

LEGISLATIVE COUNCIL

WEDNESDAY, 31ST DECEMBER, 1952

The Council met at 2 p.m.

PRESENT:

The President, His Excellency the Officer Administering the Government, Mr. John Gutch, C.M.G., O.B.E.

The Hon. the Colonial Secretary, Mr. J. L. Fletcher, O.B.E., T.D. (Acting)

The Hon. the Attorney-General, Mr. F. W. Holder, Q.C.

The Hon. the Financial Secretary and Treasurer, Mr. E. F. McDavid, C.M.G., C.B.E.

The Hon. T. Lee (Essequibo River).

The Hon. V. Roth, O.B.E. (Nominated).

The Hon. G. A. C. Farnum, O.B.E., (Nominated)

The Hon. D. P. Debidin (Eastern Demerara).

The Hon. J. Fernandes (Georgetown Central).

The Hon. Dr. C. Jagan, (Central Demerara).

The Hon. A. T. Peters, (Western Berbice.)

The Hon. W. A. Phang, (North Western District.

The Hon. G. H. Smellie, (Nominated).

The Hon. W. A. Macnie, C.M.G., O.B.E. (Nominated).

The Clerk read prayers.

The Minutes of the meeting of the Council held on Tuesday, the 23rd of December, 1952, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORTS AND DOCUMENTS

The Financial Secretary and Treasurer: I beg to lay on the table the following documents:

The Supplementary Estimate for the quarter ended 30th September, 1952;

The Schedule of Provision required during 1952 for Development Plan Services for the quarter ended 30th September, 1952, to be met from surplus balances.

GOVERNMENT NOTICES

INTRODUCTION OF BILL

The Attorney-General: I beg to give notice of the introduction and first reading of the following Bill, and of my intention to move the suspension of the relevant Standing Rules and Orders in order to proceed with the first reading at a later stage:—

A Bill intituled "An Ordinance to provide for the import and export duties of customs to be imposed upon certain goods imported into or exported from the Colony and for the importation and exportation of any goods without payment of Customs duty.

SUPPLEMENTARY ESTIMATES

The Financial Secretary and Treasurer: I beg to give notice of the following motion:—

(i) "That, this Council approves the Supplementary Estimate for the quarter ended 30th September, 1952, which has been laid on the table."

DEVELOPMENT PLAN SERVICES

(ii) "That, this Council approves the Schedule of Provision required during 1952 for Development Plan Services for the quarter ended 30th September, 1952, to be met from surplus balances, which has been laid on the table."

PETITION

Mr. Roth on behalf of Dr. Singh, laid over a petition from Harry Cyrus, retired checker and time-keeper, Public Works Department, praying for a gratuity.

RETURN OF CLERK OF COUNCIL

Mr. Lee: Before the Order of the Day is proceeded with I desire, on behalf of this Council, to welcome back to duty the Clerk of the Council, Mr. Crum Ewing, who was our delegate at the Commonwealth Parliamentary Association's Conference which was held in Ottawa recently.

Mr. Farnum: The hon. Member has anticipated me. I am very glad to see the Clerk of the Council back and I am sure that the experience he has gained will be useful both to himself and to us.

ORDER OF THE DAY

GOVERNMENT WHARVES (CHARGES)
RULES, 1952

The Colonial Secretary: I beg to move —

"That, this Council approves of the draft Government Wharves (Charges) Rules, 1952, which have been laid on the table."

Under section 4 of the Government Wharves Ordinance, 1903, this Council is empowered to make Rules for the levy-

ing of tolls or other payment to be made by any person or vessel using any Government wharf. These Rules, which we are now considering, provide for the levying of charges on vessels loading or discharging any material for emergencies at the Government wharves listed in the Schedule to the Rules. Provision is made in the Rules for obtaining the prior approval of the General Manager of the Transport and Harbours Department before a vessel proceeds to load or discharge, and provision is also made that such vessel, even after permission has been given, must give way to a vessel of the Transport and Harbours Department. The Rules and charges have been considered by the Advisory Council of the T. H. D., and have been approved by that Board and recommended to this Council. I beg to move that the Rules be approved.

The Financial Secretary and Treasurer: I beg to second the motion.

Motion put, and agreed to.

CUSTOMS DUTIES BILL, 1952

The Attorney-General: I beg to move the suspension of the relevant Standing Rules and Orders to enable me to move the first reading of the Bill intitled—

"An Ordinance to provide for the import and export duties of Customs to be imposed upon certain goods imported into or exported from the Colony and for the importation and exportation of any goods without payment of Customs Duty."

Hon. Members will recollect that during the course of the consideration of the Bill to consolidate and amend the law relating to Customs, I pointed out to this Council that Parts I and III of the First Schedule to that Bill had not been printed, but that in due course those

two Parts would be presented to the Council for consideration. I also pointed out that in the Provisional Collection of Taxes Ordinance, Chapter 41, section 2 reads:—

"2. When the Governor-in-Council has, during any session of the Legislative Council, approved of the introduction into the Legislative Council of a Bill whereby, if it be passed into law, an import or excise duty is imposed on any article or articles previously exempt from that duty, or whereby the import or excise duty or duties previously payable on any article or articles is altered, the Governor-in-Council may order that the Comptroller of Customs or the Chief Commissary, as the case may be, shall demand, levy, and collect on that article or those articles, the respective duty or duties set forth in the Bill as the duty or duties to be levied thereon respectively, instead of the duties payable thereon, respectively, under the existing law:

Provided that, where the alteration of the duty contained in the Bill is a reduction of the duty under the existing law the duty under the existing law shall be levied and collected."

Then section 3 states:—

- "3.—(1) Every Order aforesaid shall come into force on the day whereon a motion for the first reading of the Bill is made in the Legislative Council and, for the period limited by this section, shall have statutory effect as if contained in an Ordinance.
- (2) The Order shall cease to have statutory effect
- (a) on the rejection by the Legislative Council of the Bill in respect of which the Order was issued; or
- (b) on the withdrawal of the Bill; or,
- (c) when the Bill enacted comes into operation as an Ordinance".

This Bill has already been approved by the Governor in Council and an Order has been made by the Governor in Council in terms of the provisions

of this Ordinance. Therefore, it is necessary that I should ask for the suspension of the Standing Rules and Orders to enable me to move the first reading of the Bill so as to bring it within the ambit of this provision. Hon. Members will, of course, appreciate the necessity for this procedure where taxation is being changed or altered. Accordingly, I beg to move that the relevant Standing Rules and Orders be suspended. I should like to add that a Bill is now being published to revise all the Standing Rules and Orders, and that in Rule 37 (e) it is provided that—

"(e) Every Bill, except a Bill to impose or alter import, export or excise duties, shall be published in the *Gazette* for general information."

As this is a Bill of that nature it has not been published in the *Gazette*, for very obvious reasons. I may mention also that the Customs Ordinance which has already received its third reading, will be published in Saturday's *Gazette*. I beg to move that the relevant Standing Rules and Orders be now suspended.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Standing Rules and Orders suspended.

The Attorney-General: I beg to move the first reading of a Bill intitled—

"An Ordinance to provide for the import and export duties of Customs to be imposed upon certain goods imported into or exported from the Colony and for the importation and exportation of any goods without payment of Customs duty."

In moving the first reading I must emphasize the fact that in pursuance of section 3 of the Provisional Collection of Taxes Ordinance these taxes and rates are col-

lectable. The rates which appear in the tariffs to the Schedule will be the rates which the Comptroller of Customs is authorized to collect. I move that this Bill be now read a first time.

The Colonial Secretary: I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

The Attorney-General: May I be permitted to mention one fact — that it is not proposed to deal with the items of the tariffs now, but that is the law following upon the Provisional Collection of Taxes Ordinance and the Order in Council made thereon. Hon. Members will have an opportunity to study the tariffs in detail, so that when the Council resumes they will be in a position to express their views in connection with those tariffs. That is the procedure which has to be adopted in the light of the particular circumstances in respect of the collection of certain taxes of this nature. I may also mention that if and when the Bill is passed there is provision in the Bill for Parts I and III to be inserted in the Customs Ordinance which has just been enacted.

The Colonial Secretary: May I inform hon. Members of a rather unfortunate thing that has happened with regard to the supply of copies of the Schedule of Tariffs. The most careful arrangement was made to have 1,000 bound copies available for importers and merchants tomorrow morning. They were despatched in time from London by air mail, and were due to arrive in the Colony last Saturday. After a lot of telegraphing we have managed to track them down at Dakar, from where they will go on to Paramaribo and then to British Guiana. It is very unfortunate, and I do hope that importers and merchants will not be put to too much inconvenience by the one or two days' delay, which is quite unavoidable as far

as we are concerned in British Guiana, before these bound printed copies of the Tariffs arrive. In order to assist, the Comptroller of Customs is making a number of copies available for use by the public in the Bondroom at the Customs House, and also to supply the Chamber of Commerce. They may arrive tonight, or there may yet be another day before those copies turn up.

Mr. Fernandes: Is this going to be published in the *Official Gazette*?

The Attorney-General: This will be published but, as the hon. the Colonial Secretary has pointed out, the copies we had hoped to be available for publication in the *Gazette* have not yet arrived. It will be published in the *Gazette* in due time. Copies were made available for Members so that they could have them before them today. I may mention that hon. Members will see that amendments have been inserted so that there should be no misapprehension in regard to them. They are on page 48—the substitution of “free and 7½%” for “3 and 10%” in respect of item 716—04 “Wood working machinery”. On page 66 the insertion in item 12 of a new sub-item (3) and the renumbering of the printed sub-item (3) as (4) and also the insertion of the words “and Norway” after the word “America” in the third line. On page 67 the deletion of item 26 and on page 68 the insertion of the words “other than newsprint” after the word “paper” in the first line of item 42. I am just mentioning them for the purpose of record.

Mr. Fernandes: I think there is a misprint on page 35—

Mr. Macnie: When is it proposed to take the second reading?

The Attorney-General: On Thursday, 8th January.

Mr. Macnie : I am thinking of what the hon. the Colonial Secretary said about the unfortunate delay of the arrival of the copies. We all realize that no one here is responsible. I wonder when those copies will arrive, and whether they will arrive in time to permit of study by those largely concerned, many of whom are not here.

The President : They should arrive here before the 8th January. I thought hon. Members would want to get through this matter as quickly as possible.

The Attorney-General : We have no desire that opportunity should not be given to those who are interested in the Tariffs and matters of this kind to study the details.

The President : It is to the general advantage to have more time.

Mr. Smellie : Would it be possible for the hon. the Attorney-General to say where these Tariffs differ to some extent from the Tariffs now in existence?

The Attorney-General : There are variations, but I am not prepared to say to what extent at the moment. I will be ready to go into the details when we meet next Tuesday.

Mr. Fernandes : I was wondering whether it is possible for Government to supply Members with a complete copy of the present Tariffs. The only way the copy of the proposed Tariffs is of use to us is if we can compare them with the duties at present existing. Then one can see exactly where changes are made and what effect they are likely to have. Except one can get the whole of the present Tariffs one would not be in the position one should be when the proposed Tariffs are being discussed. I agree with the hon. Member that perhaps it may be better to have two weeks instead of one to study them. Whether

we have one or two weeks, however, it is essential that we have copies of the present Tariffs.

The Attorney-General : We can take the second reading and go into Committee, and on those items which remain the same, obviously no discussion will be centred around them, or where there are any reductions. There may possibly be consideration of items which are increased, but those items may be increased to such an extent that probably it will not be worth while discussing them. So I think hon. Members will appreciate the point that if we can take the second reading on the 8th January, by that time they may have a more intimate knowledge of the changes.

Mr. Macnie : With due respect to the hon. the Attorney-General, is he going to inform us which items have been increased or decreased? Otherwise, the remarks of the hon. Member for Georgetown Central apply. Those of us who have copies of the existing Tariffs know that there are very few available.

The President : I think it is desirable that Members should have copies of the present Tariffs. We may leave it like that for the moment. I want to mention one other point and that is, it is important that the Finance Committee should get down to the consideration of the draft Estimates. I do not know whether Members would be prepared to start on Monday. The hon. the Financial Secretary and Treasurer is quite ready.

Mr. Debidin : May I make an appeal that we sit, if possible, in the evenings, and especially when we come into Council with what has been done in Finance Committee, so as to get through the Budget as early as possible. We know how tedious and long the sittings are. It is merely a request that we sit

in the evenings rather than during the day.

The President: I have no objection to sitting at nights.

Mr. Fernandes: I do not mind whether we sit in the evening or during the day, but I cannot attend before Wednesday next, except at great inconvenience. I have attended several meetings of the Finance Committee, and I remember on one occasion having to sit in this Council Chamber from 2 o'clock until after 3 o'clock, awaiting to get a quorum for a start to be made. I am afraid, Sir, if the meetings are to be held on Monday and Tuesday next, the hon. the Financial Secretary and Treasurer may find himself in the position of having to wait for a quorum and losing much time. I am prepared to work continuously from Wednesday next, day and night if necessary. I have already fixed my business for Monday and Tuesday next.

The President: Should we say Wednesday?

Mr. Fernandes: We can continue every day after that.

The President: If we are not able to take the Bill on Thursday, then the hon. the Financial Secretary and Treasurer may utilize that day.

NEW YEAR FELICITATIONS

Mr. Debidin: As one of the elected Members of this Council may I crave your indulgence, sir, as this is New Year's Eve, to extend felicitations for the coming year, first of all to you as President of this Council, and to wish you all health and happiness in the coming year. In that I wish to join your "better half" Mrs. Gutch. I feel that I speak for the entire Council in these good wishes which I most heartily extend.

In doing so I also wish to remember one who had been President of this Council for the best part of the year. I refer to Sir Charles Woolley. I do wish this Council would send him its best wishes for peace and happiness in his retirement and particularly in the year 1953.

We know, sir, that the President of this Council has a very important function to perform. Not only has he got to contend with the affairs of State but with conflicting points in debate and procedure, and even conflicting emotions in this Council, and he has to be very firm at times in his control of the meeting. I feel very proud to be able to say that in procedure, especially in the light of recent experience in other places, British Guiana stands second to none in the dignity and decorum in which the debates and the conduct of affairs take place in this Council. We do set a very high standard, and I am able to say so, having visited other places within recent times.

Speaking personally I do wish also to join those who have been working very hard in this Council,—not only the Clerk of Council, to whose honour it has fallen to represent this Council at the Parliamentary Association Conference recently, and the one who acted in his place, but also the Official Reporters.

As regards Members of Council I need hardly say that I know each one would like to wish the other every happiness in the coming year, and particularly success in any political venture in which they may sally forth.

That brings me to the point that as we approach the New Year we must be very conscious of the fact that 1953 is going to be pregnant with a great deal of history-making for British Guiana. I feel extremely confident that the General Elections, one of the greatest events in the history of

this Colony, will have come and passed, as it will, under the new Constitution, be based on adult suffrage, with satisfactory results to British Guiana. It is my hope and prayer that the results will be satisfactory. We do wish that the people of this country will show a marked sense of responsibility in not merely knowing how to exercise the franchise but also in bearing the responsibility which the new Constitution will throw upon their shoulders—those who have to elect under that Constitution the men who are to carry on in a very large measure the affairs of Government which hitherto were carried on by Officials of Government. It is a rare responsibility, and I do send up a prayer and an appeal that when we approach that big day in the New Year the people of this country will choose wisely their leaders for the new Government to come into this Council. I look forward extremely confident to the future of British Guiana, and I will end on this note:

that everyone in British Guiana must pull together and pull in the right direction, if that direction is to take us to progress and prosperity.

The President: I am very grateful to the hon. Member for his kind wishes to myself and wife, and to Sir Charles Woolley. I am sure Sir Charles will very much appreciate the fact that he has been a source of honourable mention on this last day of the old year. I should also like to endorse a lot of what the hon. Member has said, but I am afraid it is not proper for me to wish hon. Members all success in certain directions. But we have got to know one another during our time in this Council, and it would be a matter of regret not to see any of you here when the new Assembly meets. I think that in a sufficiently cautious remark. I wish you all the best in 1953.

Council adjourned until 2 p.m. on Thursday, 8th January, 1953.