

LEGISLATIVE COUNCIL.*Wednesday, 22nd October, 1941.*

The Council met at 11 a.m. His Excellency the Officer Administering the Government, the Hon. G. D. OWEN, C.M.G., President, in the Chair.

PRESENT.

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

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

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

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

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

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

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

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

The Hon. N. M. Maclellan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Labour and Local Government.

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

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

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

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

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

The Hon. F. A. Mackey (Nominated Unofficial Member).

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

MINUTES.

The minutes of the meeting of the Council held on the 17th of October, 1941, as printed and circulated, were confirmed.

PAPER LAID.

THE COLONIAL SECRETARY (Mr. G. C. Green, Acting) laid on the table the following report:—

The Report of the Commissioners of Currency for the year 1940.

UNOFFICIAL NOTICES.**LA BELLE ALLIANCE STOCK FARM.**

Mr. C. V. WIGHT gave notice of the following questions:—

1. What is the area of the Stock Farm at La Belle Alliance?
2. How many cattle are agisted in this area?
 - (a) Cows and heifers.
 - (b) Steers.
 - (c) Sheep.
 - (d) Any other animal during the past twelve months, also the maximum number of head in any one month during this period.
3. What is the price per head charged for cattle, sheep, or any other animal per month?
4. Are there any other pasture lands at Anna Regina? If so please give the above figures for such area.
5. How many pedigree bulls are kept at the Farm?

RICE MARKETING BOARD.

Mr. C. R. JACOB gave notice of the following questions:—

1. (Disallowed).
2. (Disallowed).
3. (Disallowed).
4. Is it a fact that the firm of S. E. Lee & Co. (Part of this question disallowed) supplied the Rice Marketing Board with about 20,000 bags of rice as from 1st December, 1939, if not, what quantity of rice was actually supplied to the Board by this firm, and what amount was paid by the Board to the firm?
5. Is it a fact that this firm also sold in the open market at prices fixed by the Board for the sale of rice a large quantity of rice which

the Board was unable to take over on account of infestation by weevils, after the Board assumed full control of the rice industry?

6. How many bags of rice were purchased and the amounts paid to the 34 Licensed Rice Exporters, including Messrs. S. E. Lee & Co., when the Rice Marketing Board took control of the rice industry on 1st December, 1939, each exporter separately?

7. Are the Income Tax Commissioners satisfied that the firm of S. E. Lee & Co., submitted correct returns of Income for the years 1939 and 1940?

8. Whether the Income Tax Commissioners are satisfied or not, will the Government cause an enquiry to be made to ascertain what amount was paid by Messrs. S. E. Lee & Co., to the suppliers of the rice, and what amount was received by the firm from the B.G. Rice Marketing Board for all the rice supplied to the Board, including empty bags?

9. Will the Government cause a further enquiry to be made so as to ascertain to whom the surplus was paid from the rice transaction mentioned in questions 4 and 5?

10. How many times the Hon. E. M. Walcott Nominated Unofficial Member of the Legislative Council, Governing Director and later Liquidator of Messrs. E. M. Walcott & Co., Ltd., was appointed a Member of the Rice Marketing Boards since 1932, giving the periods of his service, and the reasons why he resigned or whether he was asked to resign in 1939, on account of the fact that his Company was licensed to export rice?

11. (Disallowed).

12. What amounts were paid by the B.G. Rice Marketing Board for lightering rice from the various wharves to exporting vessels during 1939 and 1940, each month separately, and to whom were the amounts paid?

ORDER OF THE DAY.

RENT RESTRICTION BILL, 1941.

The Council resumed the debate on the second reading of the following Bill:—

A Bill intituled an Ordinance to restrict in specified areas the increase of rent of certain classes of dwelling-houses and the right to recover possession thereof, and for purposes connected with the matters aforesaid.

Mr. GONSALVES: In respect of this Bill quite a fair amount has been said already, but I would like to point out one or two things. First, with regard to the remarks of the hon. Member for New Amsterdam (Mr. Woolford) as to the reason for the introduction of the Bill, my recollection is that it was the result of representation by the Labour Union in connection with the rental paid by the labouring classes and the appointment of a Committee by Government to go into the matter. That Committee consisted of a

Member of the Legislative Council, a representative of the Chamber of Commerce and, I think, a representative of the Labour Union, with the Official Receiver as Chairman. It is rather significant that the Official Receiver should be appointed Chairman of the Committee. Whether he was there to protect the tenants or the landlords I do not know. The influx of Americans into the Colony recently has been contributing in a way to the increase of rents, but only in regard to the larger size houses, and did in no way affect the smaller classes of people at all. It is, therefore, not altogether correct to say that the reason given by the hon. Member for New Amsterdam is altogether true.

It has been said by the hon. Member for Central Demerara (Mr. De Aguiar) that whilst there may be some landlords who have been unconscionable in regard to their rents there are others who are suffering to a certain extent. The plea has been put up as regards the cost of materials and I think it is admitted that at the present time building materials, including paint and oils and things of that kind are exceedingly high. As regards paint oil there is no control of the price, and landlords find it very expensive to paint their buildings. I think that is the experience of Government through the Public Works Department which is concerned with the maintenance of Government buildings. I am sympathetic enough to attribute the cause of Government buildings being in the unsightly condition that they are to the excessive cost of painting materials.

With regard to the Bill itself the first point is as regards "standard rent" in clause 2. In the 1922 Ordinance there was a provision for an addition of 30 per cent. on what was the rent in 1914. There were two alternative rents fixed—what the rent was in 1919 or what it was in 1914 plus 30 per cent. I had intended to suggest to Government two alternatives—either give 30 per cent increased rent or adopt what exists under the English Act, an amount not exceeding 15 per cent. added to the rental as it was in the days fixed by the Ordinance, but I see from the amendment put before us this morning an increase of 10 per cent. is proposed. I am sorry it has been laid so late as not to give me an opportunity of comparing the proposed amendment with the existing sections of the Ordinance. I could not

get through the whole of it. Whether it be 10 or 15 per cent. is a matter which should be fully considered when that clause is reached in Committee. I do think that under existing conditions it is advisable that some provision be made for the addition of 10 per cent to what the rent was in 1919.

With regard to clause 3 it is suggested that the Ordinance should apply to cases where the rent does not exceed \$720. I observe from the remarks of the hon. Attorney-General when introducing the Bill, that when the first Bill was introduced in 1922 it was originally suggested that the amount should be \$480 but the Council increased it to \$720. I do not know what was the reason for the increase and I have not been able to look up Hansard to see the reason, but I certainly think and I intend to suggest, that the amount should be fixed at \$480. I hope Government will see its way to accept that amount when the time comes to propose the amendment.

Sub-clause (7) of clause 3 proposes that the Ordinance should apply to dwelling-houses in the City of Georgetown or within three miles of the boundaries thereof. I do not know whether Government has considered it still necessary to have the three miles limit or to restrict the Ordinance to Georgetown only. I see, however, that in clause 4 there is provision for the Governor in Council at any time to extend the application of the Bill. Government may consider leaving out the three miles beyond the limits of Georgetown and the Governor in Council can later, if they deem it necessary, extend it to cover areas outside the limits of Georgetown. I suggest that is a matter which the hon. Attorney-General and Government may consider. As regards clause 5 which fixes the date as the 8th March from which the tenant will be able to recover excess rent—

THE ATTORNEY-GENERAL: That is in sub-clause (2) of the proposed amendment to that clause.

Mr. GONSALVES: It provides that recovery of the excess rent should be from the 8th March, 1941. I have been trying to think why that particular date was chosen. I looked up the date the Bill was first published and saw that it was the 21st May, 1941. I expect the hon. Attorney-

General to explain why that particular date has been chosen. I do agree that a date has to be fixed, and further that it should be some date in this year rather than to go back to September, 1939, as was at first proposed.

With regard to clause 6 (1) an amendment has been proposed, but as far as I see it just throws the onus on the tenant to apply to the Court and ask for the relief. What strikes me about that is this, comparing that clause with clause 13 (5), clause 6 (1a) allows 8 per cent. of the amount for improvement and alteration, and it seems to be limited to that only. But clause 13 (5) says: "A magistrate may, as a condition of sanctioning any increase of rent or part thereof, require that the dwelling-house be repaired and kept in repair to the satisfaction of the magistrate." The Magistrate can refuse to allow the increase unless the house be kept in repair, but the landlord is not allowed anything for repairs except for improvement or structural alteration. If power is given to the Magistrate to impose an obligation upon the landlord to keep his place in repairs, you must allow something for those repairs. It seems that the suggestion put forward by the hon. Member for Georgetown Central (Mr. Percy C. Wight) that the amount be increased to 10 per cent. is reasonable in view of the provision under clause 13 (5). Either that or the provision of sub-clause (5) of clause 13 should be struck out. If it is not intended to give the increase as suggested in clause 6 then it seems that the provision of sub-clause (5) should be taken out. It was on that point I intended to suggest that the clause provide for an amount of 15 per cent. I see the hon. Attorney-General has given an amendment for 10 per cent., but as I have said, that may be reserved for discussion when the proposed amendment is put to the Council.

Whilst on this point of increase I desire to point out that with the passing of this Bill with its provisions in regard to getting a reduction of rent or increase, as the case may be—I think the hon. Attorney-General would appreciate that—it must necessarily entail more work on the Magistrates in Georgetown, and Government will have to consider whether or not, at least for some time, an additional Magistrate will not be required in Georgetown in order to cope with the work. As

it is in regard to the existing work in the Court, the Magistrate themselves complain that they are unable to do more than they do at present. If further work is to be thrown on them, then it seems there is necessity for Government to consider what arrangement can be made in that direction. I point that out lest it be lost sight of. Should there be complaints later that the work cannot be done Government cannot say it had no idea of it. If tenants can get advantage from the operation of the Ordinance and landlords too, there should be someone appointed who would be able to see that the Ordinance is operating satisfactorily to both parties.

With regard to clause 7 as worded in the Bill there are a few deletions compared with the similar provision in the Ordinance of 1922. If you refer to section 6 subsection 1 (d) of the 1922 Ordinance, amended by section 3 of the Ordinance of 1924, and compare that with the corresponding clause in the present Bill, it will be observed that the words "or for any of his relatives" have been omitted. The 1922 Ordinance as amended, referring to the question of restriction on right to possession, says:

(c) The dwelling-house or land is reasonably required by the landlord for occupation as a residence for himself or for any person *bona fide* residing or to reside with him, or for any of his relatives, or for any member of his family or for some person in his employment.

The provision in the present Bill reads:

The dwelling-house or land is reasonably required by the landlord for occupation as a residence for himself or for any member of his family or for any person in good faith residing or to reside with him or for some person in his actual whole time employment.

It will be seen that the words "or for any of his relatives" are omitted and the provision restricted to members of his family. Unless the hon. Attorney-General is going to say what the interpretation of the words "or his relatives" mean, then I cannot follow it. Perhaps, the hon. Attorney-General will be able to explain why he thought it fit to omit those words from this Bill. It is open to him to explain the reason or to say it is a clerical omission or the mistake of the draftsman in leaving it out. If that is so then they should be put back, if they meant something in 1922 and still carry the same meaning today as in 1922. Then there are the last words in that same clause

"some person in his actual whole time employment." I wonder why it is necessary to limit it to whole time employment? The 1922 provision I referred to speaks of "some person in his employment." I see the suggestion of the present Bill is to restrict the provision to persons in the whole time employment of a landlord. On these two matters I would like to have some explanation, and if there is no reason then I suggest, perhaps, we stick to what is provided for in the 1922 Ordinance.

With regard to clause 8, I join in what has been said by the hon. Member for New Amsterdam that the question of the amendment of the Rent Recovery Ordinance is one which has been in abeyance for quite a long time, waiting to engage the attention of this Council. Whilst I agree, and I think the tenants themselves would offer no opposition provided they get protection under this Rent Restriction Ordinance, the process at the present time is rather involved. As a matter of fact it is due to the Government not considering suggestions which have been made here more than once that the Magistrate may be relieved of the trouble of attending to possession applications and other matters under that Ordinance. If that is done, I repeat what I have said more than once, the work of the Magistrates in Georgetown would be relieved to a great extent. I cannot see why the Chief Clerk in the Magistrate's Office who, I think, is a Justice of the Peace—if not, he should be made one—cannot be delegated and given power to attend to all such matters. That would relieve the Magistrates. Those of us, legal practitioners, who have practised in the Magistrate's Court know that on some days in the week a fair amount of time is taken up with that particular kind of work—work which may be done by the Chief Clerk of the office. That suggestion has been made more than once, not only by myself but by other Members of this Council who have some knowledge of that particular kind of work.

On the question of appeal provided in clause 13, I think the hon. Attorney-General will agree, quite as interesting legal points can arise in matters of payment for rent under \$20 as can arise in matters over \$20, and for the moment I do not feel that the right of appeal should be limited in any way to any amount at all.

Further, if the right of appeal is limited to the Supreme Court and to a single Judge, I suggest that the hon. Attorney-General consider whether there should not be the right of appeal to the Full Court. I cannot see that the decision of one man in a matter of this kind will be satisfactory. I am going to suggest in respect of the decision of the Magistrate that the provisions of the Summary Jurisdiction Appeals Ordinance should apply. Appeal should be allowed to the Full Court consisting of two or three Judges. It would be much more satisfactory to have these appeals heard by the Full Court than by a single Judge. This Ordinance is intended to be in force for one year and any appeal coming on to be tried by a single Judge of the Supreme Court. I think it is more satisfactory not only to the landlord but the tenant as well to have any ground for appeal heard by two or three Judges instead of by one Judge. I suggest that point be considered in regard to the question of appeal.

I think, I have covered what I have been able to follow in the Bill, and the proposed amendment which has been submitted this morning has rather curtailed a good deal of the remarks I would have made with regard to certain disadvantages of the Bill. Any further remarks I have to make I reserve until we come to the clauses in Committee. If Government feels it is necessary that the Bill should go through, that the necessity still exists for the passing of the Bill, I hope that the suggestions which have been made not only by myself but other hon. Members will be considered before the Bill is actually put through.

Mr. SEAFORD: There is very little I can usefully add to what has been already said with respect to this Bill, because Government seems to have met most of the criticisms by the amendments proposed this morning. But there is one thing I would like to refer to. I do feel that the fixing of a minimum rental of \$720 per annum, or \$60 per month, as the point from which the Bill becomes operative is too high. I feel Government will be well advised in this case to accept a lower figure than that. As I have said, the wind is rather taken out of one's sail by the amendments, but I feel satisfied from what the hon. Member, who has just taken his

seat, mentioned about Government continuing with the Bill, that it is essential that Government should continue with this Bill. One does not want to criticize the landlord or the tenant. We do know of cases in this Colony where some landlords have taken advantage of the position to increase their rents above what is their normal right to do. I do not say there are many, but when you bring in the Bill it will also be protecting the few who are suffering.

I do not think there should be any controversy over this Bill, as I feel both Government and hon. Members of this Council are out to see right done to both landlords and tenants. It is true that most of the representations made so far have been on behalf of the landlords. That is no doubt due to the fact that the majority of Elected Members think Government is sponsoring the interest of the tenant and forgetting the landlord's. But in view of the amendments proposed I feel sure that is not the case, and all hon. Members of this Council, when we get into Committee, will do all they can to put through this necessary Bill and also give what help they can in licking it into shape. As regards the point made by the hon. Member for Georgetown South (Mr. Gonзалves) as to the additional work the Bill will put on the Magistrates, I understand that when the first Bill was in operation it threw practically no extra work on the Magistrates at all. I hope that this Bill when it is enacted will not increase litigation in any way but will work smoothly without causing much trouble to anybody.

Mr. JACOB: I did not intend to say anything on the second reading of this Bill, but in view of the speeches that were made on Friday last and this morning I think I would be lacking in my duty if I do not say something. The hon. Member, who has just taken his seat, mentioned that so far most of the representations that have been made by the Elected Members of this Council were on behalf of the landlords. Well, sir, I wish to endorse that. Except what the hon. Member for Essequibo River (Mr. Lee) stated, every aspect of the landlords' case has been put forward. While I do not say that I intend to put forward the tenants' case, I just want to make a few observations on that aspect of it. I am not surprised that the landlords'

case has been so well put. All the forces have been marshalled by the landlords, to my mind. We have seen the exact spectacle we should see in matters of this kind. Whether we have classes or not, I have seen a very peculiar spectacle, particularly where the small man is involved. I have not heard anything about inflation in the value of properties. I have not heard anything about the high prices of sales that have taken place. I have not heard anything about the profiteering that certain landlords have been indulging in, and it is not so small as certain hon. Members want to make out. I know of very hard cases where tenants have been imposed upon to pay high rental, the landlords well knowing that the tenants cannot procure suitable houses.

It is true that the Americans who are coming here are only occupying a particular class of houses, but I cannot understand the argument introduced by certain hon. Members that the Americans can afford to pay the increases and there should be no interference as it does not cause any hardship to other people. If there is not a certain number of new buildings and a certain number of additional people to this Colony are taking up the houses occupied by the middle class people particularly, where are those middle class people to find houses? That is the cause of a lot of the hardship. It is true that the newcomers can afford to pay, but what about the houses for the ordinary residents here? They cannot get houses. I know cases of \$20 houses being rented for \$40. With some slight decorations houses are being rented for over 100 per cent., 50 per cent. and 30 per cent. increases. I speak as one having interest in a few properties. I do not speak merely as one having no interest in properties, as I have eight to ten houses that are being rented. I know the hardship of the tenants and, I think, I realize and know the hardship of the landlords.

But I am a bit disappointed in Government bringing forward these amendments here this morning. I think Government has succumbed to the attacks of the majority of Electives representing the landlords. By the time this Bill goes through any advice will be practically valueless. I do not know what form the debate is going to take, particularly when we get into the Committee stage. As the Bill is

going to be in force only for one year, maybe it is useless putting through this Bill. As I say, I am surprised at Government's action in this manner. I wish to protest against that attitude of Government. This Government has the initiative, and that initiative must be exercised. Government has the opportunity to do so. As I said, amendments have just been put forward, but I do not know what is going to happen.

THE PRESIDENT: The hon. Member is in favour of a Government majority in the Council, I take it!

MR. JACOB: Not as a general rule, but if Government is acting in the interest of the people. In this case I submit you are acting in the interest of the majority of the people, but from the bombardment Government has had here from all the forces marshalled by the landlords you have retreated very badly. That is my point. I am not here to criticize Government on every occasion nor to applaud Government on every occasion. I am here to look at things fairly and clearly. Government should adopt something—some minor amendments—and that should meet the case of everyone, but it does appear now that Government is not going to meet the wishes of that large number of people for whom this Bill is designed. I am not going to say that the prices of certain building materials have not increased and that landlords are not finding it difficult to repair their houses or to build them. If they build houses, they do not come within the scope of this Bill. That is another matter. I know a large number of landlords who will not repair their houses; they are going to find shelter in the fact that it is not absolutely necessary. Whilst I say that the prices of building materials have gone up, I think that is a problem which Government must tackle. You are proceeding along the right lines to restrict the increase of rents. Pursue that a little farther and restrict the increase in the sale prices of materials. Is this Government not aware of the fact that a certain number of people trading locally in materials for the building of houses are profiteering and very seriously too? Certain items cannot be had at all, and not because a landlord has to pay increased prices for paints, window glasses, galvanized sheets, sanitary other fittings, he should be allowed

to profiteer in the renting of his houses. I maintain that Government ought to control those things. But it does appear that when this Bill goes through the whole matter will be left there. I sincerely hope that will not be. I do agree that every trader must have a reasonable margin of profit, but let it be fixed at a reasonable figure, so that there can be competition. It is not fair to leave the figure alone and let the law of supply and demand have full sway in local prices.

THE PRESIDENT: I do not think that is suggested in this Bill.

Mr. JACOB: The Bill does not suggest it, but let Government take it a step further and the landlords will get adequate protection otherwise they are going to find it a little difficult. Then there are certain restrictions in regard to the importation of certain articles. I would like this Council to have an opportunity to discuss this Supplies Control that is in force. I would like hon. Members of this Council to get up and say publicly what they think of the existing situation. That would be the proper way to go about it. I do not like the idea of having committees and discussions behind closed doors. You do not know who is giving correct information or who is not. I do not know if Government is properly informed on these matters. In fact I am certain that Government is not properly informed. This morning I tried to enquire as to what are the sale prices to-day of some of the articles I have mentioned.

THE PRESIDENT: Building materials?

Mr. JACOB: Yes, sir. I wanted to present a comparative statement here as regards the prices of some of these articles in 1939 and to-day, and while I got some information which I cannot use right away I could have seen the hesitancy on the part of one or two persons to give any information at all. There are one or two hon. Members of this Council who represent firms, and they must have an intimate knowledge of the prices of these articles. When we get into the Committee stage I am going to endeavour to find out whether we can get proper information about the prices of certain articles. This Council should get the benefit of the experience of those hon. Members who repre-

sent firms and who are here as representatives of the public. I maintain that is the only way in which we can arrive at a satisfactory solution of this problem. I am sure from the way the affairs of this Council are conducted that by the time this Bill goes through we will be none the wiser as to the current prices of certain articles. If you go to a store they are not obliged to sell you and they tell you they have not the articles. They think they are very clever when they do that. They are very deeply entrenched and the public has no redress whatever. The public may get some benefit through the imposition of the Excess Profits tax, but there again I do not know whether they will be charged properly, and so while this problem is difficult I am surprised that this Government has put forward these amendments and has done so in such a way as to make it impossible for certain hon. Members here to follow them carefully and to interpret them correctly. My hon. friend, the Member for Georgetown South (Mr. Gonsalves) confessed this morning that he could not follow them very closely. He is a lawyer—

Mr. GONSALVES: To a point of correction! I said I had to read the amendments hurriedly. It is not that I could not follow them.

Mr. JACOB: I am not surprised.

Mr. GONSALVES: Nor am I surprised.

Mr. JACOB: The hon. Member is a lawyer and ought to be able to look at the Bill and make the necessary amendments immediately. But these things do take a little time. I take it that this Bill will be passed to-day and so we are to depend on the Government, but I must say I am disappointed at the Government backing down so easily in this matter. Frankly I did not read the Bill, but from the very outset I thought it a Government measure and I was prepared to support it.

Mr. DEAGUIAR: Hear! Hear!!

Mr. JACOB: My feeling can be imagined now that the Government is backing right down. My hon. friend says "Hear! Hear!!" I do not run with the hares and hunt with the hounds.

Mr. DEAGUIAR: To a point of

explanation! The hon. Member said it is a Government measure and that is why he supports it. That is why I said "Hear! Hear!!" That means I am very glad to see him supporting a Government measure.

Mr. JACOB: Because I support some Government measures my hon. friend thinks I am going to support every kind of Government measure. That is the kind of reasoning, the kind of logic, we get here. As I was saying, it is not possible for me to make a comparison as to increased prices, and I have to leave that out entirely this morning. When we get into the Committee stage I shall endeavour to say one or two things in regard to the whole application of this Bill when it becomes law.

THE ATTORNEY-GENERAL: When I introduced the second reading of this Bill, I said it could be well realised that in order to protect the tenants a burden was to be thrust on the landlords. I also said that it is obvious that the burden to be thrust on the landlords should be made as light as possible, and thirdly I said there are a number of points in this Bill wherein local knowledge will be valuable. Before this Council adjourned Government had an opportunity of hearing the views of hon. Members who represent Georgetown and of others who reside in Georgetown. During the adjournment Government considered those views and as a result hon. Members will find on the table certain proposed amendments. As regards these amendments I would like to say that I regret hon. Members did not receive them sooner. As you probably all know the Executive Council met on Tuesday and adjourned at a very late hour. There were other meetings I had to attend that day and these amendments were not drafted until late last night -- too late to reach hon. Members yesterday. The late receipt was unavoidable therefore. They intend to give effect to the views expressed by hon. Members in this Council which have been adopted by Government and are now put forward as a Government measure.

Many points have been raised regarding minor details, and I need not refer to them now as they will doubtless be raised in the Committee stage. The hon. Member for Georgetown Central (Mr. Percy C. Wight) suggested that in clause 6 (1) (a) the figure

should be altered from eight to ten per cent. That of course will in effect give the landlords the means of torpedoing the whole of the intention of this Bill. That percentage has been made low because it is hoped that one result of the Ordinance will be to discourage the unnecessary use of building materials which are not easily replaceable. We wish to discourage unnecessary building. That 8 per cent. as the hon. Member for Georgetown South (Mr. Gonsalves) quite rightly said, refers to improvements and structural alterations and not to repairs. If you say a landlord can only pass on to the tenant 8 per cent. of the expenditure on structural alterations or improvements, the landlord's reasonable answer is "I will wait until the Ordinance runs out before I extend my house or rebuild it." As long as he avoids alteration he is perfectly all right.

I submit, therefore, that by allowing this figure to remain at 8 per cent. you throw no extra burden on the landlord. The hon. Member for Georgetown Central said that it is unfair not to permit any change of rent in view of the general rise in prices. That is one of the points on which I desire to test the feeling of this Council. It is quite obvious from what we heard before the Council adjourned that hon. Members were in favour of some increase of rent being permitted. After consultation with a number of people Government has decided that it is reasonable and fair to allow an increase on the Standard Rent of 10 per cent. That will be found in one of the amendments now before hon. Members. Effect is thus given to some extent to hon. Members' views on that point. The hon. Member said clause 10 is an innovation. In fact it is a copy of section 10 of the 1922 Ordinance.

The hon. Member for Central Demerara (Mr. DeAguiar) referred to sub-clause (1) of clause 6. He objected to the words "with the sanction of the Court" and went so far as to say "it is an absurdity". Those words are in the previous Ordinance of 1922 and I have made enquiries and found that no trouble was caused by their presence. However, in view of later clauses in the Bill I think it is, perhaps, over-insurance to put them in as other controls are provided in the Bill. The hon. Member will see in the proposed amendment that these particular words

have been removed, which caused a rewording of the proviso. The hon. Member for Central Demerara also suggested that the Standard Rent should be increased. I have already referred to that and need say no more on the subject. When referring to the right of appeal he and other hon. Members said the Magistrate is just as likely to make a mistake in law whether the amount is under \$240 or above \$240. That is quite true, but appeal sections are apt to favour the person with a big purse. It cannot be denied that should the right of appeal be carried far enough, the man with the small purse is going to be beaten. If you give the right to go to the Privy Council you knock out the small man right away. We have to keep an even balance and decide upon a reasonable limit. This is the third recent occasion on which hon. Members have brought up the subject of rights of appeal. In general, and in the case of this Bill in particular, hon. Members have favoured wider rights of appeal, and consequently one of the proposed amendments gives effect to this expression of opinion.

But the hon. Member for New Amsterdam (Mr. Woolford) objected to paragraph 1 (a) of clause 6. As regards that, I can say this Bill, as originally passed in England immediately after the end of the last war, did not include that provision, but it was found absolutely necessary to include it in the 1922 Act and it was copied in the local 1922 Ordinance in section 7. The hon. Member for New Amsterdam also pointed out a weakness or omission in clause 13. In the amendment before the Council I have endeavoured to correct that.

The hon. Member for Georgetown South (Mr. Gonsalves) mentioned the question as to how clause 3 should apply. He said he preferred \$180 to \$720 as the maximum annual amount of the Standard Rent. That is a matter for local knowledge. It is one of the minor points to be considered in the Committee stage. He also mentioned that he would like to see the application of the Bill to an area of three miles beyond Georgetown, removed, as, if it is necessary, the Governor in Council in the exercise of their powers under clause 4 can extend the area. But that Council consider it necessary now, so there is no reason to delete it now and so make the Governor in Council

come to the same decision again. The hon. Member also asked why the particular date, 8th March, is chosen. The reason for that is that on that date an official communiqué appeared in the public press stating that it was Government's intention to introduce a Bill into this Council on the lines of the 1922 Rent Restriction Ordinance. From that date everyone had warning that rents would be restricted and may very well have taken the opportunity to increase them. Thus it is sought to give retrospective effect to the Bill in order to compel such war profiteers to disgorge their hastily snatched gains. The hon. Member also said the Bill would throw extra work on the Magistrates. That is quite true, but the 1922 Ordinance in fact threw very little extra work on the Magistrates and it is hoped that this Bill will not do so either. If it does, it must be faced and in that case it may mean the appointment of an additional Magistrate, as it is obvious that little additional work can be done by the existing two Magistrates. The hon. Member also prefers to see appeals from a Magistrate go, not to a single Judge, but to the Full Court with two or three Judges. But surely if the hon. Member fears that cases under this Ordinance will require the appointment of an additional Magistrate the number of appeals will submerge the Full Court? In many Colonies appeal to a single Judge is the established practice and I myself have no fears that a similar practice in this Colony under this Ordinance will cause any miscarriage of justice.

The hon. Member for North-Western District (Mr. Jacob) started warmly to support the Bill, then went on with his usual tirade against Government and finally turned tail. Certain provisions in the Bill were placed there because Government was most anxious to hear the view of hon. Members of Council concerning them. We have done so and all these amendments before hon. Members this morning represent the views expressed by Elected Members of this Council. They have, of course, been adopted by Government and the amendments will receive Government support.

Professor DASH (Director of Agriculture) seconded.

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 3—Application of Ordinance.

THE ATTORNEY-GENERAL: I beg to move a small amendment—a printer's error—that in sub-clause (7) after the word “and” and the word “subject” in the first line a comma be inserted.

Question put, and agreed to.

Comma inserted.

Mr. DE AGUIAR: In sub-clause (1) I move the deletion of the words “seven hundred and twenty” and the substitution of the words “four hundred and eighty” therefor.

Mr. PERCY C. WIGHT: I beg to second that.

Mr. JACOB: I do not rise to say anything on that particular amendment, but I would like to take this opportunity to remind the hon. Attorney-General that mere expression of views is not a safe indication.

THE CHAIRMAN: Is the hon. Member dealing with this sub-clause?

Mr. JACOB: I am referring to the whole clause. A little while ago the hon. Attorney-General said I made no constructive suggestion.

THE ATTORNEY-GENERAL: never mentioned the word “constructive” or the word “suggestion.”

Mr. JACOB: The exact words “constructive suggestion” were not used. He said that as usual I made no point. The words were “as usual.” I want to refer—

Mr. C. V. WIGHT: Does the hon. Member suggest we should take a vote on that?

Mr. JACOB: I want to refer my hon. friend to the Draft Bill, No. 211. The whole Elective Section voted against with the exception of two Members who are on the Drainage Board, but Government did not accept that suggestion at all. That

merely shows that after a vote had been taken here on the second reading of the Bill as to whether certain amendments should be put through or not and Government asked Elected Members to vote, the Elected Members voted with Government and no amendment was passed. It is merely on an expression of views that Government has acted in this instance. I just want to make the comparison to show that mere expression of views is not a safe indication. Government should use the expression of voting as has been done during the Session.

Question put, and agreed to.

Clause amended accordingly.

Mr. SEAFORD: In respect of sub-clause (5) I beg to move that the words “third day of September, nineteen hundred and thirty-nine” be deleted and the words “eighth day of March, nineteen hundred and forty-one” be substituted therefor. My reason for that is this. In view of the proposed amendment to clause 5 altering the date to 8th March, 1941, I think this sub-clause should be amended also. A further reason is, I do not see why a landlord who erected a building a couple of months after the 3rd of September, 1939, should have a licence to do what he likes. The hon. Attorney-General said the 8th of March, 1941, is the date when the notice was first given to the public that it is proposed to introduce this Bill.

Mr. C. V. WIGHT: I do not rise to second the motion but just to say that the observation by the hon. Member for Georgetown North (Mr. Seaford) seems not quite in keeping with certain outside influences. That is a question which everybody seems to have forgotten. I have not heard one hon. Member refer to the question that the rates and taxes of the City have been and are being levied entirely on the value of property in this City. There is a Bill at the present moment giving relief to certain persons erecting buildings during the years 1939 to 1942—relief in the form of taxation. There is a further consideration which we must also take some cognizance of—and I do not know when Government will put it through—the proposal to change the method of valuation which will mean changing the value of rentals. That also has to be taken

into consideration. We are going to circumscribe rentals, and in any form you will have some difficulty even on the Town Council, as when a new Ordinance is passed you do not obtain the necessary revenue. I have heard it said that Government is not concerned with revenue. How far that will descend to the Town Council, I do not know. I have heard that expression of opinion and, I suppose, that is left to those concerned to ferret out the best way to get about it.

I have also heard it said that this Bill is to restrict building operations. It seems that if we have the Ordinance effective from 8th March, 1941, we may as well repeal all the other Ordinances, repeal all that has been done, repeal the anticipated surplus revenue and treble the amount which will be coming to the Town Council in 1943. I think it is very dangerous, and I am going to oppose very strongly this amendment to the 8th March in this particular Bill. Personally I am inclined to confine the provisions of this Bill to the tenants of tenement rooms who are paying small rents. I may mention there are about eight hundred odd tenement rooms to be closed at the present moment by an order of the Town Council, and we are in the difficult position that we do not know what to do. I think Government should put it away and forget it. The question is, if you change the date to the 8th March, 1941, what will be the effect on those buildings which have been put up in consequence of the Ordinance recently passed—No 23 of 1941. That has not been considered.

We also have to consider the question of repairs. It is also said that repairs, though they are done for the benefit of the tenants, do not count as you can get materials. We are telling the landlords not to repair as they are not to get any increased rent by doing so. On the one hand you have one authority, the Town Council, endeavouring to force the landlords to make their houses more habitable for the benefit of the tenants who are living in them, while on the other hand Government is trying to restrict them by giving them no encouragement to repair. There are several other reasons to which I will not refer now and detain the Council, but I do ask Government to allow this particular date, the 3rd September, or the

end of 1939 to be the date when the Ordinance takes effect.

Mr. JACOB: I rise to support the amendment moved by the hon. Member for Georgetown North. I cannot for the life of me follow the reasons given by the hon. Member who has just taken his seat, though I have tried to follow him. I have a recollection that an Ordinance had been passed here giving relief to certain people who wanted to build and who should be encouraged to build in Georgetown. They are enjoying that benefit now, and according to this Bill they are to enjoy further benefits, if this amendment goes through, by the increased rentals they charge. I do not quite follow the hon. Member's method of reasoning. I think it is only fair that the application of this Bill should be as suggested by the hon. Member for Georgetown North.

Mr. DE AGUIAR: I am not going to appeal to the hon. Mover again, although in his speech a little while ago he made it clear that he wanted Government to protect the landlords' interests in regard to the prices of materials. I have risen to oppose this amendment although I have not had an opportunity of hearing all that the hon. Mover had to say on the subject when moving it. I am sure that after hearing me he will probably change his mind. In the first place the whole of this Bill—its whole structure—is based on the policy of the date fixed—3rd September, 1939. I suggest that we should not attempt to alter that date, as it would defeat some of the objects of the Bill.

Mr. SEAFORD: I do not wish to interrupt the hon. Member. I referred to the amendment to clause 5 of this Bill.

Mr. DE AGUIAR: I refer the hon. Member to the definition of "Standard Rent" which gives the date, 3rd September 1939, and submit that that definition having given that date it is the foundation of the Bill and the other dates in the other Clauses giving effect to other matters have no bearing. Sub-Clause (5) of clause 3 says:

"This Ordinance shall not apply to a dwelling house erected after, or in course of erection on the 3rd September, 1939."

In a later sub-clause the application of the Ordinance is extended to within three

miles of the boundaries of Georgetown. I happen to know that in one of our suburban areas, eastward of the City, between 1939 and this day there have been many erections. As a matter of fact I can say with a certain amount of knowledge that in 1939 fifty-two buildings were erected, and in 1940 a lesser number, and they are still building there. I am not concerned with what happened in the City because they may obtain relief. I do know that in the area I am speaking about the proprietors or landlords are poor people who will obtain no relief at all from the buildings they put up in that area. There would be a distinct hardship created if the date is changed from 3rd September, 1939, to the 8th March, 1941. I do ask the hon. Member to reflect a little more on his amendment and, if he does, he will see that it will be creating a hardship which I am quite sure he has no intention of doing.

THE ATTORNEY-GENERAL: I support this amendment. I am only too sorry I did not notice the point when I was drafting the Bill. It is quite obvious that if the amendment now moved is not passed one class of landlords will have an advantage over another class. That is the class of landlords who built property since the 3rd September, 1939, and before the date mentioned by hon. Member who has moved the amendment. The hon. Member for Central Demerara (Mr. DeAguiar) mentioned that a number of houses were recently built at Kitty—

MR. DE AGUIAR: To a point of correction! I did not mention Kitty.

THE ATTORNEY-GENERAL: The hon. Member said within three miles of the City limit, eastward of the City. Wherever those houses are, why should not those tenants be protected? To leave them out of the Bill altogether will be foolishness, and one cannot defend it. As I say, I am only too sorry I did not notice this omission at the time of drafting the Bill. Government will support the amendment.

MR. GONSALVES: Do I understand that if the amendment is carried, it would mean that those buildings erected before the 8th March would come under the Bill?

THE ATTORNEY-GENERAL: Yes.

MR. SEAFORD! The hon. Member for Central Demerara is perfectly right. There is no intention of creating any hardship, and it is to avoid such that I move the amendment so as to put matters on an equitable basis.

MR. JACOB: The point that struck me and, I think, the hon. Attorney-General may probably answer, is in respect of a house that was not erected on the 3rd September, 1939, when there was no fixed rental then. What would be the fixed rental after the 3rd September, 1939? What rental would be considered the Standard rent?

THE ATTORNEY-GENERAL: The first rental charged for the house.

Amendment put, and the Committee divided; voting being as follows:—

Against.—Messrs C. V. Wight, Peer Bacchus, and DeAguiar—3.

For. Messrs. Mackey, Jackson, Jacob Gonsalves, Percy C. Wight, Wood, Crease, Laing, D'Andrade, Austin, Seaford, Woolford. Dias, Dr. Maclellan, Professor Dash, the Attorney-General and Colonial Secretary—17.

Amendment carried.

Question "That the clause as amended stand part of the Bill" put, and agreed to.

Clause passed as amended.

Clause 5—Restriction on Increase of Rent.

THE ATTORNEY-GENERAL: I beg to move that this Clause be deleted and the following substituted therefor—

RESTRICTION ON INCREASE OF RENT.

5. (1) Subject to the provisions of this Ordinance, where the rent of a dwelling-house or land to which this Ordinance applies exceeds the standard rent by more than the amount permitted under this Ordinance the amount of the excess shall, notwithstanding any agreement to the contrary be irrecoverable from the tenant.

EXCESS RENT PAID IN RESPECT OF ANY PERIOD SUBSEQUENT TO THE 8TH MARCH, 1941, RECOVERABLE.

(2) Where, in respect of any period subsequent to the eighth day of March, nineteen hundred and forty-one, any tenant has paid

whether before or after the aforesaid date, rent on a dwelling house or land to which this Ordinance applies, or any sum on account of such rent, which exceeded the standard rent by more than the amount permitted under this Ordinance the amount of such excess shall, notwithstanding any agreement to the contrary, be recoverable from the landlord who received the payment, or from his legal personal representative, by the tenant by whom it was paid and the tenant may, without prejudice to any other method of recovery deduct such excess from any rent payable by him to the landlord.

Amendment put, and agreed to.

Question "That the clause as amended stand part of the Bill" put, and agreed to.

CLAUSE 6—PERMITTED INCREASE OF RENT.

THE ATTORNEY-GENERAL: I beg to move the following amendments to sub-clause (1), which were handed to hon. Members this morning, be made—

1. (a) the deletion therefrom of the following words and commas—
"with the sanction of the Court,";
- (b) the deletion of the proviso to paragraph (a) thereof;
- (c) the substitution of the following proviso therefor—
"Provided that the tenant may apply to the Court for an order suspending or reducing such increase on the ground that such expenditure is or was unnecessary in whole or in part, and the Court may make an order accordingly;"
- and (d) the addition thereto of the following paragraph—
"(a) in addition to any such amounts as aforesaid, an amount not exceeding ten per centum of the standard rent:
Provided that where under any contract of tenancy a fixed or minimum period of notice is required to be given of an intention to increase the rent, such notice shall be given before any increase of rent is made under this paragraph and in all other cases not less than one month's notice shall be given before any increase of rent is made under this paragraph."
2. The substitution of the word "one" for the word "three" therein appearing.

Mr. GONSALVES: With regard to this particular clause and the remarks by the hon. and learned Attorney-General, if the reason is to restrict building operations on the ground of materials, so that there will be no alteration or improvement, has Government considered the question of employment? If you restrict building operations the consequence will be a certain amount of unemployment. I think if

that is the sole reason of Government in not allowing two per cent. extra in order to make it necessary for the landlord to effect repairs—because if the landlord gets 10 per cent. instead of 8 per cent. and he gets it for repairs, he must necessarily effect repairs to get the extra 2 per cent.—and if Government's idea is to restrict any work of that kind being done, it must as a consequence follow that class of employment will be put out of employment, and I am absolutely certain that you will have representations being made by the Labour organizations as to the men being out of employment because of the restriction imposed.

As regards materials, I do not know it is absolutely correct to say that no local lumber can be obtained. You may not be able to get it as conveniently as you used to at one time, but you do get. There are other things used in building construction such as nails, bolts and things of that kind, and there must be a certain quantity available. As regards paints, I was hearing only quite recently that while the price of zinc has gone up a fair extent, there is a substitute which can be compared very favourably with that article and which is being shortly introduced on the market. If that is so, I suggest that Government reconsider that question and provide in the clause for repairs in order to make it possible for the landlord to get relief and to provide employment for those men who have to do that kind of work.

The landlords should be given something for effecting repairs to their properties. If they are not going to get anything for repairs they are not going to do the work. As I have pointed out, Clause 13 (5) gives power to the Magistrate to say whether he will give an increase of rent or make it conditional that repairs be effected. Those repairs will have to be done and yet no consideration is to be given for effecting repairs. The answer that the intention or idea is to restrict building operations, I do not think, is quite a good one at the present time. I think the matter should be reconsidered from that angle.

Mr. SEAFORD: I would like to ask Government a question here. It has been mentioned several times that one of the objects of the Bill is to restrict repairs. To my mind that is not the intention. I

do not see how that interpretation can be put on it.

Mr. GONSALVES: The hon. Attorney-General said so.

Mr. SEAFORD: I did not understand the hon. Attorney-General to say so. I can quite understand if it is said it will be restricting new buildings and improvements. I can assure hon. Members it is very difficult to secure materials at this time from abroad, and it is not the fault of anybody in this Colony. I would like to hear an explanation. I think the hon. Attorney-General used the word "extension." I do not think he used the word "repairs." It is not possible for buildings to exist without carrying out repairs on them.

Mr. GONSALVES: I had dealt with the matter from two points. I understood the hon. Attorney-General to say "cessation of building operations" when he dealt with the question of improvement and additions. I say on that point it is not quite a correct view to take, as it bears on the question of employment, and it should be seriously considered. The other point about repairs is supplementary to what I said. If repairs are going to be restricted it necessarily must follow that there would be a certain amount of unemployment. The hon. Member who represents the Labour section of Government is in this Council, and he may be able to make an expression of opinion as to what he anticipated Government's position would be if carpenters and others are not going to be permitted employment in that direction.

THE CHAIRMAN: There is no intention to close down building operations. I think the hon. Attorney-General is able to explain that to hon. Members.

THE ATTORNEY-GENERAL: This particular paragraph refers to improvement and structural alteration. In ordinary conversation improvement will include repairs, but the paragraph goes on carefully to say "not including expenditure on decoration or repairs." Therefore this percentage has nothing to do with repairs. The only thing it seeks to restrict is improvement or alteration. It only applies to those houses in Georgetown and three miles beyond which are subjected to this

particular Bill. In actual fact the effect it will have on building operations is practically negligible. I do not think one man will be thrown out of employment. The clause is the same as that in the 1922 Ordinance. Then, as now, it did not refer to repairs.

Mr. C. V. WIGHT: The only difficulty, sec, and I cannot help saying it, is that I am supposed to represent the City as Mayor and to keep the balance between landlords and tenants.

Mr. JACOB: To a point of order! I do not think my hon. friend is representing the City of Georgetown in his seat in this Council. He refers to being Mayor of Georgetown, but I think he represents Western Essequibo in this Council.

Mr. C. V. WIGHT: I do not appreciate the remarks of the hon. Member, who seems to be able to confine himself to profiteering in houses and in other matters of which I have a knowledge. I am neither a landlord nor a tenant, except that I occupy a house. I would also like to say that I am arguing on behalf of neither side—neither for the landlords nor for the tenants. I would just like to point out that if this clause as regards repairs is to be confined and kept to a particular sphere, it simply means that other amendments will have to be made to Section 212 of the Local Government Board Ordinance, Chapter 84. The hon. Member for North-Western District (Mr. Jacob) does not seem to understand that, and I do not care. The position is, I am here. I am inclined to agree with the hon. Member for North-Western District, if he tries to put it in more fairly decent language—I use the expression advisedly—that Government's policy is only known to a few or is confined to a few and therefore we speak in the air at times. I am inclined to agree with him. I have stated it on paper and verbally on several occasions that I have no hesitation in stating what I feel.

The Committee adjourned for the luncheon recess until 2 p.m.

2 p.m.—

The Council resolved itself into Committee and resumed consideration of the Bill.

Mr. C. V. WIGHT (resuming): When the Council adjourned I was referring to the question of repairs in sub-clause (2) of clause 6 which says:—

(2) In this section the expression "repairs" means any repairs required for the purpose of keeping premises in good and tenable repair.

I also referred to section 212 of the Local Government Ordinance, Chapter 84, which has been repealed and has never been re-enacted. It is said that this Bill is really aimed at the relief of tenants, especially the poorer classes, and I am suggesting the re-enactment of that section is necessary to protect the tenants of dilapidated houses. That section says:—

212.—1) In this section "landlord" means anyone who lets a house or room to a tenant for habitation under any contract mentioned in this section and includes a landlord's successors in title.

(2) In a contract for the letting of a house or room for human habitation, whether furnished or unfurnished, there shall be implied therein the following conditions:—

(a) that the house or room is at the commencement of the tenancy in repair and in all respects reasonably fit for human habitation; and

(b) that the house shall be kept during the tenancy in repair and in all respects reasonably fit for human habitation.

(3) In the event of a breach of either or both of those conditions, an inmate of the house or room who suffers loss by injury to health or in any other way whatever, in consequence of the breach shall be entitled to recover damage from the landlord of the house or room.

(4) This section shall take effect notwithstanding any agreement to the contrary and that agreement shall be void.

We have it from Government that there is to be a re-enactment of this section, and I must anticipate the fact that Government will carry out its intention. That would then place the onus on a landlord, as it should be, to keep his house in reasonable repair. I think hon. Members of the legal profession will support me when I say that the omission of that section from the Ordinance has created in some cases considerable hardship on the tenant or occupier of a house. On the one hand there will be restriction of improvements and structural alterations because under the City By-laws, there is provision for improvements necessitating alterations, structural and otherwise, which do not come within the category of repairs. That is to say, if a building has to be altered in

any way it becomes a new building and therefore has to comply with the By-laws governing the erection of new buildings.

Some provision should be made whereby those persons who are going to be compelled (a) under the Closing Orders and (b) by the re-enactment of Section 212 of the Local Government Ordinance to comply with their legal obligation would be allowed some increase. Even in England under the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, there is a provision allowing landlords a percentage on the old rentals. I think it is 15 per cent., but similar provision has not been made in this Bill. I appreciate too, that there are certain relationships between landlords and tenants obtaining in England which do not obtain here. In some cases the landlord has to do all repairs and in other cases the tenant has to do some.

THE ATTORNEY-GENERAL: Will the hon. Member look at Section 2 of the Act which he is quoting? He is quoting Section 16 which deals with increase of rent, whereas under Section 2 it is a permitted increase. Clause 6 of this Bill is largely copied from Section 2 of the Act.

Mr. WIGHT: I am reading from Section 16 of the Act which provides for an increase of rent. I think in view of the increased difficulties which probably will arise, some percentage may be allowed to those landlords who may be affected. I do not know if it is the intention of Government to re enact Section 212 of the Local Government Ordinance, but I have in mind the Closing Orders which we may have to enforce. In certain cases tenants are constrained to live in houses which are in a disgraceful condition, and have to pay a very harsh rental. In one instance I showed Mr. Hall a room in a disgraceful condition and the tenant was actually paying \$3 per month. I feel that this Ordinance is extremely necessary but I also feel that other Ordinances are also necessary, especially one dealing with landlords and tenants to which I propose to refer in dealing with another clause.

Mr. PERCY C. WIGHT: I think hon. Members know full well that I always stick out for the under-dog, but I am going to make a plea in a few words on perfectly sound grounds. We are all familiar

with the fact that the Municipal Ordinance does not permit of the occupation of rooms unless they are of a certain height and have a certain cubic content. Notices were served when I was Mayor for the closing of between 700 and 800 rooms. I am not making a plea for landlords although I happen to be a very large landlord, but I can assure the Council that property-owning does not pay at all, and I will give instances. There is no doubt, and I think the Attorney-General agrees with me, that to raise a room in order to comply with the law, a landlord has to provide bricks and new wood simply for the purpose of getting a shilling more on his rent per month. I feel certain that a tenant will be perfectly willing to pay that extra shilling and remain in the room rather than shift about and find himself unable to obtain a room in Georgetown.

When I went around with Lord Moyne and showed him certain places he was rather astonished that they had been allowed to remain in that condition. In one room there were 11 persons who had to find somewhere to live. A landlord may say "This Bill will only apply for 12 months, I am not going to do a single thing." Naturally he would lose something, but most landlords are like that. I know of many rooms whose owners have dismantled them rather than conform to the Regulations. We have forgotten that. My experience is that every third house in Georgetown, with the exception of Water Street and the business premises outside of Water Street, is mortgaged, and the owners have to pay interest from 6 to 10 per cent. on their mortgages. It is therefore only fair to ask that they should be allowed this small increase on their rental. I think the people of Georgetown are to be congratulated on having taken advantage of the opportunity to improve their properties within the last few years. Great improvements have been made and, I think, that alone should be sufficient to warrant the small increase of 2 per cent. I am asking for on behalf of property-owners. I think the tenants will not complain, provided the houses are in reasonably good condition. After all what is 2 per cent.? It is very small.

Mr. SEAFORD: Why worry then?

THE CHAIRMAN: I think the hon.

Member means that if the tenants would not feel the 2 per cent. the landlords would not either.

Mr. WIGHT: When a landlord starts to raise his house he has to disconnect the sewerage pipes and he very often finds that there are many things to be done. Ranges which are converted into cottages are the places which give landlords some return on their money. The properties which pay are those which are rented from \$12 to \$25 per month. Beyond that house property is no investment. I guarantee that. I will eat my hat if you can name me 20 persons in the Colony who are paying \$80 per month rent. The house I am living in costs me \$140 per month. It is no investment. I am not putting any penalty on the poor people. A man will be perfectly willing to pay an increase of 24 cents on his rent of 10/- per month and remain in the locality where he lives rather than go to Albuoytown or Kitty. I think if the Council gives the matter the consideration it deserves the tenants will be willing to pay the slight increase.

Mr. JACOB: I have not been able to follow the arguments of the two previous speakers. I must confess my ignorance and my limited education. I notice that in the original Draft Bill Clause 6(1) (a) says: "an amount calculated at a rate per annum not exceeding eight *per centum* of the amount so expended." I notice in the amendment it is proposed to increase it to 10 per cent. of the standard rent.

THE ATTORNEY-GENERAL: There is no amendment to paragraph (a) at all, but it is proposed to add paragraph (c). One deals with alterations and the other with standard rent.

Mr. JACOB: In addition to the 8 per cent. which a landlord would be entitled to charge on structural alterations he could charge a further 10 per cent on the standard rent. That makes it harder for the tenant. I have heard some special pleading; I have heard the hon. Member for Georgetown Central (Mr. Percy C. Wight), and while I give him credit for many things I do not think his argument to-day has been very convincing. It would be very interesting, if we were to take the valuations of the Georgetown Town Coun-

cil of certain properties which have changed hands recently, to know the amounts received in excess of those valuations. It is true that some properties are not paying propositions, particularly large properties, but it is equally true to say that the small properties are very handsomely paying propositions. I have known properties to change hands recently, particularly in Queenstown, at very handsome profits. Of course we will not hear anything about those cases, but we will hear about a particular property because someone lives there himself. This Bill which we are discussing has really no application to the property mentioned by the hon. Member for Georgetown Central (Mr. Percy C. Wight). This is a Bill to give relief to tenants who are overcharged.

I was particularly amused at the reference made by the hon. Member for Western Essequibo (Mr. C. V. Wight) to Section 212 of the Local Government Ordinance. The Bill we are discussing to-day deals with rent restriction in Georgetown and three miles beyond the boundaries thereof. I do not think that the Local Government Ordinance is applicable, and I have heard it suggested here over and over that some vague Ordinance should be passed simultaneously with this Bill in order that there should be some relief somewhere. I have not had the benefit of a University training at Oxford or elsewhere and I cannot follow the arguments here to-day. The whole matter is being confused; I cannot follow such reasoning. I thought we would have discussed the matter in the usual way and arrived at something satisfactory, but we are referred to inapplicable Ordinances. I am not a lawyer and I am glad I am not. I cannot follow the arguments at all.

We have another amendment put forward that 10 per cent. should be added to the standard rent. It may be a reasonable thing to add something to the standard rent owing to the increased cost of building materials, but that should only be put forward if Government gave an undertaking that it would control the prices of those necessary supplies of building materials, and I think Government ought to take some bold step to do that. This Bill should have been pressed in its original form. I cannot be accused of trying to get someone else to pay some-

thing I am not interested in. I have a little interest in this matter. I am not in the position of being neither a landlord nor a tenant, but I am looking at it both as a landlord and as a tenant. I agree that paragraph (a) should be increased to 10 per cent. I know of a case in which a middle-class person was living in a house and paying \$30 per month rent. The roof of the house was bad and was repaired at considerable inconvenience to the tenant. After several weeks the landlord informed the tenant that he would have to pay \$5 more per month. The tenant told him that if he had been told that before he would have looked around for another house. It was then practically impossible to get a suitable house for \$35 per month. The tenant went back to the landlord and offered \$33 per month. The landlord refused \$33 and in addition to giving the tenant notice to remove he notified him that if he did not remove the rent would be increased to \$50. I am willing to give proof of this if necessary. I do not know what that would be called. I do not only speak on behalf of the working class man but for everyone who is suffering hardship. That is a concrete case, but there are several cases like that.

There should be nothing more than an increase of 10 per cent. on the standard rent. Those to whom it is intended to give relief will not get it if the 8 per cent. remains, and there is a further amendment to increase the standard rent by 10 per cent.

Mr. DE AGUIAR: It is easy to understand why the hon. Member has not been able to follow what the previous speakers have said, because in his own words he is neither a landlord nor a tenant.

Mr. JACOB: Excuse me, I did not say that. I said that one Member said so and it is good to be in that position.

Mr. C. V. WIGHT: I would like the hon. Member to name the hon. Member who said so.

Mr. JACOB: The last speaker.
Mr. DE AGUIAR: I thought the hon. Member was referring to himself. It is difficult to understand him sometimes.

Mr. PERCY C. WIGHT: I happened to be the last speaker but I never said that.

THE CHAIRMAN: The last speaker was the hon. Member for Western Essequibo (Mr. C. V. Wight).

Mr. C. V. WIGHT: The hon. Member is mistaken.

Mr. DE AGUIAR: As a matter of fact I will show him how he is both a landlord and a tenant, because in the course of his remarks he referred to handsome profits that are being made on the sale of properties recently. Perhaps that has been the hon. Member's experience. Not many weeks ago the hon. Member purchased a property not very far from this building and he probably knows how much profit the seller in that instance made on the deal. But that is by the way; the hon. Member was evidently talking from experience.

Mr. JACOB: I would like to correct that right away. I do know that the owner of the last property I purchased made a profit of about \$1,000.

Mr. DE AGUIAR: I am glad the hon. Member has named the figure. It enables me to ask him whether he thinks he has made a good deal or whether he is satisfied with his purchase? He must have been satisfied with his purchase hence his use of the words "handsome profits." It has no bearing whatever on the discussion, and in my opinion a case has been made out for both parties—for the landlord as well as the tenant.

I think the hon. Member for Georgetown Central (Mr. Percy C. Wight) endeavoured in his own way to give the position of the landlord as he understands it, and I have risen to support him. There is no doubt about it that the majority of property-owners, outside of Water Street or business premises, carry mortgages on their properties. That is a statement of fact, and one has only to look at the number of lending companies—there are four of them, apart from private individuals who lend money on mortgages—to know that that is a statement of fact. In some cases those properties are very heavily mortgaged. Some of them are mortgaged to the extent of 60 to 75 per cent. of their value. I am speaking with a certain amount of knowledge. The hon. Member for North Western District (Mr. Jacob) does not know that, and I excuse him. We do not want to have a

recurrence of what happened not so long ago when a large number of small people lost their properties for more reasons than one. They could not pay the interest on their mortgages, nor their taxes and sewerage rates, and they lost their properties. As a matter of fact some of the lending companies lost some of their money on investments on properties. It is therefore the duty of this Council to protect the interests of all concerned otherwise we will be bordering on class legislation. If the hon. Member for North Western District wishes to introduce class legislation in this Council all the time he will always find me as his opponent.

So far as the tenants are concerned, I submit with every confidence that the proposal one which is likely to benefit them. The hon. Member for Georgetown Central has said that the Town Council has issued 700 notices for the closing of rooms. Are we going to allow that to continue? If we know that there is a shortage of certain types of houses to suit the small man are we going to allow those threats to be carried out, or is it our duty to encourage the owners of those houses to put them in order for the accommodation of the small man we are talking so much about to-day? I do ask one hon. Member to divorce from his mind the idea that it is the desire of the Council to do something to the detriment of the people he is trying to protect.

In the 1922 Ordinance there was provision for an increase of rental over the 1914 figure. We are not doing that to-day. We are allowing no increase of rental over the 1939 figure, except in certain cases of structural alterations. In the 1922 Ordinance provision was made for increases of rental which existed at the outbreak of the war in 1914. I am not suggesting that should be done to-day. I only mention that to show what was the line of thought in 1922, and how they arrived at the basis of the rental to be fixed. Having regard to the fact that tenants are likely to benefit as the result of the provision being increased from 8 to 10 per cent. it is a measure which the Council should adopt. I share the view of hon. Members who have spoken, that unless we make it reasonable for landlords to put their houses in order we are going to discourage them from doing so, and in my opinion—I think I know what I am talking about—it will

create a further shortage of the type of houses we desire to have in this City.

Mr. SEAFORD: I regret I cannot agree with all the remarks made by the hon. Members who have spoken. We have heard a lot about those people who will not have any houses to live in because the Town Council is going to call upon the owners of 700 houses to demolish and rebuild them. It seems to me that if we adopt the suggestion put forward by the hon. Member for Georgetown Central (Mr. Percy C. Wight) we would benefit the landlord who has kept his property in a very terrible and awful condition. He has no right to keep his property in that condition but should have had it in proper condition before. I am in a position to know that there are certain places in this City where there are tenement rooms which are more like rabbit warrens, over-crowded and an absolute disgrace to the City. There is no other word for it, and I feel that the Town Council should have had those houses put in order long ago. I admit that it has to be done slowly, but I feel that the sooner those places are demolished the better for the City and everyone in it.

It is the duty of the Town Council in co-operation with the Government to put up some proper housing scheme. It is no use telling me that by allowing landlords an additional 2 per cent. they are going to put those places in order. I know enough about that. The sooner the Town Council and Government get together and put up a proper housing scheme the better for all concerned. This 2 per cent. is not going to help the position in any way; it is only going to assist those people who should have put their houses in order long ago.

As regards the larger houses the landlords put up a verandah and increase the rent. In such cases it pays the proprietor to spend a little money on his property because he is able to get increased rent. I am thinking more of the people who pay \$2 and \$3 per month. I admit that the rooms they live in are in a very bad condition and it would be a great hardship to ask them to pay anything more.

Mr. C. V. WIGHT: The hon. Member seems to have followed the line of argument that the Town Council is going to eject the

tenants from those 800 rooms. The Town Council finds itself in this position; those 800 rooms are uninhabitable but we cannot put the people out because there is nowhere to put them. Those rooms are not fit for human beings to live in. The hon. Member for Georgetown North (Mr. Seaford) knows more than I do the reasons why Government has not initiated a slum clearance scheme, which has been noised about by the Royal Commission and by Sir Frank Stockdale's mission. Is Government going to give an undertaking that within the near future those slums will be cleared, as it is the desire of the Town Council to see them cleared? The Town Council has no money; it is a matter for Government and a matter of finance. If Government is not prepared to do it who is going to do it? The hon. Member suggests that the Town Council should have put its house in order years ago. That may or may not be so. The hon. Member forgets that Government has drawn the attention of the Town Council on several occasions to the tardiness with which rates were being collected. The hon. Member has forgotten also the burden cast upon the City by the sewerage scheme, and the various conferences, heated and otherwise, which took place between Government and the Town Council in connection with the sewerage scheme.

The hon. Member for North Western District (Mr. Jacob) also seems to forget that the working man, as represented by the Labour Unions, has no use for him. He does not belong to any of the Labour Unions, and whether he has been thrown out or he has resigned is a matter for the hon. Member himself. I have had it from nearly every member of the various Unions that they do not want the hon. Member for North Western District to be a member. That is the working man the hon. Member speaks about, the man who has been harassed in this Council by all the Elected Members except the egotistical hon. Member for North Western District. It is the wealthy landlord who is to be pulled down. There are widows whose properties are mortgaged to the hilt, and possibly their only means of livelihood is the rent they get. There are other small landlords who live in their own dwellings and some of them have a cottage or two from which they collect rent. They do not need protection; they are wealthy, though perhaps

not as wealthy as the hon. Member for North Western District, and perhaps they have not the same sources of income. Landlords comprise all classes and all races of this community. I have a right to speak on this Bill. I am a member of the Georgetown Town Council and I happen to be Mayor of the City. I would like to draw the hon. Member's attention to the fact that I would have no need to speak on the Bill if, as the hon. Member for Georgetown North (Mr. Seaford) said, Government would come forward with a slum clearance scheme and erect nice houses for the workers which I would like to see in the City. If that were the position there would be no need for this Bill.

Mr. GONSALVES: The hon. Member for Georgetown North (Mr. Seaford) has forgotten that as far back as 1934 a Housing Committee composed of representatives of the Government and Town Council submitted a report. Speaking for myself I had expected that in view of the presence of responsible representatives of Government on the Committee something would have been done in connection with housing, but it is over seven years since the Committee reported and nothing has been done. Sir John Maffey came down here and the matter was represented to him. We have also had the Royal Commission and Sir Frank Stockdale, and quite recently we had Mr. Hall here, but we will probably have to wait another seven years before we hear anything about the matter. To say that the Town Council has done nothing is not a fair charge to make. It is either that the Government officers on the Committee have not advised Government that a housing scheme is necessary or they have not succeeded in their representations to Government. It is not fair to charge the Town Council alone with not having embarked on a housing scheme and I can only conclude that the hon. Member's statement was made on the spur of the moment and without a thought of that Committee. The Director of Medical Services was one of the signatories to that report and I think he was at one time a member of the Executive Council. If he could not use his influence with Government I do not think the Town Council should be held responsible.

As regards the statement made by the hon. Member for North Western District

(Mr. Jacob) I will not enter into any long discussion with him on any matter, but I will endeavour to explain something which perhaps he has overlooked. If he looks at the 1922 Ordinance he will find that the standard rent provided there is what it was in 1919, or the pre-war rent plus 14 per cent. In this Bill there is no percentage; it fixes definitely as the standard rent what the rental was on the 3rd September, 1939, when Great Britain entered the war.

As regards improvements and structural alterations, which were provided for in the 1922 Ordinance, my suggestion is that provision for an increase of 2 per cent. may be included in this Bill to provide for repairs and alterations, but every hon. Member is entitled to his opinion. I think it is a reasonable request and that it will be an encouragement to landlords to put their properties in proper order and so avoid the necessity for Government to write the Town Council about the dilapidated condition of buildings in the City. I am not here to support landlords particularly. The principal thing in the Bill that concerns the tenants is the standard rent, and that has been fixed.

Mr. JACOB: It is perfectly clear that with the exception of the hon. Member for Georgetown North (Mr. Seaford), and myself every Member who has spoken so far has pleaded on behalf of the landlords. There can be no doubt about that. I am not going to enter into any controversy with my friend, the hon. Member for Western Essequibo (Mr. C. V. Wight), but the sooner he realises that we should raise the tone of the debates here rather than let it sink further the better it would be for himself and the whole Council. (laughter). The other day I heard one hon. Member talking about conceit. I have heard a lot about conceit. I have had occasion to write to the hon. Member for Western Essequibo and—

THE CHAIRMAN: A great deal of the time of the Council is taken up with remarks by Members before they get to the subject on which they intend to speak. I do not refer only to the hon. Member.

Mr. JACOB: I notice here of late that when certain hon. Members speak they are not called to order. I am not saying that I have not been given latitude

but far too much latitude is given to certain hon. Members, and I will name them. They are my friends, the hon. Member for Western Essequibo (Mr. C. V. Wight) and the hon. Mr. Walcott. Far too much latitude has been given to them, and that is the thing which is going to make the debates here sink further down. I am prepared—and I think I have the health and strength to do it—to pursue this matter, and I will pursue it in the regular parliamentary style. If my friend, the hon. Member for Western Essequibo, wishes to make comparisons and to find out something he had better do so in the right way. I have never claimed that I was speaking on behalf of the Labour Unions here; I speak on behalf of the working man, and Government must be fully satisfied, I am sure, that nearly all the argument that has taken place on this matter has been on behalf of the tenants, except those of two or three hon. Members. (laughter). On behalf of the landlords I mean. I think Government should be firm and allow the Bill to remain as it is.

Mr. SEAFORD: I wish to assure the hon. Member for Georgetown South (Mr. Gonsalves) that what I said I did not say on the spur of the moment. I remember very well indeed the Committee he referred to, because I gave evidence before it and I took certain members of the Committee into the country districts and showed them some houses that were being built there. I do not wish to be misunderstood, and I do not think I said that the Town Council had done nothing. What I meant to say, or should have said, was that Government and the Town Council ought to get together and put up some housing scheme. I maintain that. The hon. Member said that the Town Council told Lord Moyne and Sir John Maffey about it, but I do not regard telling people about it as doing something. It is all very well to tell them, but has the Town Council ever put up a proper housing scheme to Government? We have been told by Sir Frank Stockdale that schemes should be put up, but since I have been here I have seen no scheme put up. Surely this is the time to do so. My objection to the proposal is chiefly because it would benefit a certain type of landlords who should have put their houses in order long ago, and I happen to know that some of those

tenement houses are bringing in from 10 to 30 per cent. on the capital invested.

Mr. GONSALVES: Apart from the report submitted by the Housing Committee the Town Council was requested by the Colonial Office to submit a memorandum to the Royal Commission with regard to housing, which it did, but we are yet to hear something about it.

THE CHAIRMAN: The hon. Member said that the report of the Housing Committee was furnished seven years ago and it might be another seven years before something was heard about it. I certainly hope it will not be anything as long as that. The first thing that has to be done is to secure the services of a town-planning officer: That matter is before Government now and I hope that before very long it will be possible to make such an appointment. I am making no promise, but I do not want hon. Members to think that nothing is being done. There is a scheme before Government at present, but the first thing is to get hold of a town-planning officer, as has been done in other Colonies, and I hope that will be done in the not too distant future.

Mr. PERCY C. WIGHT: The explanation of the hon. Member for Georgetown North (Mr. Seaford) is satisfactory to me, but I would like to point out that he has forgotten entirely that this is a period of inflation as regards property sales. I have never seen anything like it before. Those properties which are in a defective condition are not owned by the same people. There are people who are taking advantage of the opportunity to get ready money for their properties and leaving the burden on other people. You only have to look at the *Official Gazette* and you will see the speculation in the sale of houses. People are buying houses for \$3,000 and selling for \$4,000 and \$5,000 in a short period. It is speculation of the worst type I have ever seen.

With regard to the remarks of the hon. Member for North Western District (Mr. Jacob) I will say that I am not going to make this Council a cockpit for any battles with him. Most of the properties which are changing hands so rapidly are burdened with funded debt which is included in the sales, and some people do

not even know about that until after they have bought and many disputes have occurred. If certain Members cannot understand what I say I am not responsible. I have not had an Oxford education but I think I make clear what I have to say.

Mr. JACOB: The hon Member for Georgetown Central (Mr. Percy C. Wight) has confirmed what I said about the inflation that has been going on; we have had it from his own lips that properties are changing hands rapidly. Another point is that this Bill is primarily for the benefit of landlords, but tenants are dragged in like a red-herring across the trail. We see a large number of decent houses being built by people who own rooms and will not put them in proper order. I say that if the Town Council would adopt a firmer attitude by issuing closing orders there would be improvement.

THE ATTORNEY-GENERAL: The hon. Member for Georgetown Central (Mr. Percy C. Wight) said that at present properties change hands rapidly, being bought for \$3,000 one day and sold for \$4,000 and probably \$5,000 the next day. The object of the Bill is not to encourage inflation but to stop that movement. There are two things being discussed—paragraph (a) of clause 6, which allows an increase of 8 per cent. on the standard rent for improvements and structural alterations, and paragraph (c) which deals with an increase of 10 per cent. on the standard rent. Dealing first with the increase of 8 per cent. I would point out that the English Act quoted by the hon. Member for Western Essequibo (Mr. C. V. Wight) says that properties to which alterations had been made before the date mentioned would be allowed an increase of 6 per cent. on the rent. The 1922 Ordinance here provided for an increase of 8 per cent., therefore there is precedent for 8 per cent. As I have said, it would act as a deterrent against unnecessary alterations to properties. The landlord who sits back and does nothing loses nothing.

The hon. Member says that there are 700 tenement houses in respect of which closing orders have been issued. The answer to that is that those houses do not comply with the law, and the landlords themselves, or the previous owners, are responsible for their condition. The fact

remains that because a landlord does not comply with the law he wants to put an extra 2 per cent. on the unfortunate tenant. I think it is the worst argument I have ever heard. I submit that 8 per cent. should be allowed to remain because it imposes no hardship whatever on the landlord.

With regard to paragraph (c) which allows an additional 10 per cent. on the standard rent, the only hon. Member who spoke against that was the hon. Member for North Western District (Mr. Jacob) who thought it was a retrograde step, and that the Bill should remain as it was. The fact remains that nobody can blind his eyes to the fact that local conditions have altered materially in respect of the small tenant since the time the Bill was drafted. From the speeches made in this Council and enquiries made by a number of people from a number of sources it is quite evident that the position has improved definitely since the Bill was first drafted, and I think it will be generally accepted that by allowing a landlord 10 per cent. increase we will be only doing what is fair and reasonable. It has been pointed out that in the 1922 Ordinance 30 per cent. was allowed, but that was in 1922 when there was money to burn everywhere, and moreover it was 30 per cent. on the 1914 figure. It is admitted that on the 3rd September, 1939, rents, generally speaking, were at a high figure in this Colony. There is no need to allow an increase of 30 per cent. on that figure in 2½ years. I therefore move the amendments set out in the typewritten list as follows:—

That sub-clause (1) of clause 6 be amended—

(a) by the deletion therefrom of the following words and commas—, “with the sanction of the Court,”;

(b) by the deletion of the proviso to paragraph (a) thereof;

(c) by the substitution of the following proviso therefor—

“Provided that the tenant may apply to the Court for an order suspending or reducing such increase on the ground that such expenditure is or was unnecessary in whole or in part, and the Court may make an order accordingly;”

and

(d) by the addition thereto of the following paragraph—

“(c) in addition to any such amounts as aforesaid, an amount not exceeding ten per centum of the standard rent:

Provided that where under any contract of tenancy a fixed or minimum period of notice is required to be given of an intention to increase the rent, such notice shall be given before any increase of rent is made under this paragraph and in all other cases not less than one month's notice shall be given before any increase of rent is made under this paragraph."

Clause 10.—Conditions of statutory tenancy.

THE ATTORNEY-GENERAL: I move that the word "three" in sub-clause (1) be deleted and the word "one" substituted. The reason for the amendment is that I am told that in Georgetown the usual notice is one month, not three months.

Clause as amended put, and agreed to.

Clause 13—Procedure.

THE ATTORNEY-GENERAL: There are several amendments to this clause proposed in order to give effect to recommendations by hon. Members. I move that the clause be amended:—

- (a) by the insertion of the following words at the beginning of sub-clause (1)—
"Subject to the provisions of subsection (3) of section three of the Summary Jurisdiction, (Petty Debt) Ordinance";
- (b) by the substitution of a small "a" for the capital "A" in the word "Any" appearing in sub-clause (1);
- (c) by the deletion of sub-clauses (2) and (3) therefrom; and
- (d) by renumbering sub-clauses (4), (5), (6) and (7) as sub-clauses (2), (3), (4) and (5) respectively,

Clause 13 as amended put, and agreed to.

Clause 14—Appeals.

THE ATTORNEY-GENERAL: I move the deletion of this clause and the substitution of the following new clause 14:—

"An appeal shall lie to the Supreme Court from the decision of a magistrate on any claim or proceedings in respect of a dwelling house or land to which this Ordinance applies and the judgment or order of the Supreme Court shall be final."

This new clause gives a right of appeal in all cases to the Supreme Court.

Mr. GONSALVES: The hon. Attorney-General has evidently not accepted the suggestion that appeals should be made to the Full Court instead of to a single Judge.

THE ATTORNEY-GENERAL: From my knowledge of the position it is most unlikely that during the next 12 months the Full Court will sit more than once. That means that a landlord will be able to slip out of the Bill by giving notice of appeal.

Mr. GONSALVES: I suggest that in the same way as the Full Court hears an appeal from a Magistrate in a case where a person steals a piece of wood from another it should hear an appeal from a decision by a Magistrate on the question of standard rent. As regards the sittings of the Full Court I do not like to think that what the Attorney-General said will be true—that the Full Court will not be sitting for some time.

Mr. C. V. WIGHT: At present it is quite as easy, perhaps easier, to get an appeal to the Full Court than to a single Judge. I think that as a matter of convenience to the parties concerned at the present moment the Full Court has been in session nearly every Friday, and it seems to me much more expeditious to go to the Full Court than to a single Judge.

THE ATTORNEY-GENERAL: The hon. Member is very anxious that these appeals should go to the Full Court of two or three Judges, but hon. Members are aware that Magistrates' cases usually go to a single Judge. In England appeals from County Court Judges go to the Full Court, but not those from Magistrates. But as a matter of convenience—I happen to know the number of cases waiting to be heard—I ask the hon. Member not to press it.

Mr. GONSALVES: I am sorry I can not accede to the hon. Attorney-General's request for the reason that in a case in the Civil Jurisdiction of the Magistrate's Court in which judgment is given against a man for \$5 he has the right of appeal to the Full Court, but in a dispute between a landlord and tenant over the standard rent, in which there might be a difference of \$10, the tenant has no right of appeal to the Full Court. It is not logical. I am therefore moving that the words "Full Court of the" be inserted before the words "Supreme Court" where they occur in clause 14.

Mr. PERCY C. WIGHT seconded.

The Committee divided and there voted.

For—Messrs. C. V. Wight, Peer Bacchus, De Aguiar, Gonsalves and Percy C. Wight—5.

Against—Messrs. Jackson, Jacob, Wood, Crease, Laing, D'Andrade, Austin, Seaford Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary—12.

Did not vote—Messrs. Mackey and Dias—2.

Amendment lost.

The Chairman then put the Attorney-General's amendment and the Committee divided and voted:—

For—Messrs. Mackey, Jackson, Jacob, Wood, Crease, Laing, D'Andrade, Austin, Seaford, Dr. MacLennan, Professor Dash, the Attorney-General and the Colonial Secretary—13.

Against—Messrs. C. V. Wight, Peer Bacchus, De Aguiar, Gonsalves and Percy C. Wight—5.

Did not vote—Mr. Dias—1.

Amendment carried.

New clause 14 put, and agreed to.

Bill passed as amended.

The Council resumed.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to restrict in specified areas the increase of rent of certain classes of dwelling-houses and the right to recover possession thereof, and for purposes connected with the matters aforesaid" be read a third time and passed.

Professor DASH seconded.

Question put, and agreed to.

Bill read a third time and passed.

GAMBLING PREVENTION (AMENDMENT) BILL.

THE ATTORNEY-GENERAL: I move that "A Bill intituled an Ordinance to amend the Gambling Prevention Ordinance, Chapter 95, by exempting certain lotteries and sweepstakes from the operation of the provisions thereof and by constituting the Sweepstakes (Charity) Committee" be read a third time and passed.

Professor DASH seconded.

Question put, and agreed to.

Bill read a third time and passed.

The President adjourned the Council *sine die*.

