

LEGISLATIVE COUNCIL.

Tuesday, 18th December, 1928.

The Council met pursuant to adjournment, HIS EXCELLENCE THE GOVERNOR, BRIGADIER GENERAL SIR GORDON GUGGISBERG, K.C.M.G., D.S.O., President, in the Chair.

ABSENT:—

Hon. R. V. Evan Wong, B.Sc., (Elected Unofficial Senior Member for South-East Essequibo).

Hon. E. A. Luckhoo (Elected Unofficial Senior Member for Berbice).

Hon. J. A. Eleazar (Elected Unofficial Junior Member for New Amsterdam).

Hon. A. R. F. Webber (Elected Unofficial Junior Member for Berbice).

MEMBER SWORN.

The following member took and subscribed the oath:

Hon. E. G. Woolford, K.C., (Elected Unofficial Senior Member for New Amsterdam).

MINUTES.

The minutes of the meeting of the 6th December, having been printed and circulated, were taken as read and confirmed.

ANNOUNCEMENT.

The COLONIAL SECRETARY (Mr. C. Douglas-Jones): I am directed to announce that His Excellency the Gov-

ernor has selected the Hon. C. Douglas-Jones, the Hon. T. T. Smellie (Members of the Council) and Mr. M. B. G. Austin (President of the Chamber of Commerce) to be representatives of the Colony at the West Indies Conference, which will be opened by His Excellency the Governor of Barbados on the 24th January, 1929.

MESSAGES.

The COLONIAL SECRETARY: I am the bearer of the following Messages from His Excellency the Governor:—

MESSAGE No. 18 OF 1928

Honourable Members of
the Legislative Council,

I have the honour to invite the Council to approve of the payment of the Bill of Entry Tax imposed by section 62 of the Tax Ordinance, 1928, being waived in respect of articles imported for the official use of Consulates.

Under item 3 (d) of the Third Schedule to the Customs Duties Ordinance there are exempt from payment of the duties imposed under that Ordinance articles of all kinds, subject to the sanction of the Governor, when imported for the official use of the Consulate of any foreign country or place provided that a similar privilege in respect of similar articles is accorded by the laws and customs of such foreign country or place to His Majesty's Consulate therein. Under clause 62 of the Tax Ordinance there is imposed a tax on every Customs Bill of Entry, calculated at the rate of two per centum on the value of all imported goods, and it is provided therein that goods imported for the use of certain bodies, e.g., the Government, Town Council, etc., shall be exempt, but there is no provision in that section exempting articles imported for Consulates.

It seems quite clear that it was never the intention that articles imported for the official use of Consulates while being exempt from payment of import duty should not be similarly exempt from payment of the Bill of Entry Tax, and I therefore recommend that payment of this tax be waived in respect of articles imported for the official use of Consulates.

F. G. GUGGISBERG,
Governor.

Government House,
Georgetown,
15th December, 1928.

MESSAGE No. 19 OF 1928.

Honourable Members of
the Legislative Council,

I have the honour to invite the Council to approve of Government giving an undertaking that no excise duty will be levied on coconut oil and other vegetable oils produced in the Colony for a period of 25 years as from 1st January, 1929.

There are at present under consideration plans for the erection of a plant for the manufacture of cocoanut and other suitable vegetable oils, and it is hoped by those concerned that a new industry will be created and that the products will, in the course of time, take the place of the imported articles which at present supply the needs of the Colony.

The cost of the plant, etc., will, it is expected be large, and before incurring the necessary expenditure those responsible for the scheme have asked that a guarantee be given that an excise duty will not be levied on the oils produced.

Government is anxious to give every possible encouragement to any local industry which will lead to increased employment, and I therefore recommend that an undertaking be given that no excise duty will be levied on cocoanut or other vegetable oils for a period of 25 years as from 1st January, 1929.

F. G. GUGGISBERG,
Governor.
Government House,
Georgetown,
15th December, 1928.

MESSAGE No. 20 OF 1928.

Honourable Members of
the Legislative Council,

I have the honour to invite the Council to approve of Mr. D. S. Dougall, late Manager, Plantation Anna Regina (Essequibo Land Settlement, Limited) being given a free passage to England, the cost of which will be £35.

In December, 1923, Mr. Dougall, who was then residing in England, was offered and accepted the post as Deputy Manager, Plantation Anna Regina, and paid the cost of his passage to the Colony as this was not provided for under the terms of his appointment.

In January, 1924, Mr. Dougall was appointed Manager of the estate on the following terms:—

- (i.) Inclusive salary at the rate of £600 per annum without further allowances.
- (ii.) Free housing accommodation and a bonus of 3 per cent. on any new sugar profits in the third and subsequent years of management.
- (iii.) Termination of appointment to be by one month's notice by either party and salary to be paid only for the month's notice.
- (iv.) In the event of termination of appointment no claim for bonus or house rent to be entertained.

It was decided this year to dispose of Plantation Anna Regina and, on the recommendation of the Directors, Mr. Dougall was given three months' notice of the termination of his appointment. He was also granted a gratuity of £50 in respect of his 4½ years' service by the Liquidators of the Company.

Mr. Dougall is returning to England and has asked that the cost of his passage to the Colony which, as already explained, was paid by him be refunded. He has no legal claim to any further consideration, but, in view of all the circumstances of his case, I recommend that, as an act of grace, he be given a passage to England.

F. G. GUGGISBERG,
Governor.

Government House,
Georgetown,
15th December, 1928.

PAPERS LAID.

The following reports were laid on the table:—

Report by the Commissioner appointed to enquire into the circumstances connected with the treatment of Mrs. De Cambra during such time as she was a patient in the Lady Thomson Ward of the Public Hospital, Georgetown (*Colonial Secretary*).

Report of the Diamond and Gold Industries Commission (*Major Gray, Director of Education*).

GOVERNMENT NOTICES.

MOTIONS.

Notice was given that the following Government Motions would be moved at the next meeting of the Council:—

That, with reference to the Governor's Message No. 18, this Council approves of the payment of the Bill of Entry Tax imposed by section 62 of the Tax Ordinance, 1928, being waived in respect of articles imported for the official use of Consulates.

That, with reference to the Governor's Message No. 19, this Council approves of Government giving an undertaking that no excise duty will be levied on cocoanut oil and other vegetable oils produced in the Colony for a period of 25 years as from 1st January, 1929.

That, with reference to the Governor's Message No. 20, this Council approves of Mr. D. S. Dougall, late manager, Plantation Anna Regina (Essequibo Land Settlement, Limited) receiving a free passage England. (*Colonial Secretary*)

INTRODUCTION OF BILLS.

Notice was given that the following Government Bills would be introduced and read a first time at the next meeting of the Council:—

Bill to secure a Civil List for His Majesty (*Colonial Secretary.*)

Bill to amend the Bank Notes Ordinance, 1914, with respect to the issue of Bank Notes by the Royal Bank of Canada.

Bill to amend the Magistrates' Courts Ordinance, 1923, by providing that Bailiffs shall by virtue of their offices be Rural Constables. (*Attorney General.*)

Bill to amend the Public Officers (Insurance) Ordinance, 1902, and the Public Officers (Insurance) Ordinance, 1902, Amendment Ordinance, 1920. (*Mr. Millard, Colonial Treasurer.*)

Bill to amend the Prison Ordinance, 1892, Amendment Ordinance, 1907, with respect to the Punishing of Prisoners.

Bill to make better provision with respect to the maintenance and regulation of the Police Force. (*Colonel Bradburn, Inspector General of Police.*)

PETITIONS.

Mr. HUMPHRYS laid on the table (1) a petition from Priscilla Ross, widow of Police Constable 2689 Ross, for a compassionate allowance; and (2) a petition from proprietors and ratepayers of Villages and Country Authorities praying that the recommendation of the Village Administration Commission that Village Chairmen should be elected by the Village Councils instead of being appointed by the Local Government Board be given effect to.

ORDER OF THE DAY.

LIQUOR LICENCES.

The ATTORNEY GENERAL (Mr. Hector Josephs): I move, sir, the second reading of "A Bill to make provision for the granting of licences for the sale of intoxicating liquor and for the regulation of such sale and the control of licensed premises." The law dealing with this subject is principally contained in a very old statute, Ordinance 8 of 1868, which rejoices in the name of the Wine, etc., Licences Ordinance, 1868. It follows, sir, that in process of time a great many provisions in that Ordinance have become obsolete, and some of them have had to be repealed and new ones substituted. For

instance, at one time the licence duty depended upon the return of the amount of spirituous liquor sold on the premises and the classification or grade of the licence was according to such sale. That has had to be repealed some years ago.

A procedure which still exists, and is to be erased by this Bill, is that applications for a retail spirit shop licence came before Licensing Justices consisting of Magistrates and Justices of the Peace, but their power was very limited. All they could do was to hear interested parties, take down the evidence and make a recommendation to a nominated body called the Excise Board, and it was the Excise Board that decided whether or not a licence should be granted. All other licences—hotels and taverns and liquor store licences are the principal ones—were granted by the Excise Board, and there was no provision for holding their meetings in public and dealing with licences in a judicial manner as has ordinarily been the case elsewhere. Further, that Ordinance provided, so far as the sale and consumption of liquor was concerned, for two classes of licence, namely, hotel or tavern and retail spirit shop licences. The expression "hotel or tavern" is an alternative expression. Curiously enough, the Excise Board developed a special class called "tavern licence" and proceeded to grant tavern licences owing, I presume, to some misapprehension of the provisions of the Ordinance, there being in the Ordinance no legal provision whatever for differentiation between hotels and taverns as now I believe actually exists in effect.

In process of time it was found that the Excise Board should be replaced by another body and a Committee was appointed to consider the present constitution and general working of that Board. That Committee reported on the 20th May, 1924, and made recommendations as to the granting of licences and the tribunals that should deal with them, and among other things they recommended the abolition of the

Excise Board, which has been accomplished by Ordinance No. 27 of 1926. In the meantime licences which were in existence then have been extended from time to time pending the enactment of the comprehensive measure which will deal with them all. A Bill was prepared and published some time ago, the object of which was to cover all these matters, but after consideration, and having regard to the representations of different classes of the public with respect to various matters, it was revised and the present measure is the outcome of that revision. A curious thing though, sir, about that Bill was that anyone should introduce them, was concentrated, and which the attackers characterised as being novel, stupid and absurd and were surprised that certain clauses upon which criticism were taken bodily from the existing statute which had been the law since 1868.

The present Bill provides for a new kind of Board, called a District Licensing Board, in each County of the Colony, composed of Stipendiary Magistrates, the object being that it should be purely a judicial body to consider the granting of certificates for licences in the manner laid down according to the provisions of the Bill. The Board will hear applications for hotel, tavern or spirit shop licences, and if they approve they will grant a certificate or certificates for those licences. These certificates will be taken to the Commissary within a limited time and he will issue the licence for them. Certain principles are prescribed in the Bill which will have to be considered by the Board in dealing with applications for licences. Hitherto there has been no definiteness in the law, and the Excise Board in their administration laid down principles of their own which were not defined or were particularly known to the public. Following what is the known practice elsewhere, clause 12 of the Bill prescribes the grounds on which a licence may be refused. There are two divisions in connexion with that: where a man makes an application for

a licence and the case, on the other hand, where the application is for the renewal of a licence. The grounds are set out—hon. members are no doubt familiar with them as the Bill has been published for nearly a month—and those grounds have to be considered by the Licensing Board. Provision is also made for members of the public opposing these applications.

Applications for licences are to be sent to the Commissary, and in the case of new licences they have to be stuck up on the premises itself. People who wish to oppose these licences have to serve notice of opposition in a prescribed manner and then they go before the tribunal and support their notice. They have in their notice to specify the grounds on which they oppose the application, and the applicant for a certificate for a licence by looking at the Ordinance would know what he has to be prepared for, as anybody who wishes to oppose an application for a licence must raise the grounds that are specified. That is the usual way in which it is done elsewhere. It is in justice to the man who applies for a licence and it is also in justice to the public.

In considering a measure of this kind it must be borne in mind that the sale of intoxicating liquor is not a right which resides in any individual, and in that way it differs considerably from a trade licence. A man who wishes to trade need only pay the licence duty, and he can open a shop to-morrow and carry on subject to certain regulative measures, such as the closing hours and so on. He has not to fulfil any particular or specified conditions; but the general principle, at any rate in the British Empire, in connexion with the sale of intoxicating liquor is that such sale can only be conducted under a licence granted after the most careful inquiry, and only the licensed individual can sell and he has to conform very strictly to the restrictions in the law. Nobody has a vested right in a licence or in the renewal of

a licence. He has to get the licence from year to year to carry on, and he may at any time lose it if it is opposed on any of the grounds which justify the tribunal in not continuing it, so that no individual or body of persons can in any way claim a monopoly with regard to the sale of intoxicating liquor.

Every person who comes forward has to comply with the Ordinance, and amongst other matters which have to be considered by the tribunal is the provision in the particular district for the carrying on of a similar trade. That is to say, the tribunal has to decide if there is a sufficient number of licensed houses in the neighbourhood, and if in its opinion there is, it does not grant another. That is in accordance with the view that it is against public policy to unduly multiply opportunities for the sale of drink. It is sufficient if there is enough for the needs of the public, but undue multiplication is not encouraged by the State anywhere. Provision is made for a general licensing assembly on or before the 30th November, at which applications for certificates are granted or refused for the ensuing financial year. Provision is also made for the transfer of a licence from one individual to another, or from one place to another, and objection can also be made. In the case of a transfer from one individual to another the question might arise as to the desirability of the person to whom the transfer is to be made. For instance, he may be a minor or a person whose record is such that he is not considered a desirable person to carry on a business of that kind. If he has been convicted of any serious offence against the licensing laws that is a matter, if brought before the tribunal by the Police or people opposing, which will be considered as to his being not a desirable person. Again, there is what is generally called the renewal of the licence.

I may refer at this stage to the classification of licences, which is contained

in clause 3 of the Bill. The definition in respect of a liquor store licence follows that of the original Ordinance of 1868. A discrimination is now, for the first time, made between hotel and tavern licences. A hotel licence is one;

which shall authorise the sale of wine, malt liquor and spirituous liquor to be consumed on the premises, provided that such premises shall contain for the accommodation of guests, if situate within the city of Georgetown, at least ten suitably furnished bedrooms, and, if situate elsewhere, at least four such bedrooms,

the idea being that a hotel should be not merely a place of resort of people who develop a temporary or permanent thirst but a place for the accommodation of people who desire to live or stay there for a more or less limited time. Hitherto there was something called a hotel or tavern licence but exactly what that something was was never defined. It was a hypothesis which, I think, really never had any existence in fact. Then, sir, a tavern licence is to be a licence:

which shall authorise the sale at any station or stelling of the Colonial Transport Department of wine, malt liquor and spirituous liquor to be consumed on the licensed premises during such hours as may be prescribed in any Tax Ordinance.

I may mention, sir, that last year or the year before, questions arose with respect to the sale of liquid refreshment at some of these stations. There was a difficulty about dealing with the question and provision was made in the Tax Ordinance for the hours of sale being restricted. I am not quite sure whether the restriction was good or bad—that, however, is immaterial—but it is desirable that it should be continued. Having regard to the progress the Colony is making, and which we reasonably anticipate to make within a short time, it is natural to expect that there will be some provision for refreshment at these places. The need for it is sometimes felt and, I take it, will generally increase. Subject to that it is proposed—and I think the proposal will meet with universal

agreement—that the present so-called taverns, which are all undistinguishable from spirit shops, should really and truly, if they desire it, become spirit shops. Provision is therefore made in clause 101 that :

(1) Any holder of a tavern licence purporting to have been granted under the Wine, etc., Licences Ordinance, 1868, or any amending Ordinance, may apply to a Board for a certificate for a spirit shop licence in respect of such premises, and shall with his application deposit a plan of the house, shop, or premises.

(2) An application under this section shall be deemed to be an application in respect of premises already licensed for the purposes of sub-section (2) of section twelve and sub-section (2) of section seventeen of this Ordinance.

The effect of that will be that the holder of a tavern licence would apply for a spirit shop licence and will be treated not as a new applicant, who would be subject to a large number of objections, but as a person whose premises have already been licensed. If material reasons exist why he should not get a licence, as in the case of the holder of a spirit shop licence for renewal where objections are established, he does not get it. It is done in that way because, although tavern licences have no legal existence, it is only fair to the persons, who through no fault of their own have been granted these so-called licences, that it should be made reasonable for them to get the form of licence they most desire. If they wish another form of licence they can apply for it, but the trade they now do is the trade usually done by a spirit shop. There is provision for an appeal from a decision of the Board refusing or granting a certificate for a hotel, tavern or spirit shop licence. In the past there was an appeal which came to the Governor-in-Council, and recently an occasion arose in which the Governor-in-Council had to sit for several days and hear evidence and counsel in regard to several of these applications. Following the report, which I

referred to some time ago, the Bill contemplates that these appeals should go before the Full Court, and grounds and reasons are set out. I shall ask in dealing with them to substitute a new clause 25, which will put the matter very much better.

There is another point to which I desire to call attention: the provision that is made for a provisional licence for new premises. The law at present is that a licence can be granted only in respect of an existing building, but it was the common practice in the past to grant a licence in respect of a spot on which no building existed, and it was not in accordance with the law. If the applicant succeeded in getting a licence he proceeded to erect a building and carried on the business, but it is essential that legal provision should be made for it, and following what is done elsewhere it is proposed here that a person may apply for a licence in respect of premises about to be constructed, but he has to submit to the Board his plans of the building and notice of it has to be given and the matter gone into by the Board. If the Board refuses to grant him a certificate, as the result of opposition or otherwise, he does not get a certificate and does not proceed with his building. If the certificate is granted he erects the building and if the building is in conformity with the plan then he gets his licence completed. It is a very useful provision because it would be rather a hardship for a man to have a gamble by actually putting up a building and then being refused a licence. This meets the case and is in accordance with modern law.

There is one other point to which attention might be called. Under the existing law it is provided that no sale of more than one quart of rum can be made by a spirit shop to a purchaser unless a permit is issued. The Bill contains a provision that that should be extended to two quarts of rum. The restriction might have been reasonable in 1868 when there was a provision

forbidding the sale of intoxicating liquor to members of His Majesty's Forces, but the reason for that as well as the reason for the other has gone and it is reasonable that the quantity should be now two quarts instead of one. That will necessitate an alteration in the corresponding provisions in the Spirits Ordinance where they still exist. No doubt the provision for a permit is a useful one. It is new to some of us but it has been in existence for a long time, and the reasons for it must have been substantial. My own experience is that it is very useful because it prevents irregularities in dealing with spirits, and it is some sort of assurance against unauthorised persons receiving large quantities of spirits and selling without a licence. I am afraid I have consumed a fair proportion of the time of the House this morning, and I hope I have not overstepped the limit, but I have ventured to do so in order that the reasons should be put before the House as clearly as possible and the changes contemplated understood in advance. I may mention that in spite of the care and energy that have been expended on the Bill it is necessary to move some amendments in. I have caused the amendments to be circulated to members of the House, so that when we come to the particular points where I propose to move them in members will have the amendments before them.

Mr. AUSTIN: I beg to second the motion for the second reading of the Bill.

Mr. CRANE: Your Excellency, this piece of legislation deals with a very large section of the trade carried on in this country, therefore we have to move extremely carefully before we enact the provisions which are now before us. There are one or two matters, speaking generally, that I desire to bring to the notice of the hon. and learned Attorney General in order that amendments may be made if the suggestions meet with his approval. There

is a very important matter arising in connexion with clause 3 which, when the time arrives, I propose formally to move by way of amendment. The proposal is to maintain what is known as the unlicensed principle as regards hotels. You will notice, sir, in clause 3 (2) that a hotel is permitted to sell spirituous liquor only to be consumed on the premises. That is a matter that needs very serious consideration because at the present time, whatever the reasons might have been in years gone by, hotels pay exactly the same licence as spirit shops in (4), viz., £100 per annum. It seems somewhat anomalous that all places paying the same licence are not given the same facility for the sale of spirituous liquor. A hotel can only sell liquor for consumption on the premises while a spirit shop can not only sell for consumption on the premises but also permit it to be taken away. It seems irregular and unfair to the hotel, and it is a matter for the serious consideration of this House whether that provision should not be altered now that we are putting in order the liquor law of the Colony.

We usually follow England in regard to legislation. There a man unlicensed is allowed to sell for consumption either on or off the premises, and now that we have brought the licences of spirit shops and hotels on the same plane it seems unfair to restrict hotels to selling on the premises. A spirit shop in this Colony is not on the same level as a "pub" in England. I went with friends to "pubs" while in England and no one noticed us, but the opposite would be the case if I went into a spirit shop here. The spirit shop here has its own class of patrons; it is the poor man's hotel. The poor man is allowed to go there and drink and to buy his bottle and bring it out. The other man who public opinion takes to the hotel cannot buy and bring out. On the other hand, if he goes to buy from a liquor shop it is prevented from selling him less than two gallons, so that a man who is ordinarily a client of a hotel will be forced to

buy from the spirit dealer. That seems to be wrong and a matter which we should put right. As regards taverns it would seem wrong to limit the licensee only to a station or stelling of the Colonial Transport Department. Why should the Transport Department have a monopoly so far as taverns are concerned? There are other places where the need of liquid refreshment would be similarly felt. For example, a tavern on a race course would be for public convenience, and we ought to give power to the Board to grant a tavern licence for any place where a body of men resorts from time to time.

The Board it is proposed to set up to deal with licences, I agree, is the best provision to meet the situation; but I should like to call the mover's attention to clause 12. I think provision ought to be made in the Bill to prevent monopolies in country districts. Monopolies are hardly possible in Georgetown, but in country districts it is often seen that two or three shops are owned by the same individual. No man should own two spirit shops within a stone's throw of each other, and when the time comes I shall move an amendment with the object of preventing that state of things in the future. However much I agree with the hon. Attorney General with regard to taverns, we have to be very careful in turning taverns into spirit shops. Let us, for example, take one locality—Bartica. There are five spirit shops there now and the same number of taverns, and the objection to taverns being turned into spirit shops is that you are going to have a large number of spirit shops in Bartica at least. So far I think that the Bill, with the few amendments, will serve the purpose intended of improving the legislation dealing with the sale of intoxicating liquors, and I earnestly ask the hon. Attorney General to consider the point of restricting hotels to the sale of liquor on the premises when the same taxation is imposed on both spirit shops and hotels.

The ATTORNEY GENERAL: I am glad that suggestions have been put forward by the hon. member in connexion with this matter. There are just one or two points which I should like to mention. One is the question of hotels and the position that liquor is to be consumed only on the premises. That position is not peculiar to this Colony. My hon. friend will find that in hotels in London where liquid refreshment is sold to guests it is not permitted to be brought out. A place that is "unlicensed" is the ordinary "pub." It does seem that no hardship is done by confining the sale of spirits to be consumed on the premises of hotels. It is quite true that by the existing Tax Ordinance the licence duty of a hotel is the same as for a retail spirit shop. Different classes of persons, however, resort to a hotel ordinarily, and the hotel keeper makes a difference in the prices he charges, therefore he makes up by the class of his customers and the prices he can charge for the fact that he is not permitted to sell for consumption off the premises. I venture to think it is a wise precaution that a hotel, which is a living place after all and not a place of business for the sale of intoxicating liquor, should confine its sale to the course of legitimate business that it does.

I should also like to call the hon. member's attention to the fact that it is not quite correct to say that the frequenter of a hotel who finds it not desirable to visit a spirit shop cannot buy his bottle of whisky at places which have a liquor licence. If that is so I am afraid that the firm that supplies me has been breaking the law all along, but that is not so. By clause 3 (1) of the Bill a liquor store licence is defined as authorising "the sale in the licensed premises of spirituous liquor not to be consumed on the premises and in quantity not less than two gallons," but there is a proviso that upon taking out an additional licence as provided for in the Tax Ordinance, "the holder of a liquor store licence may sell, dispose of and deliver from his licensed premises spirituous

liquor in such quantity as is permitted by such licence." That comes from the old law and as a result in the existing Tax Ordinance there is what is called a single bottle licence, which enables them to sell a single bottle to anybody and enables some of us who do not go to "pubs" to get our single bottle.

Mr. CRANE: That provision slipped me.

The ATTORNEY GENERAL: With regard to the question of the extension of the tavern licence, the tavern is really a special provision arising out of the necessities of circumstances and we are legislating for it with regard to the Colonial Transport Department. But there are other classes of licence provided for, sub-clause 3 providing for an entertainment licence and sub-clause 7 for the needs of persons who attend race meetings by an occasional licence which exists under the present law. I appreciate the difficulty with regard to Bartica, which the hon. member has referred to. Apparently under this provision of the law, which has been misinterpreted, a number of taverns have been created at Bartica. The difficulty is whether, they having been so established, it is morally right to deprive them of privileges which they honestly believed they were entitled to under the law. They have made investments and are carrying on. The question would arise as to what is the moral right with respect to persons of that kind. I venture to think that the provision in the Bill would meet the case. It may be that when any one of them passes out of existence by the incidence of trade no new licence will be granted and the licensing tribunal will take into account the number of places there according to the population.

Mr. WOOLFORD: I think it is a matter for congratulation that this measure is likely to pass into law. As the hon. Attorney General has said, the principal statute has been on our books for sixty years with such amend-

ments as have been made from time to time. It has taken two years—not an unusually long time for modern legislation—to produce this particular Bill. I desire to support the appeal of the hon. Member for West Demerara in regard to the concession to be made to hotels for this reason. The learned Attorney General stated that it is possible for the holders of a liquor store licence to sell a bottle of liquor to people of the status who visit hotels. He has overlooked that these businesses close at 4 o'clock and that a person who frequents hotels on the spur of the moment may require his bottle of liquor in the same way as the habitué of a rumshop and is unable to obtain his supply. The comparison, therefore, does not help the situation at all.

I should like also to remind Government of a promise that there would be some relief in regard to this matter. One of Your Excellency's predecessors, Sir Wilfred Collet, and the spokesman of Government in the then Legislature, undertook that some concession would be made to hotel proprietors, because it was evident that an individual who goes to a hotel with the status to which he belongs may well be entrusted with the discretionary power to take away one or two bottles of spirituous liquor. That power is sometimes abused by members of the class who frequent rumshops and are addicted or suaded to consuming more than they had already done by giving the privilege of taking it home. Government promised to concede to hotel proprietors the same concession. It was pointed out at the same time that at most hotels there is a billiard table for which a licence is required. Although the hotel proprietor does in some cases charge a little more for his liquor, the class of person who usually goes there is a billiard player or one who looks on and enjoys the game. For keeping a billiard table the proprietor is made to pay a licence of \$24 per annum, and I think a promise was also made to relieve the hotel proprietor of this charge.

The complaint urged by the hon. member with regard to Bartica is one of very great importance indeed, and if the history of licences there is investigated it would be found that there would be no immoral or unjust proceedings whatever in granting the privileges which have been appealed for. It is a well known fact that previous to granting taverns there existed two spirit shops in that locality. Year after year applications for the same privilege were met by opposition from the two alleged different interests and were consistently refused, and it was only when the death of one of the licensees occurred it was disclosed that the only two licences for shops that existed in that district were the property of one and the same person. That was a monopoly which had existed for years to which the Excise Board had turned a deaf ear. If in that particular locality some special legislation will affect a particular interest, the answer to that is that the particular interest has enjoyed a monopoly which it should never have had. I should like to know if it is proposed to proceed with the third reading of this Bill at this session.

The PRESIDENT: With respect to the taverns and spirit shops at Bartica will the hon. member kindly inform me of the present number of spirit shops there?

Mr. CRANE: As far as I recollect up to 1922 there were three spirit shops and two more were granted in 1923, and there are about four or five taverns.

Question put, and agreed to.

Bill read the second time.

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

Clause 2.—Interpretation of terms.

The ATTORNEY GENERAL: I move that in the definition "Intoxicating Liquor" the word "for" in the first line be deleted.

Mr. AUSTIN seconded.

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

Clause 3 (1).—Classification of licences for the sale of intoxicating liquor.

The ATTORNEY GENERAL: I move that the words "wine or malt liquor" be added after the word "liquor" in the second line.

Mr. AUSTIN seconded.

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

Clause 3 (8).—Malt liquor and wine licence.

The ATTORNEY GENERAL: This sub-clause as it stands follows the existing law. It has been pointed out to Government that great hardship exists in many parts of the Colony where there are shops with a malt liquor and wine licence by people who want to have a drink being unable to consume it on the premises. It meant that a man who wanted a bottle of beer would go into a shop, buy the bottle of beer, come out into the sun, knock the top off and drink its contents. It is only reasonable that there should be an amendment. Another amendment is proposed to include falernum in accord with what has been done before. I move the insertion of the words "or the liquor known by the name of Falernum provided that it has been manufactured in the Colony and does not contain more than twenty per centum of proof spirit whether" after the word "wine" in the third line, and the words "or not except in the case of the City of Georgetown and the Town of New Amsterdam where consumption shall be off the premises only" at the end of the sub-clause. As regards Georgetown and New Amsterdam the existing rule will prevail but the relaxation will be made in respect of other places.

Mr. CRANE: I second that and I hope Government will be consistent when it comes to another clause to make a similar concession.

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

Clause 3 (2).—Hotel licence.

Mr. CRANE: I move formally that between the words "on" and "the" in the second line the words "or off" be added. As has been pointed out, hotels pay a billiard table licence, also a tobacco licence. We get £100 out of them and ought to do something to keep them alive. I have no personal interest in this matter, but it struck me as a matter for adjustment and I hope Government will regard it in that light.

Mr. DIAS: I regret very much that I have to oppose the amendment by the hon. member. He seems to have addressed himself on this question as if there were only two hotels in Georgetown, but he should know that there are a number of hotels which are, unfortunately, even below the standard of rumshops, and to encourage an amendment of this nature would be giving an opportunity to indulge in trade which is bound to be detrimental to Government and impose greater and more responsible duties on the Police Force. With reference to the promise of Sir Wilfred Collet to grant relief to hotel keepers, hon. members must know that relief has been given. At one time a hotel proprietor could not sell rum on his premises. The privilege was given to him to do so, but he had to purchase his rum from the retail spirit dealer. Later on representations were made on his behalf and to-day he enjoys the privilege of taking his own rum out of bond as any dealer and is able to place before his customers rum as cheap as it can be obtained from any spirit shop.

With regard to the suggestion that the hotel proprietor has to pay an

extra licence for a billiard table and the sale of tobacco, the answer to it is that the rumshop keeper has to pay the same licence, so that his licence costs him nothing less than the hotel proprietor. There is still a further consideration, sir, and it is that if you allow this privilege to sell liquor off the premises the last privilege to the spirit dealer would be lost, while it would be unfair to continue the restrictions which the law imposes on the retail spirit dealer. At the present time a retail spirit dealer is required to keep certain books and the Police have the right to enter his premises and examine these books. The hotel proprietor is immune from that responsibility. If you give the hotel proprietor this privilege, sir, he must make up his mind to be equally liable as the retail spirit dealer to these restrictions, but I venture to submit that he would be the first person to protest against the Police being authorised to enter his premises and to become liable to the restrictions at present imposed on the spirit dealer. I think it would be an error on the part of Government to give hotels this privilege which they can well do without.

Mr. GONSALVES: The first objection by the hon. Member for West Demerara is that hotels should pay the same licence as retail spirit shops. If Government think hotel proprietors enjoy less privileges than spirit dealers, it seems to me, it would be up to the Council when considering the Tax Ordinance to make a reduction of the licence. That would dispose of the point made by the hon. member. With regard to the sale of spirituous liquor to be consumed on licensed premises, I think all the speakers have lost sight of the provision in the Shops Closing Ordinance No. 24 of 1925. Section 3 (2) provides that nothing in the Ordinance shall prevent the sale of any liquor in any hotel at any time to any person who is at the time a *bona fide* resident, boarder or traveller. If the words suggested by the hon. Member for West Demerara are inserted we will have retail spirit dealers complaining that

whereas any hotel boarder can get a bottle of whisky and bring it off the premises, the retail spirit dealer suffers by reason of the fact that his shop has to be closed during certain hours and he is prohibited from opening on Sundays. Great care should be exercised lest we find representations being made by retail spirit dealers and I think it would be wise to leave the clause without any amendment. I should like to draw the attention of the hon. the Attorney General to the provision with regard to bedrooms. Clause 3 (2) of this Bill authorises the sale of wine, malt liquor and spirituous liquor to be consumed on the premises under a hotel licence, "provided that such premises shall contain for the accommodation of guests, if situate within the City of Georgetown, at least ten suitably furnished bedrooms, and, if situate elsewhere, at least four such bedrooms." If the Attorney General will compare that with section 3 (3) of the Shops Regulation Ordinance, No. 24 of 1925, he would find it prescribed that a hotel must contain "not less than twelve furnished bedrooms." That is an anomaly which I think should be rectified.

The ATTORNEY GENERAL: The arguments against the sale of intoxicating liquor to be consumed off the premises are so strong that I need not go over them. The important point about them is that a hotel is primarily a place for people to live in. That has been emphasised in this Bill by the provision of sub-clause (2), and, as the hon. Member for Georgetown has pointed out, there is reference to it in section 3 (3) of the Shops Regulation Ordinance. In the interest of law and good order I think the sub-clause should stand as it is. At any rate, Government will not be able to accept the amendment on the lines of the sale of intoxicating liquor by hotels to be consumed off the premises. The point with regard to the sub-section of the Shops Regulation Ordinance to which the hon. Member for Georgetown has referred is that the sub-section enables the Inspector Gen-

eral of Police to issue a permit to hotels containing not less than twelve furnished bedrooms extending the hours during which billiard tables and bagatelle boards may be used and liquor or tobacco may be sold to persons other than *bona fide* residents, boarders or travellers. The point about that is that the power to the Inspector General to give this extended privilege is limited to a hotel which contains not less than twelve furnished bedrooms. In other words, the Shops Regulation Ordinance gives the right to exercise the discretion for an extension to the bigger class of hotels and distinctly precludes the smaller class from getting that extension. If it is thought that there is something unfair, it can be met by reducing the number of bedrooms to ten, which would be more reasonable than extending the number of bedrooms.

The CHAIRMAN: I think an amendment to that effect can be made in the law later on.

Mr. CRANE: I do not press the amendment.

Mr. HUMPHRYS: At present the holder of a hotel licence may carry on on the ground floor a bar similar in every respect to a retail spirit shop except that liquor cannot be sold to be consumed off the premises. I think it should be made clear that the holder of a hotel licence should not be permitted to carry on a bar on the ground floor but should be restricted to the upper storey. The reason for that is that you have the holder of a hotel licence carrying on several bars on the same premises and competing unfairly with the holder of a retail spirit shop licence. The object of the amendment is to preclude hotels from carrying on bars on the ground floor except they contain 32 suitably furnished bedrooms. The amendment I propose is that after sub-clause 2 the following proviso be added:

And provided always that no liquor shall be sold on the ground floor of any hotel

within the City of Georgetown except where such hotel contains at least 32 suitably furnished bedrooms to the satisfaction of the Inspector General and the premises actually occupied for the purpose of the hotel are assessed in the town books of Georgetown for the purpose of Municipal taxation at the value of \$35,000. For the purpose of this sub-section the 'ground floor' shall include the space between the street level and ten feet above.

I think if this amendment is adopted it will be found of great benefit to the city generally. We would not then have so-called hotels with ten or twelve rooms carrying on bars on the ground floor and only bars in well conducted hotels.

The ATTORNEY GENERAL: I do not think there is any question of unfair competition in matters of this kind. We are all aware that nobody has the right to the sale of intoxicating liquor and can only carry on under such restrictions as are imposed by the law by which the licence is granted. There are some persons whose legal rights would be affected. People have been carrying on bars on ground floors and the ground of complaint is unfair competition with other people. The proviso is that no intoxicating liquor should be sold on any ground floor except where a hotel contains at least 32 suitably furnished bedrooms and the premises are assessed in the town books for the purpose of Municipal taxation at the value of \$35,000. It has been suggested to me that there are probably only two hotels in Georgetown which have 32 bedrooms and which are valued at \$35,000. On the other hand, it is admitted from the hon. member's remarks that there are other premises, the owners of which have hotel licences, which have not 32 bedrooms and are not valued at \$35,000. It seems to me that the amendment is not to create rivalry between the people concerned, and I submit that it is calculated to create a monopoly and a hardship on the individuals who are carrying on business.

Mr. SEYMOUR: One point seems to have been overlooked in having bars

on the ground floor. We have not in the tropics many ground floors and I cannot imagine having on second floors bars which would not be a nuisance to the occupiers.

The CHAIRMAN: Does the hon. member desire to press his amendment?

Mr. HUMPHRYS: No, Your Excellency.

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

Clause 3 (3).—Tavern licence.

Mr. CRANE: I ask the hon. Attorney General if he still insists on the words "at any station or stelling of the Colonial Transport Department." If he advises Government that the words are necessary it is no use my continuing to press the amendment, but I think this sub-clause might be extended and to put myself in order I formally move that after the word "sale" be added the words "at any place to which the Board is satisfied that numerous persons frequently resort to, or." I do not think it is a wise policy to limit a tavern licence to any station or stelling of the Colonial Transport Department. Why shouldn't we use the Sea Wall, and why shouldn't we be able to get a tavern run at Kitty under proper and organised conditions? I will accept an amendment leaving it in the discretion of the Governor-in-Council to determine where these taverns are to be set up. If it is shown that public convenience demands it I take it Government would grant the concession. The statute unnecessarily limits the convenience and it should be extended in the discretion of the Governor-in-Council.

The Council adjourned for the luncheon interval.

The CHAIRMAN (on the Council resuming): Before proceeding with the debate I would just like to read an extract from a statement showing the number of places from which you can get intoxicating liquor at Bartica, a

town of 1,000 inhabitants. There are five spirit shops, seven taverns including two hotels, and 29 shops licensed to sell wines and malt—a total of 41. Now, I feel perfectly certain that hon. members of this Council desire to remove what is nothing less than a disgraceful blot on this Colony, and if there are any similar instances anywhere else for the encouragement of the sale of intoxicating liquor I hope that we shall be able to deal with it in such a manner as to appreciably reduce the number of licences, etc., that we issue. I ask hon. members to remember that complaint has been made from time to time of the way in which a large number of people in this Colony have deteriorated from ability to get drink too easily. On the other hand, of course, it would not be advisable to be too drastic, or else you pave the way to illicit sources of supply, which would be very difficult to track down without considerable expense and possibly increasing largely our protective and Police Force. I merely mention this to indicate the spirit in which Government proposes to deal with this drink question. I do not want hon. members to think that I am any believer, or members of the Government are any believers, in making people moral by law. That has been proved to be an unsuccessful operation in another part of the world, especially with regard to drink, but I do feel that we should all do our best to put a check to any opportunities that are unduly large for spreading this drink evil, irrespective of whether it will lead to loss in the businesses of those people who have made the supply of intoxicating liquor their trade in life.

Mr. CRANE: I still hope that it will be possible for Government to accept the suggestion which I made when the Council adjourned; that we should not restrict by statute sale at any station or stelling of the Colonial Transport Department but extend it to any place to which the Board is satisfied that numerous persons frequently resort. When we come to a later clause

I propose, with Your Excellency's permission, to make a few remarks dealing with the situation at Bartica.

The ATTORNEY GENERAL: I appreciate very much the views of the hon. member with reference to making the provision which he indicates. It strikes me, however, that it would not be dealing with the question effectively when it arises in the manner which is now suggested. Like the hon. member I can foresee the period when we shall have pleasure resorts where people will foregather, and I think the best of them will be Mabaruma in the North-West District. But supposing there was some such resort, say, at Hope beach, it would require something in the nature of a restaurant. The difficulty of dealing with it is that it is one of those things which it is hard to foresee with enough clearness of vision. What I would suggest is that this provision should be given a trial for a year or two and when the occasion arises after we have viewed the situation and measured it we can then see and realise just what is needed and eventually provide effectually for it.

The CHAIRMAN: Does the hon. member desire to press his amendment?

Mr. CRANE: No, sir.

Mr. HUMPHRYS: Before this clause is passed may I suggest an amendment inserting after the word "station" in the second line the words "(except the Georgetown Railway Station)." I take it that there is no intention on the part of the Colonial Transport Department to ask for a tavern at the Georgetown Railway Station which is practically surrounded by retail spirit shops of various kinds.

The ATTORNEY GENERAL: Whatever the present intention of the Colonial Transport Department may be one does not know what might arise in the future, and if we in this statute take care to preclude the existence of a tavern at that station it will require another law to include it later

on when there may be need for one there. The point is that although there may be a good number of spirit shops in the vicinity it does not follow that they are frequented by passengers who travel on the trains, and it is useful to establish a tavern there when it is needed by people who travel and might want some refreshment.

The CHAIRMAN: As a matter of fact I think we might safely leave that matter to the Licensing Board. I should also like to draw the hon. member's attention to the fact that it is not proposed that the Transport Department itself should indulge in trade. It might be the establishment by private enterprise to set up a tavern but I do not think the Managing Director contemplates, at present at any rate, starting a Government tavern.

Mr. CRANE: I may point out, sir, that clause 98 deals with the question.

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

Clause 5.—Licensing Districts.

The ATTORNEY GENERAL: I move the insertion of the words "if not disqualified" after "whom" in the eighth line.

Mr. AUSTIN seconded.

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

Clause 6 (2).—Demerara District Licensing Board.

The ATTORNEY GENERAL: I move that a full-stop be substituted for the comma after the word "Governor" and the words "one of whom shall be a Magistrate of the Georgetown Judicial District" be deleted.

Mr. AUSTIN seconded.

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

Clause 6 (3).—Berbice District Licensing Board.

The ATTORNEY GENERAL: I move, as in the previous sub-clause, the substitution of a full-stop for the comma after the word "Governor" and the deletion of the words "one of whom shall be a Magistrate of a judicial district within the said County."

Mr. AUSTIN seconded.

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

Clause 6 (4).—Essequibo District Licensing Board.

The ATTORNEY GENERAL: I move the same amendment in this sub-clause as in sub-clause (3).

Mr. AUSTIN seconded.

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

Clause 8 (1) and (3).—Disqualification of Magistrate in certain cases.

The ATTORNEY GENERAL: I move the insertion of the words "the husband or" at the beginning of paragraph (a) and the substitution of "penalty" for "fine" in sub-clause (3).

Mr. AUSTIN seconded.

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

Clause 10 (1).—Date of general annual licensing meeting and notice thereof.

The ATTORNEY GENERAL: I move the insertion of the word "to" between the words "place" and "which" in the last line but one.

Mr. AUSTIN seconded.

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

Clause 12.—Grounds on which licence may be refused.

Mr. CRANE: This clause enumerates the grounds on which opposition might be made to an application for a certificate. When I referred this morning to the monopoly which exists I desired to make the representations which I propose to make now. Personally, I welcome the straightforward remarks Your Excellency made to this House in relation to the regulation of this trade without any consideration for whom it is going to injure in the prosecution of their business. The five shops referred to by Your Excellency are owned by one and the same person. The two hotels are owned by the same person who owns the five shops, and I am not sure that one or two of the provision shops which sell wine and malt liquor do not also belong to that individual. It is a company. That is a monopoly which I confidently submit this House will not preserve. If this company wants to carry on this particular line of trade there is nothing to prevent it from concentrating its business in one building. The amendment I propose is that there should be added to sub-clause (1) an additional ground of opposition to read :

That except in Georgetown, the applicant has been granted or has applied for a certificate for a hotel, tavern, or spirit shop licence for premises situated within a radius of two miles from the premises in respect of which the application under consideration is made.

If there is this ground of opposition it will prevent the spread of shops over any district. While I appreciate the statement of the hon. Attorney General that this Bill is not intended to prevent competition, I submit that not more than one spirit shop within a certain radius should be under the control of any individual. I urge that competition should be considered where a district is large enough to admit of two shops being placed there. My suggestion excludes Georgetown. In Georgetown that provision is not so necessary

because a man can get about far more readily than in a country district where shops are perhaps one to four miles from each other. In a country district it is essential to preserve the right of the public and prevent a monopoly. This industry has thrived too much in this community and it is not necessary for its preservation that there should be a single purveyor.

The ATTORNEY GENERAL: The point which has been raised by the hon. member is undoubtedly a very important one, and I must confess that it was a bit of a surprise to me to learn the figures which Your Excellency read out. The difficulty, however, is just how to deal with it. If we accept the amendment by my hon. friend it is going to have the effect of putting out of business places which have been licensed by an authorised body. Those people got their licences from the late Excise Board, a body constituted by statute to perform those duties. That body had views of their own and acted on them and the trouble is that for some years some of these people have been carrying on business under the licences granted to them. The effect of this provision would be that in March next when applications are made—if this amendment applies only to new licences my argument would not apply—if it is intended to apply to applications for renewals difficulties will arise.

Mr. CRANE: I should like Government to consider it from the aspects of all licences. I ask that consideration be given to the full request because, I take it, Your Excellency's policy is to put the question in proper order no matter whom it affects.

The ATTORNEY GENERAL: The proposal of the hon. member might very well apply to new licences but the difficulty with regard to renewals is one that requires some more consideration. It is perfectly true that nobody has a vested interest in these licences, and he cannot complain or ask for compensation if for some reason or other

a licence is taken away from him, but where the conditions under which the licence was issued by an authorised person have not changed difficulties arise. It really means refusing to renew licences to some of these persons. I think the matter is one which requires more consideration than we can now fairly give to it so far as renewals are concerned. The line of action which would have to be adopted to carry out some such principle would have to turn on some other principle than those indicated. I venture to suggest, sir, subject to Government's views, that the particular matter of dealing with existing licences may be left over for consideration and to be dealt with in a separate measure. One would then be able to assume all the circumstances and to deal more fairly with them, and I venture to think that if it were known now that it is Government's policy to consider what action should be taken with regard to the abrogation of licences of these people in order to limit the number of places for the sale of liquor, as at Bartica, the knowledge that that is going to be part of Government's policy might so affect some of these people as to prevent them from applying for a renewal of licences in March next, or prevent them from asking that tavern licences be converted into spirit shops licences. If they do not choose to exercise a wise discretion on their own part in a voluntary manner they will have very little to complain about when Government comes forward with a considered scheme to deal with it.

The CHAIRMAN: I appreciate very largely what the hon. Member for West Demerara (Mr. Crane) has said and also the Attorney General's plea for deferring this matter. I think that we might well defer it if hon. members will accept my assurance that I will have a Committee assembled to deal not only with this question of monopolies but with the question of what I am afraid is the unduly large number of licences for all kinds of premises connected with the sale of intoxicating

liquors in Georgetown itself. We cannot act too rapidly and drastically without doing a genuine injury to any individual who has established these premises, probably at some considerable expense, under the system which allowed him to do so. But I think we can, with an efficient Committee, devise some steps by which we can place a time-limit on the period over which such monopolies as exist will be allowed to extend, possibly on a dwindling progressive system of abolition, and also to give to those people who the Committee may consider are running a superfluous place for the sale of intoxicating liquor in Georgetown due notice to make their financial arrangements accordingly. As I say, we cannot do this drastically without injustice, and as long as we are on the right track and are fighting it year by year and gradually getting it less we shall avoid doing injustice and avoid cutting the public short of the conveniences to which they have been accustomed too suddenly. I think if the hon. member will accept that assurance he may leave this as it stands at present with regard to renewals:

Mr. CRANE: I accept Your Excellency's suggestion with regard to renewals. With regard to new licences the hon. the Attorney General will settle the amendment.

Mr. CANNON: May I be permitted to ask Your Excellency to bear in mind in further considering this matter who are likely to be the greatest sufferers? I submit that Government will be by the loss of revenue. I also want to point out, while I have had nothing whatever to do with the late Board that dealt with the matter, that I believe the question of finance largely influenced them in granting those licences. At any rate that is what I have been told. I have heard it said that at Bartica there are five spirit shops, two hotels and three or four

other places owned by one individual, I must admit that a monopoly is perhaps not a healthy thing, but if you are going to prevent proprietors of these establishments from providing employment for a number of people you will be doing an injustice to those people. Employment is getting worse and worse every day and Government should be very careful before they bring forward any scheme that is likely to close down any shop, at any rate at the present moment, and I suggest that they should go very carefully into this matter before bringing forward any such suggestion.

Mr. BRASSINGTON: As a large employer of labour the question of the retail spirit dealers' business must give me food for thought. A good deal has been made out of the number of hotels and spirit shops at Bartica. At first blush it must appear that five spirit shops, two hotels and several taverns are unduly large for a population of 1,000 people. Figures are very illuminating, but there is a large floating population in transit which must be taken into account. I do not think that 1,000 is anything like the due proportion of the population which is served by so many rumshops. The sale of rum in this Colony is a question that must affect the employers of labour, especially on sugar estates. From my experience, extending over very many years, the excessive purchase or use of rum by labourers is on the down grade considerably. The excise figures will show that the sale of rum has gone down tremendously. I do not think that is due to the increase of the rum duties during the last few years but to the realisation by the people themselves of the after effects of drink. Drink and schools are two totally different things, but they are questions that must be approached with caution and we should hasten slowly. I do not think that the close proximity of rumshops to each other has very much or anything to do with the quantity of rum consumed. I think that if the shops are properly conducted there will be healthy com-

petition. What we want in this Colony is a better class of spirits for the poor man to drink. A good deal can be done by way of legislation in seeing that the poorer classes get a pure spirit and I think Government might give some attention to that phase of the question.

The CHAIRMAN: I am very much obliged to the hon. member for his advice about caution and I can assure him that due caution will be observed, but I am afraid his argument "about the large number of people passing through Bartica on their way to and from the diamond fields is another reason for reducing the number of spirit shops in that locality if what I am credibly informed is correct—that these people going to and from the diamond and gold fields, especially those on their way back to Georgetown, leave a large portion of their personal possessions somewhere in the neighbourhood of these rumshops."

Mr. BRASSINGTON: I rise to say, Your Excellency, that I did not defend it. I think it would be very much better for the Colony and everybody if those men came away with the money.

The CHAIRMAN: As to Government's expectations of revenue, however, this I tell the Council quite candidly: that I should not mind if the whole of the intoxicating liquor trade is abolished in this Colony. We should lose very badly for the first year, but I think we should absolutely recover ourselves. Production and trade will be far greater if there was no drink to waste money, energy and strength on. However, every thinking member of this Council knows that it will be quite impossible to have prohibition or anything like it in this Colony without having illicit distilling running riot in the place with worse consequences, but as to revenue we are quite prepared to make sacrifices in other directions. In concluding the debate on that part of the Bill, I have some interesting figures here for the information of members re-

garding the months of January and February this year. In those two months about 2,832 people went to Kamakusa *via* Bartica and 1,801 came down from Kamakusa *via* Bartica; roughly 1,000 per month both ways.

Clause 12 deferred.

Clause 13.—Procedure on application for licence.

The ATTORNEY GENERAL: I move that in sub-clause (1) (a) the word "shall" in the fourth line and in (b) the words "not later than the fifteenth day of October" and the word "shall" in the seventh line be deleted.

Mr. AUSTIN seconded.

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

Clause 14.—Opposition to granting or renewal of licence.

The ATTORNEY GENERAL: I move that in sub-clause (1) the words "and on the District Commissary" be inserted after the word "applicant" in the ninth line, and that the words "application is to be heard" be substituted for the words "licence is to be applied for, and a copy of every notice shall be served on a District Commissary at least seven days before such meeting."

Mr. CRANE: I suggest that after the syllable "tion" the words "on any of the grounds enumerated in section 12 of this Ordinance" be inserted. My reason for making that suggestion is that it would be clear to opposers that they must oppose on those grounds and no other. I think it would make for clarity if those words were put in.

The ATTORNEY GENERAL: Clause 12 undoubtedly sets out the grounds on which an application can be refused, but, as my hon. friend says, the words he suggests will make it clear and I think we had better insert them.

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

The ATTORNEY GENERAL: I move, sir, that the words "When notice as aforesaid has been duly served" at the beginning of sub-clause (2) be deleted.

Mr. AUSTIN seconded.

Question put, and agreed to.

Clause 15.—Costs awarded by Board.

Mr. CRANE: We have set out in clause 12 (1) the grounds on which a licence may be refused. The evidence tendered in support of the grounds may be unreasonable or frivolous. I therefore suggest that between the words "that" and "the" in the first line the words "the evidence tendered in support of" be inserted.

The ATTORNEY GENERAL: The intention is not that the grounds of the evidence tendered are frivolous but that the grounds on which he opposes the licence are unreasonable or frivolous. I think it is alright as it is.

The CHAIRMAN: Unless it leads to legal proceedings.

Mr. CRANE: Sometimes I appear in these legal proceedings, sir, and I will reserve my energies for such occasions. (Laughter).

Clause 17.—Hearing of applications.

The ATTORNEY GENERAL: I move that the words "The Chairman of the Board shall take notes of the evidence" be added at the end of sub-clause (1).

Mr. AUSTIN seconded.

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

Clause 18.—Special provision in applications for premises situate in the same locality.

The ATTORNEY GENERAL: I move the insertion of the word "hotel" between the words "of" and "tavern" in the second line and the word "one" be-

tween the words "any" and "of" in the fifth line.

Mr. AUSTIN seconded.

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

Clause 20.—Appointment of days for and holding of transfer sessions.

The ATTORNEY GENERAL: I move that the word "sessions" be substituted for the word "meeting" in the first line of sub-clause (3).

Mr. AUSTIN seconded.

Mr. DIAS: It has occurred to me that perhaps it would be of advantage and of no inconvenience if there were more than four transfer periods during a year. Sales of businesses may be held up for a long period after a transfer session. Under the old Ordinance a man may apply for the transfer of a licence at any time during the year and to limit it to four times a year might hamper him in his trade or business. The Official Receiver would also be embarrassed in closing bankrupt estates. I think it would be more acceptable if the sessions were extended to six times a year.

The ATTORNEY GENERAL: The point as to the number of transfer sessions has been very carefully considered. What I would like to point out is that the annual licensing meeting in November is itself a transfer session, and the Board has power to appoint not less than two or more than four special sessions following the general annual licensing meeting, so that you might have three or five. I think the hon. member will find that even in England four transfer sessions are sufficient, and business is carried on in a satisfactory way. Of course, in the days of the Excise Board it was done practically at any time. We have to change a good many things now, and the matter is going to be dealt with by a judicial tribunal. The selection of

Magistrates is the best that can be made and the summoning of the tribunal very often would interfere with the other work they have to do. I would also point out that there is provision in the Bill that where there is no opposition to a transfer it is granted right off, so that the difficulty my hon. friend anticipates would not arise and cautious businessmen will make their arrangements and dealings in accordance with the requirements of the law.

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

Clause 21.—Application for transfer of licence and procedure thereon.

The ATTORNEY GENERAL: I move that the words "and all notices of opposition shall be served whether on the applicant, transferee or District Commissary not later than seven days after the last publication of the notice of application" at the end of sub-clause (7) be deleted.

Mr. AUSTIN seconded.

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

Clause 22.—Transfer in case of death, insolvency or execution sale.

The ATTORNEY GENERAL: I move the substitution of a new clause for clause 23:

23.—(1) On the death or insolvency of a holder of a hotel, tavern or spirit shop licence his legal personal representative, the Public Trustee, the Official Receiver or the trustee of a deed of arrangement or the liquidator shall, on proof of title, be entitled to have the licence transferred to him by the Chief Commissary, who shall thereon endorse the fact of such transfer.

(2) The person to whom a licence has been transferred by the Chief Commissary shall be entitled to the same rights and privileges and be subject to the same liabilities as the original holder of the licence. Provided that no such person, other than the Public Trustee or the Official Receiver, shall be entitled to carry on business under a licence so transferred

to him beyond the second transfer sessions after such transfer.

(3) When the business of the holder of a hotel, tavern or spirit shop licence is sold at execution by the Registrar, the Registrar and the purchaser shall apply to the Board for the transfer of the said licence to the purchaser, and the said joint application shall be made and dealt with in the same manner as hereinbefore provided for the transfer of a licence from a holder thereof to some other person.

Mr. CRANE: The proviso of sub-clause (2) is limited to "the second transfer sessions after such transfer." The second transfer session would be six months from the date of the transfer, and, by this proviso, if you do not go up to the Board six months after the transfer session you will be deprived of carrying on business under the licence. I think the second transfer session is a little too early, as in the case of winding up the estate of a deceased person, and I suggest that we give a year as in the ordinary case.

The ATTORNEY GENERAL: We could not very well make it a year because it means the statutory extension of the licence. A new licence or the renewal of an existing licence has to be granted within the year in November and a year for the transfer of a licence would carry it over that period. This proviso is to meet an extraordinary happening in the past. Licences are granted and registers have to be kept by the people to whom they have been granted. In the past people, such as the heirs of Bill Sykes or the executors of somebody else, have been allowed to hold a licence for considerable periods. The law did not permit it, and it is not desirable that a personal representative should carry on business indefinitely as a personal representative. Under the general law a personal representative who is carrying on business is not liable in his representative capacity but liable personally for any debt that he incurs. That is the object of the proviso and exception is made in the case of the Official Receiver or Public Trustee.

Mr. CRANE: Suppose we make it the third transfer session?

The ATTORNEY GENERAL: I suggest that the words "or the next general annual licensing meeting whichever first happens," be added at the end of the sub-clause.

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

Clause 25.—Appeal from decision of Board to Full Court.

The ATTORNEY GENERAL: I move that the following be substituted for clause 25:

25.—(1) Any applicant for a certificate for the issue, renewal or transfer of a hotel, tavern or spirit shop licence and any person who has duly opposed an application for any such certificate may appeal against the decision of a Board refusing or granting such certificate.

(2) Every such appeal shall lie to the Full Court of the Supreme Court (hereinafter referred to as "the Full Court") and subject to any provisions inconsistent therewith hereinafter contained, shall, as to procedure, fees and the powers of the Full Court, be in accordance with the provisions so far as applicable of any Ordinance for the time being in force, regulating appeals from the decisions of Magistrates: Provided that the term "Board" shall be read for the term "Magistrate" and the expression "Clerk of the Board" for the expression "Clerk of the Court" in any such Ordinance.

(3) The following and no other grounds of appeal may be relied on:—

- (a) that the Board had no jurisdiction to deal with the application: Provided that objection to the jurisdiction of the Board shall have been formally taken before the Board at some stage of the proceedings before a certificate was granted or refused; or
- (b) that the Board has exceeded its jurisdiction; or
- (c) that the Board or a member thereof was personally interested in the application; provided that a disqualification under sub-section (1) of section eight shall not of itself be a ground of appeal; or
- (d) that the Board or a member thereof has acted corruptly or maliciously, or has taken extraneous matter into consideration; or

- (c) that the grant or refusal of a certificate has been obtained by fraud; or
- (f) that the grant or refusal of a certificate is affected by some specific illegality other than hereinbefore mentioned.

Mr. AUSTIN seconded.

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

Clause 27 (3).—Provisional grant of licences to new premises.

Mr. CRANE: Is it intended that provisional licences will be subject to the same conditions of opposition?

The ATTORNEY GENERAL: It is intended and the clause has been drafted with that idea.

Mr. CRANE: I suggest that the words "of opposition" be inserted between the words "notice and" in line two sub-clause (3).

Question put, and agreed to.

Clause 36.—Entry of names of owners of premises on register of licences.

The ATTORNEY GENERAL: I move that the words "of an" be substituted for the word "and" in the last line.

Mr. AUSTIN seconded.

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

Clause 40.—Penalty for selling malt liquor or wine without a licence.

Mr. CRANE: Clauses 41 and 42 provide that not more than one charge shall be brought against any person in respect of offences committed on any one day. I suggest that a similar provision might be inserted in clause 40.

The ATTORNEY GENERAL: The reason for it lies in the wisdom of ancient legislators of this Colony, and being successors thereto we are justifying it on this ground. In clause 40

the penalty is a minimum of \$10 and a maximum of \$50, but in clause 41 the minimum is \$20 and the maximum \$200, while in clause 42 the minimum is \$50 and the maximum \$500. I imagine that must have been the reason why the Legislature enacted it in the way it now stands. It is simply a reproduction of existing legislation and I venture to think it is alright. In clause 40, however, I should like to ask that the word "and" in the third line be struck out.

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

Clause 41 (3).—Penalty for selling spirituous liquor without a licence.

The ATTORNEY GENERAL: I move that the following sub-clause be substituted for sub-clause (3) :

There shall not be more than one conviction against any person in respect of offences against the provisions of this section committed on any one day.

Mr. AUSTIN seconded.

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

Clause 42 (1) and (3).—Penalties on holders of licences for selling and disposing of spirituous liquor, etc., in contravention of licence.

The ATTORNEY GENERAL: I move that the word "not" between the words "of" and "less" in the second line of sub-clause (1) be deleted and the following sub-clause substituted for sub-clause (3) :

There shall not be more than one conviction against any person in respect of offences against the provisions of this section committed on any one day.

Mr. AUSTIN seconded.

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

Clause 46 (3).—Regulation of strength of spirit kept by licence holders.

The ATTORNEY GENERAL: I move that in sub-clause (3) the words "except brandy" be inserted between the words "liquor" and "of" in the first line.

Mr. AUSTIN seconded.

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

Clause 47 (1).—Penalty for sale or supply of intoxicating liquor to young persons.

Mr. SEERAM: I move that the proviso of sub-clause (1) be deleted. The sub-clause itself provides that no intoxicating liquor shall be sold to any person under the age of eighteen years, while the proviso permits the sale to any person over the age of sixteen years for consumption at a meal to be consumed at the same time on the premises. If the intention is to prevent the sale of intoxicating liquor to youths between the age of sixteen and eighteen years we should maintain that principle throughout.

The ATTORNEY GENERAL: The idea was to prevent a young person from getting drink as drink. On the other hand it was recognised that there is nothing particularly harmful in the case of a person who is having a meal on the premises at the same time having wine or malt liquor to consume with it. There is a distinction between the two because when this young man has consumed his meal he cannot get a drink on the premises of any intoxicating liquor.

The CHAIRMAN: Has any member anything to urge against the retention of this proviso?

Mr. CRANE: I think it might be allowed to remain.

The CHAIRMAN: I shall put the amendment as proposed to the Council: that the proviso be deleted.

Amendment not agreed to.

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

Clause 49 (1).—Offences in relation to Constables.

Mr. CRANE: Sub-clause (a) speaks of "knowingly harbour or knowingly suffer to remain on his premises any constable being on duty." It would be impossible for the holder of a licence to know whether a constable is on duty or not unless he wears a badge or some other mark to indicate it. I suggest that in sub-clause (b) the word "knowingly" be inserted before the word "supply."

The ATTORNEY GENERAL: Knowingly harbour or knowingly suffer is much less serious than the actual supply of liquor, which is an offence, and that is why that distinction is drawn. This exact provision has been the statute law in England for many years and it is reproduced in the Consolidation Act of 1910.

The CHAIRMAN: What is the hon. Inspector General's view on the subject?

Colonel BRADBURN: I should prefer it to stand, sir.

The ATTORNEY GENERAL: There should be an amendment in sub-clause (b)—the insertion of the word "intoxicating" before "liquor."

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

Clause 53 (2).—Articles other than liquors permitted to be sold in spirit shops in Georgetown and New Amsterdam.

The ATTORNEY GENERAL: I move that the words "other than the holder of a spirit shop licence" in sub-clause (2) be deleted.

Mr. AUSTIN seconded.

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

Clause 58 (3) and (4).—Penalty on holders of spirit shop licence selling more than two quarts of rum at one time.

Mr. SEERAM: There is no minimum penalty provided for in sub-clause (3) as in the other sub-clauses. There has been a good deal of difficulty in the Courts in determining what should be the minimum. I suggest that the penalty be "not less than twenty-five dollars and not exceeding five hundred dollars."

The CHAIRMAN: Perhaps the hon. Attorney General will explain the wisdom why there is no minimum penalty.

The ATTORNEY GENERAL: The wisdom, sir, was with the Legislators of 1868, but I have no objection to the minimum being inserted.

The CHAIRMAN: Does the hon. member wish to apply it also to sub-clause (4) ?

Mr. SEERAM: Yes, sir.

Question put, and agreed to.

Mr. CRANE: I think the words "or smaller" should be struck out. The gravamen of the offence is for selling to a person a larger quantity than is named in the permit. If a man changes his mind and takes less why should he be punished? It is a hardship to punish a person for taking a smaller quantity than the permit provides for.

The ATTORNEY GENERAL: There has been no complaint against this provision for sixty years. The real point is that he should not take more or less than is named in the permit. There is very good reason for his being held to the permit because, as I indicated before, there are unfortunately a good many transactions whereby permits do not represent things that are and also represent things that are

not. I think the clause should remain as it is for the reason that it affords room for discovery of illicit dealings in rum.

Clause 59.—Production of passenger steamer or occasional licence.

Mr. SEERAM: I move the insertion in this clause of a minimum penalty of \$25.

Mr. CRANE: I oppose the amendment. Every statute does not contain a minimum penalty and I think the Magistrate's discretion ought to be allowed to remain.

Mr. DIAS: It is nothing uncommon to find in legislation one section providing for a minimum penalty and another no minimum. I do not know in whose interest the hon. member is pleading for \$25 but if it is in the interest of the public I can tell him he is doing more harm than good.

The CHAIRMAN: Does the hon. member desire to press his amendment?

Mr. SEERAM: As the amount in this case is only \$100 I do not, sir.

Clause 60.—Power of Police to enter licensed premises and demand licence; procedure in case of non-production.

Mr. SEERAM: I move that after the word "Inspector" the words "on production of same" be inserted. A member of the Police Force can only enter licensed premises when he possesses an authority in writing from the Inspector General or Inspector of Police and I submit that he ought to produce his authority.

The ATTORNEY GENERAL: When a member of the Police Force desires to enter licensed premises all a person has to do is to ask for his authority and an offence is not committed until he obstructs the officer after the authority is shown.

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

Clause 87.—Liability of holder of spirit shop licence to forfeiture of licence on third conviction.

Mr. HUMPHRYS: On a third conviction the holder of a licence is liable to forfeiture of the licence. A man might have four or five shops and might be convicted twice in respect of two of them. There might then be a third conviction owing to a dereliction of duty of his servant in respect of another shop which has always been properly run and is perhaps the most valuable. I beg to move that the following be substituted for clause (1) :

(1) Every holder of a retail spirit shop licence who has twice been convicted under this Ordinance for an offence in respect of which the maximum penalty exceeds fifty dollars may, on conviction a third time, be adjudged in addition to any fine or penalty awarded against him to forfeit his licence for the retail spirit shop in respect of which he has been thrice convicted.

The ATTORNEY GENERAL: I am perfectly sure that the hon. member has not observed in that case that a man would have as many lives as a cat. The remedy, which is not to get convicted, is in his own hands, and there is no hardship if he only complies with the law. I may point out that this clause is an improvement on the old Ordinance, which in addition to any penalty rendered the holder liable to forfeit his licence.

Mr. CRANE: I suggest to the hon. Attorney General to consider some protection for these spirit dealers. Cases have occurred of an owner being absent and an employee, very often deliberately, commits an offence for which the owner is liable. Something is required in the statute to render these persons liable to punishment, and some consideration might be given to that aspect during the adjournment.

The CHAIRMAN: This is one of those cases that might be considered during the adjournment.

Clause held over.

Clause 89.—Sale of forfeited article.

The ATTORNEY GENERAL: I move that the words "three advertisements" be substituted for the words "ten days". advertisement."

Mr. AUSTIN seconded.

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

Clause 93 (3).—Procedure and appeal.

The ATTORNEY GENERAL: I move that in sub-clause (3) the word "commenced" be substituted for the words "carried on" and the word "previous" deleted.

Mr. AUSTIN seconded.

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

Clause 98 (1) (a) and (b).—Licences in respect of the Colonial Transport Department.

Mr. CRANE: I move that this clause be deleted. It does not seem to me that the Colonial Transport Department should indulge in intoxicating liquor licence. Sub-clause (b) is bad enough but (a) is worse. The Department already does a lot outside its scope but the liquor trade is the last thing it should engage in.

The ATTORNEY GENERAL: It was not intended that the Department should engage in the liquor trade. Sub-clause (b) will enable the Department to select a person whom they will permit to have a licence for the sale of liquor in their trains or on their steamers or even at the stations. The Department, I take it, will not run the catering but they can select an individual and recommend him to get a licence. That person would be under their control, and I think in the interest of the public that might be done. I think the position might be met by striking out sub-clause (a).

The Council adjourned until the following day at 11 o'clock.