hon. member for Western Berbice (Mr. Peer Bacehus) suggested that edible oil should be only manufactured from copra. At the present moment the sole issue before this Council is whether we should allow the remission of the duty in the hope which Government has in view that there will be some relief to the coconut industry so as to stimulate the purchase of either the raw material or the oil. That is Government's hope, and I do hope hon. members will realize that is the present situation.

Mr. C. V. WIGHT: It was with some alarm that I listened to the remarks which have fallen from one who should know, that the merchants of this Colony had already attempted to balk the passage of any measure which may give support to the local industry. Surely merchants while they are in business for profits—and one does not deny them that profit—should realize that a short-sighted policy of just making a few dollars out of a commodity should be offset by protection to local products, which protection would undoubtedly raise the purchasing power of the community and thereby allow the community to purchase other articles from them and thus make up for any loss they might sustain on one particular commodity.

The hon. member for New Amsterdam (Mr. Woolford) has, I think, set out before this Council the aims of the measure which is before it at the present moment. There is only one point on which I cannot find myself in agreement with him, and that is the reduction of the price of copra. I have been reliably informed that it will not pay the producer to sell his copra under two or two and a half cents per pound. If there are only a few oil millers at present making articles of this nature, I think we can leave it to the good sense and the commercial morality of those persons to see that the consumer derives no benefit by a reduction of the price which may benefit them individually. I am in entire support of the motion, and I congratulate Government on the efforts which it is making at the present moment to resus-

cite this industry which is in a perishing state.

Mr. WALCOTT: I do not wish to be misunderstood. I did not say I was opposing the measure, but that I regretted the necessity for its having been brought. It is not going to help the coconut producers and in fact it is going to do the reverse. We will find that prices will go down even further than they are to-day. When the Ordinance was first brought in, the idea was to put a most impossible duty on the imported oil so as to keep it out. As a result we fixed for the benefit of the coconut producers a price of three (3) cents per pound for copra and 45 cents per gallon for crude oil. What is the comparative value of the two articles to-day? Crude oil is being sold at approximately 32 cents per gallon, and the price of copra remains the same.

As I understand it, the refining company here—the Demerara Oil Mills—are in a position to use either of these articles, but trading within the law they have got either to pay three cents per pound for copra or 32 cents per gallon for crude oil. I think it is fair to say that while they can buy and do buy oil at a cheaper price they want to legalize their action, with which I am in agreement. If it is only for that purpose this amendment is being brought in, then I am certainly not going to be against it, but I repeat I think it is a retrograde move and eventually you will find it so and the coconut producers themselves will also find it so. I regret that very much.

What has happened is that the coconut producers, as I said yesterday, were in the first place decidedly wrong in their view. In fact they went so far as to be actually dishonest in their action and tried to make a little more gain than they were entitled to. We, however, cannot think that all the crude oil makers in this Colony are dishonest and have not conformed with the law, but there are many of them who while conforming with the law have been indirectly helping illicit refiners to break the law by selling them crude oil. When this Ordinance started we had about seventy (70) of these crude oil makers in the Colony, and a year ago there were about four hundred (400) of them. Our population has not increased to the extent of

accounting for such a large increase in the number of crude oil makers. That should be obvious to the people who are controlling the carrying out of the Ordinance. Before that Ordinance came into effect we had an Ordinance which governed the production of crude oil, and after the co-ordination of the two things it should have been easy for those in charge of the carrying out of the Ordinance to see that there was something radically wrong. I am not going to oppose the Bill, but again must say that I regret it very much, and I am sure that not only Government will regret it but everyone concerned with the coconut industry.

THE CHAIRMAN: Before putting the question "That clause 2 stand part of the Bill" I wish to refer to a suggestion made during the course of the debate, which is based upon an entirely mistaken impression, and an impression which I definitely wish to remove. The point I am going to make was clearly made by the hon. member in charge of the Bill, but as the suggestion has been made subsequent to his speech I think I should emphasize the point he made.

The suggestion has been made that this Bill was introduced in order to overcome local difficulties that Government has been faced with in the collection of the Excise Tax. Nobody, who had listened carefully to what the hon. member in charge of the Bill said, would fail to realize that the Bill has been introduced for one reason only and that is to meet the difficulty that was mentioned by the hon. member for Eastern Demerara (Mr. Humphrys)—the importation of lard. That was the only reason for the Bill, and, as the hon. member in charge of the Bill has said, it is the intention of Government as soon as it is possible for us to place ourselves in a position to compete with that importation to reimpose the excise tax.

Question put, and agreed to.

The Council resumed.

Mr. D'ANDRADE: I move that the Bill be read a third time and passed.

Mr. CASE seconded.



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

Bill read the third time.

MINING (CONSOLIDATION) (AMENDMENT)  
BILL.

THE ATTORNEY GENERAL: I move that "A Bill intituled An Ordinance to amend the Mining (Consolidation) Ordinance Chapter 175, by providing for the making and enforcing of orders to cease work on a claim and by extending the powers of a Warden to certain officers" be read a third time and passed.

Mr. LUCKHOO seconded.

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

Bill read the third time.

BILLS—FIRST READING.

The following Bills were read a first time and notice given of Motion for their second reading at a next or a subsequent meeting of the Council:—

A Bill intituled An Ordinance to consolidate the enactments relating to the imposition of taxes for the public use of the Colony.

A Bill intituled An Ordinance to prescribe the method to be adopted in computing the taxes and rates to be levied by the Mayor and Town Council of Georgetown in respect of the years nineteen hundred and thirty-nine and nineteen hundred and forty.

A Bill intituled An Ordinance to make provision for the election of a Mayor of New Amsterdam for the remainder of the current year and for matters in connection therewith.—(*The Attorney General*).

A Bill intituled An Ordinance to amend the Diocese of Guiana Ordinance, Chapter 229, to make provision for increasing the number of the Trustees and for the exercise of the powers of the Trustees by three or more of the surviving or remaining Trustees.—(*Mr. Humphrys*).

GRATUITIES TO MESDAMES BERNARD AND  
SUTHERLAND.

THE COLONIAL SECRETARY: I move—

That with reference to the Acting Governor's Message No. 17 of the 9th of July, 1939, this Council approves of the payment of gratuities calculated in accordance with the provisions

of the Pensions (Amendment) Ordinance, 1939, to Mrs. O. Bernard and Mrs. K. G. Sutherland, in respect of their service with Government prior to resigning their appointments on marriage.

These two ladies resigned from the Government Service on marriage because they understood from a circular which was issued in 1930 by Government that they would be granted some gratuity. It was found impossible to grant the gratuity at that time as no Bill was passed in the Legislature. As hon. members are aware, the Bill was read a third time and passed yesterday and became law to-day. It is proposed therefore that these two ladies should now be granted a gratuity under the terms of that Bill. Mrs. Bernard served 11 years 11 months and the gratuity to her works out at \$619.66. Mrs. Sutherland has 6 years 3 months service and her gratuity works out at \$337.25.

Professor DASH seconded.

Mr. ELEAZAR: I have every reason to support this motion, and I do so in the hope that Government will not delay very long in bringing forward another motion in this Council, or a Bill if necessary, to meet the case of ladies married or about to be married who are in the Service. I do so because Government is well aware of the fact that they also serve who only sit and wait. It is not the fault of the ladies in the Service that they are not in a pensionable position, and that is no reason why when they get married they should be kicked out without anything. If they are married without telling anybody it is ferretted out and they are also kicked out without getting anything. I have always approved of ladies, whether they are in the Government Service or otherwise, when they are about to be married being relieved of their office as they cannot have things both ways, but at the same time they should be given something in the shape of compensation for faithful services rendered. I have said before and I repeat, that I have known several persons who have served Government for a long period and have been so treated.

This motion is really the precursor of better treatment to those persons to whom I have referred—and they are quite a few—and a warning to others that when they get into the Government Service they must



understand that they are not having it both ways. Government may also tell them when they are getting married, that once they are out of the Service they will not be taken back. I sincerely hope that this will be the precursor of better things for the ladies in the Service.

THE COLONIAL SECRETARY: I can only imagine that the hon. member is referring to female officers on the non-pensionable staff who have left their posts and not received a gratuity. As I understand, it is Government's intention to consider what can be done for female officers on the Unfixed Establishment. With regard to his pious hope that Government will not re-employ retired female officers, he does not expect me to give such an undertaking. One hon. member on my right (Mr. Woolford) said when the Bill was before the Council that I had a particularly warm spot in my heart for female officers who have left the Service. I plead not guilty to ever having re-employed a female officer who had been called upon to leave the Service because of marriage. It is quite a different point if the husband has died and she applies for re-employment, but I do not know of such cases.

Mr. WOOLFORD: I must rise to a point of correction. I never mentioned the name of the hon. Colonial Secretary. I simply said that certain heads of Government Departments have a striking penchant for re-employing married ladies of their departments. Whenever the necessity arises they are summoned and re-employed. I acquit the hon. Colonial Secretary of any previous disposition that way. (laughter).

Motion put, and agreed to.

#### COMPASSIONATE GRATUITY TO MRS. JANE BLACKMAN.

Mr. CREASE (Director of Education): I beg to move:—

That with reference to the Acting Governor's Message No. 21, dated 28th July, 1939, this Council approves of the grant of a compassionate gratuity of \$100 to Mrs. Jane Blackman in respect of her service as an uncertificated teacher.

The reason for this motion has been already given to hon. members of this

Council, and I have no doubt that hon. members will be more than willing to give their sanction to the motion.

Mr. ELEAZAR: I have great pleasure in seconding this motion. I have no pre-disposition to sanction money to be paid to uncertificated lady teachers or anybody else. I was once a teacher and I am always a teacher. Perhaps that is what I can be charged with, but I do support this motion with all my heart because I think that these ladies give of their best. Teaching is a very hard job, and a trying and patient one too, and some of the classes in the schools can only be managed by female teachers. When they become aged Government should do something for them and not throw them on the scrap-heap.

Motion put, and agreed to.

#### REMISSION OF STAMP DUTY TO DIOCESE OF GUIANA.

Mr. HUMPHRYS: I beg to move the following resolution:—

*Be it resolved* that this Council authorises the remission of the Stamp Duty of \$100 payable by the Diocese of Guiana under the Tax Ordinance, 1931, (No. 29 of 1931) in respect of the private Bill intitled "An Ordinance to amend the Diocese of Guiana Ordinance, Chapter 229, to make provision for increasing the number of Trustees and for the exercise of the powers of the Trustees by three or more of the surviving or remaining Trustees".

This motion, I hope, will meet with universal support. The Bill was read a first time this morning, and it is necessary. The object of it is really to increase the number of Trustees from three to five. It has been found awkward to only have three Trustees, as invariably one or two of them is or are on leave in England, when there are not enough in the Colony to carry on with. I think, I can say subject to correction and perhaps the hon. Colonial Secretary may be able to corroborate me, that there has been precedent for a motion of this kind. Hon. members of Council will support the motion.

THE COLONIAL SECRETARY: Yes, there has been a precedent for it.

Mr. KING: In seconding the motion, I know I need say no more than ask hon. members to support the motion. The

motion commends itself. The Church is an organisation carried on merely for certain people and for the benefit of the people as a whole. I have much pleasure in seconding the motion.

Motion put, and agreed to.

#### TAX BILL.

THE ATTORNEY-GENERAL: With the concurrence of hon. members I propose to move the suspension of the Standing Rules and Orders to enable the Tax Bill to be taken through all its stages and passed to-day without having given notice thereof. As hon. members will see from the reasons attached to the Bill, it is merely a consolidation Bill. There is only one substantive amendment. I think the time is available and there will be no objection to proceeding with the Bill. I therefore move that the Standing Rules and Orders be suspended to enable the Tax Bill to be taken through all its stages and passed to-day.

Mr. LUCKHOO seconded.

Motion put, and agreed to.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to consolidate the enactments relating to the imposition of taxes for the public use of the Colony" be read a second time.

Hon. members will see from the first clause the objects and reasons of the Bill. The whole object is to consolidate all the various enactments and amending enactments to the Principal Ordinance Chapter 34. The Ordinance was passed as far back as in the year 1929, and since then numerous amending Ordinances to be precise there have been twelve—have been passed, and the result is that the Principal Ordinance has been mutilated to such an extent that I venture to suggest that it is well-nigh impossible for a lawyer, much less a layman, to know what taxes are leviable in respect of various industries. Therefore it has been found desirable and necessary to consolidate all these amending enactments together with the Principal enactment. That has been done in this Bill. There are only four minor amendments to the Tax Bill, and these are contained in

clause 2 of the objects and reasons. They make no change in the law: One sets out the procedure which exists at the present time. It specifically applies to licences issued by District Commissioners and the Commissioner of Lands and Mines.

There is one substantial draft amendment in the Bill to which I wish to draw attention. Under section 49 of the Tax Ordinance as it now is, an entertainment duty is imposed on certain entertainments, but there are exceptions contained in the section which relate to race meetings, athletic sports and games, boxing contests, agricultural exhibitions. Representations have been received by Government from religious, charitable and other bodies who express the view that it is really invidious to make these exceptions and they also ask to be exempted from the entertainment duty. The matter has been taken a step further. Government has considered the position fully and carefully and the decision has been taken that the entertainment duty should be abolished altogether with one exception that the duty at present collected on Cinemas should continue. That is the only substantial amendment to the Tax Ordinance.

As far as possible where there is defect in the various sections of the Ordinance, the sections have been re-arranged so as to put them in their proper places. Although it is a consolidation Bill there has been no attempt to vary certain of the sections as exist to-day, notwithstanding the fact that some of them are not easy to follow. Some of the sections have received careful consideration by members of the public and have been subjected to judicial decisions; it is therefore unwise in the circumstances to vary the language or alter it to such an extent that may possibly give rise to new interpretation. The only attempt made is to put all these enactments in one so that it will be possible to see what duties are payable.

Mr. LUCKHOO seconded.

Mr. C. V. WIGHT: As a lawyer I must thank the hon. and learned Attorney-General for having consolidated the Tax Ordinances. I have no doubt that some hon. members of this Council may be of the opinion that lawyers do not work, but I can assure them that is a fallacious

opinion. There is one matter which I would like to know, and that is whether Government has considered the recent reports of the two committees which had dealt with and made certain recommendations on the licences and other matters as contained in those reports. The reports I am referring to, are the report of the Road Traffic Committee and the report of the Liquor Licensing Committee. I have not had an opportunity of going fully into the recommendations made by those committees, but I have been able to study certain of them and I see that they have not been incorporated in this Bill. I do not know whether Government is considering a readjustment of the taxation suggested by the Committees, or whether Government will be prepared to consider such readjustment when the Bill is in the Committee stage.

Mr. AUSTIN: I would like to bring up a question now, or perhaps later in Committee. It is in connection with clause 15. Your Excellency's Chancellor of the Exchequer, the hon. Colonial Treasurer, will require funds and there are several insurance companies operating in this Colony—very large ones which are established in the United Kingdom, U.S.A. and Canada with colossal capital—which contribute very little, if anything, to the maintenance of the Fire Brigade of this Colony or to the Government. This question has been brought up two or three times previously in this Council, but the hon. Colonial Secretary has only recently come back to us and, perhaps, he does not know or does not remember that this point has been tackled before. It seems unfair that the local companies with very small capital and whose money is distributed locally should pay a fairly heavy sum to Government for the protection afforded by the Fire Brigade, while the larger companies who are also interested in fire risks in this Colony contribute a mere \$250 to Government. I am asking if it cannot be changed at this particular moment, that it be given consideration later in the year when the Estimates are being framed.

Mr. MARTIN-SPERRY: I should like to support in its entirety what the hon. Nominated member, Mr. Austin, has just stated. The local insurance companies are paying four times as much in taxes as the insurance companies which are registered

outside this Colony. In some cases these foreign companies have agents here and in some cases none. Apart from the contribution of the local companies to the Fire Brigade, there is the other aspect of the employment of the local labour. The large insurance companies of the world represented here contribute very little to local labour, and what they are really doing is to take money out of the Colony. I want strongly to endorse every word the hon. Mr. Austin has stated in his request that Government should take into consideration either the raising of the tax on foreign insurance companies to the same amount as paid by the local companies or reducing the amount paid by the local companies.

Mr. LEE: I think this is the opportunity I should take to ask Government whether it has considered the question I raised in respect of bicycle licences. I intend in the Committee stage to ask for a reduction of that licence duty as well as that for donkey-carts and dogs in Georgetown.

The COLONIAL SECRETARY: With regard to the payments made by the Insurance companies to Income Tax in respect of their contribution to Government for the Fire Brigade, all I can say at the moment is that the companies have made representation quite recently to Government, but I am unable to give any undertaking as to the action, if any, which will be taken.

Mr. ELEAZAR: I was waiting to hear if the hon. member for New Amsterdam (Mr. Woolford) had anything to say on this Bill, but it seems that he does not intend to say anything, and I am sorry. It seems that by reason of his elevation to the "Star Chamber" he is a participant in bringing this Bill forward, and I want to say it is a fine thing. Older hon. members of the Council will remember that every year we used to go through the Tax Ordinance, and those taxes which were found to have been prohibitive and those which had yielded nothing during the year were amended or adjusted, and new taxes were imposed on things which could stand taxing. Later on the Chamber of Commerce and merchants kept complaining that there was too much tinkering with the taxes, and that when the taxes were raised at the begin-

ning of the year and they expected to bring goods in at one cost the Customs Duties were again raised and they could not bring those goods in except at an increased cost. Government decided to pass a fixed Bill and make it continuous. There is no looking into the operation of the Bill at the end of each year, and so many things have passed muster and are still there which should not be there.

Looking at this Bill I see that most of those ancient taxes, some yielding nothing and some prohibitive, still remain to keep the people out of the particular things affected. I do not think we are going to rush this Bill. It is as cumbersome as ever, and you cannot at one glance find out all the anomalies. I will give a single instance. Why should a Public Notary, who is either a solicitor or somebody trained in the Deeds Registry, before taking the oath and being registered be made to pay \$30? To give one useful example. I know a case, if you look in the archives of Government you would find it, one of Your Excellency's immediate predecessors, the late Sir Edward Denham, granted a Notary Public licence to a person. He was given it as a mark of recognition of his services, but the man would not pay \$30 for it. He thanked Sir Edward for it but would not take it, and the licence is lying somewhere in the archives of Government. Why should a person pay \$30 to take the oath to be a Notary Public before he can get that certificate, when it is only an adornment which will not yield him one shilling as the result of possessing it? That should be eliminated. That is one of several, Your Excellency. I do not know that we can take this Bill through all its stages to-day, as we do not always get an opportunity to go through the Tax Ordinance, and now that it is consolidated it will take a little time because we will not be coming back to it for the next five or more years.

**THE ATTORNEY-GENERAL:** This year probably. The Tax Ordinance must be frequently amended.

**MR. ELEAZAR:** There is some consolation in that, but in this case we should have an opportunity to look for a few of the cases, which Government should look for now rather than putting it off. It is not fair to us to go through this Bill in

such haste. We should do so with care so as to see that we tax only those things which can bear taxation and exempt all those which should not be taxed but had been taxed, and thus give a square deal to all concerned.

**MR. WOOLFORD:** I hope to live and see the day when the hon. member who has just resumed his seat is admitted into the "Star Chamber".—

**MR. ELEAZAR:** I have withdrawn that remark long ago.

**MR. WOOLFORD:** I hope it will have the effect of changing his opinion about some of the measures brought forward, as in this case. This is a permanent measure and has been so since 1928, and it has been open to any hon. member at any time he liked to make motions suggesting amendments whether by way of increasing or reducing the taxes imposed. It is only on such initiative the proposal for the increase or reduction of a tax is possible. It may be of some interest to the hon. Mr. Martin-Sperry, as hon. members will agree, if I recall that 29 years ago I sat in that very seat and made suggestions such as he made to-day. One of my proposals was to put a tax on insurance companies, and I tried to differentiate between the licence duties on the local companies and those on the foreign companies. I am especially pleased to find that suggestion has been supported by the hon. Mr. Austin, because I received such a chastisement at the time from the hon. Mr. Martin-Sperry's father on the ground that it was not part of an Elected member's duty to submit measures for taxation, that I wonder what would have happened if his late respected father was alive to-day and read in to-morrow morning's papers that his son had made a proposal of that kind to Government. It is equally true that it is one of the benefits of the present Constitution—I do not say it is what I would like it to be—that men like myself who belong to the Old Brigade can sit here and hear the hon. Mr. Austin suggesting to Government the increase of taxes. That was not possible in the old days.

I do say that a suggestion of that kind should have been given effect to many years ago, but there was a little danger in



that because the foreign insurance companies, it must be borne in mind, carry fire risks in this Colony which local insurance companies cannot carry. Whilst I am quite willing to be guided by the advice and opinion of hon. members, who are both commercial men and directors of insurance companies, and I feel it is important to the insurers of this Colony that their risks should be carried by local companies, I am not aware that in the case of Water Street fire risk a local insurance company can bear it. European companies should have some representative here and should be able to carry risks on local properties. I do not think the licence duty matters at all. What I wish to advocate is that we should not impose such a licence duty as to compel the foreign companies to withdraw from the Colony altogether.

There is just one other matter. Because this Bill is a permanent one and affects so large a number of people, I hope it will be possible for Government to provide a substantial number of copies available for sale. The Tax Ordinance has been amended twelve times, and, appearing as it does now in a more or less consolidated form, a copy should be readily available to the public. I think it should be sold cheaply. There should be no question of additional copies being not available even if the public has to pay extra for a copy.

**THE ATTORNEY-GENERAL:** As the hon. member for Berbice River (Mr. Eleazar) has intimated he would like an opportunity to further consider the clauses of this Bill, I do not desire to suggest that the Bill be taken through all its stages and passed to-day if he is still earnest in his desire to peruse its clauses. With respect to the remarks of the hon. member for Western Essequibo (Mr. C. V. Wight), I should like to say that the report of the Liquor Licensing Committee has received the consideration of Government, but it has not been found possible to prepare a draft Bill owing to insufficient time at the disposal of the Attorney-General. I have no doubt, however, that as soon as the opportunity arises an attempt will be made to take some action on the report of that Committee.

With respect to the report of the Committee on Road Traffic, perhaps I may observe that one of the amendments in the Bill in the second section of paragraph (a) Clause 2 is the result of the recommendations of that Committee. There again I regret to say that owing to pressure of time upon the chambers of the Attorney-General it has not been possible to complete the drafting of that Bill, but I personally give the undertaking that every endeavour will be made to have the Bill ready in time for presentation and introduction to the Council in the month of October. I would like to know whether the hon. member for Berbice River still wishes the Council to adjourn, if so I suggest that we do so until to-morrow.

Question put, and agreed to.

Bill read the second time.

**THE PRESIDENT:** As the hon. Attorney-General said he has no wish to ask the Council to pass a Bill dealing with taxes, although it is a consolidation Bill, on a suspension of the Standing Rules and Orders if some hon. members desire some time to peruse the various clauses, and that being the case, I think it is better to defer the Committee stage until to-morrow.

**Mr. HUMPHRYS:** Can Your Excellency defer it until next week? It will not be very much time if the hon. member for Berbice River really wants to go through this Tax Ordinance. It seems to me that between now and to-morrow affords very little time. I put it forward as a suggestion. I am in Your Excellency's hands in the matter.

**THE PRESIDENT:** As far as deferring further consideration of the Bill to next week is concerned and there is no objection whatever from a Government point of view. I was considering the convenience of hon. members and had hoped that we would not have to meet next week. I hope that we will finish all the business during this week. I think that we can leave discussion on this particular point until to-morrow.

The Council adjourned to 10.30 a.m. on the following day.