

LEGISLATIVE COUNCIL.

Thursday, 1st September, 1932.

The Council met pursuant to adjournment, His Excellency the Hon. C. DOUGLAS-JONES, C.M.G., the Officer Administering the Government, President, in the Chair.

PRESENT.

The Hon. the Colonial Secretary, Major W. Bain Gray, M.A., Ph.D. (Edin.), B. Litt. (Oxon), (Acting).

The Hon. the Attorney-General, Mr. F. J. J. F. McDowell (Acting).

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

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

The Hon. E. F. Fredericks, LL.B. (Essequibo River).

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

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

Major the Hon. J. C. Craig, D.S.O., M.E.I.C., Director of Public Works.

The Hon. E. F. McDavid, Colonial Treasurer (Acting).

The Hon. B. R. Wood, M.A., Dip. For. (Cantab.), Conservator of Forests.

The Hon. J. Mullin, A.I.M.M., F.S.I., Commissioner of Lands and Mines.

The Hon. Q. B. De Freitas, M.R.C.S. (Eng.), L.R.C.P. (Lond.), Surgeon-General (Acting).

The Hon. W. Francis, F.I.C., F.C.S., Government Analyst.

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

The Hon. N. Cannon (Georgetown North).

The Hon. A. V. Crane, LL.B. (Lond.) (Demerara River).

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

The Hon. J. Gonsalves (Georgetown South).

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

The Hon. G. E. Anderson (Nominated Unofficial Member).

The Hon. F. J. Seaford (Nominated Unofficial Member).

The Hon. C. Farrar (Nominated Unofficial Member).

The Hon. Peer Bacchus (Western Berbice).

MINUTES.

The minutes of the meeting of the Council held on the 31st August, as printed and circulated, were confirmed.

ANNOUNCEMENT.

THE COLONIAL SECRETARY (Major Bain Gray) : The President has nominated the following Members of the Council to be a Select Committee to enquire into and report upon the administration of the Trust created by the late Walter Mitchell : The Colonial Secretary (Chairman), the Attorney-General, Mr. Fredericks, Mr. Austin, Mr. Woolford, Mr. Gonsalves and Mr. Seeram.

PAPER LAID.

The following document was laid on the table :—

Forty-second Annual Report of the Chamber of Commerce for the year ended 30th June, 1932 (Colonial Secretary).

UNOFFICIAL NOTICE.

Mr. CRANE gave notice of the following questions :—

(a) 1. What is the intention of Government as regards the carrying into effect of those portions of the District Administration Scheme other than that relating to District Commissioners as outlined in the report of the District Administration Committee ?

2. Is Government aware of the fact that the delay in enacting a new Local Government Ordinance is causing much unrest and embar-

rassment in the villages, especially with regard to matters of village elections?

3. Will Government say when it proposes to complete the whole system of district reorganisation recommended in the said report?

(b) 1. What is the practice obtaining at the General Post Office with respect to the adjustment of the exchange on money orders issued in the United States of America and payable in this Colony?

2. Does the General Post Office pay the face value or the exchange value of such money orders?

3. What consideration does Government obtain in respect of such money orders—the actual amount paid in British Guiana money, or the exchange value ruling at the time?

4. Is Government aware that the practice obtaining at the General Post Office with respect to such money orders is resulting in loss of business to that Department

ORDER OF THE DAY.

PLANTATION SHOPS (REPEAL) BILL.

THE COLONIAL SECRETARY: I move that "A Bill to repeal the Plantation Shops Ordinance, Chapter 156" be read the third time.

Mr. DIAS seconded.

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

Bill read the third time.

SUGAR EXPERIMENT STATIONS BILL.

Professor DASH (Director of Agriculture): I move that "A Bill to provide for the control of Sugar Experiment Stations" be read the third time.

Mr. D'ANDRADE seconded.

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

Bill read the third time.

RICE (EXPORT GRADING) BILL.

Professor DASH: I move that "A Bill to amend the Rice (Export Grading) Ordinance, 1930, by providing for the blending of rice for export and the making of regulations in connection therewith" be read the third time.

Mr. D'ANDRADE seconded.

Mr. CRANE: To put myself in order I move an amendment that the Bill be read this day six months. Representations have been made to me by a goodly number of exporters of rice that the wholesale requirement of blending of all grades of rice is going to work some hardship. The first complaint is that it is very difficult for them to do the blending in their factory some distance from the point of shipment, and if they ship 2,000 bags in instalments of 200 bags the whole shipment would not be blended as contemplated by the Bill by reason of the blending being done in instalments of 200 bags at a time. The Director of Agriculture recognises that there will be some difference but not sufficient to prevent the whole shipment being regarded as blended. The second complaint is that while it is quite easy for the middlemen in George town to blend their rice, having all on the spot in bonds adjacent to the shipping wharves, it would be very difficult for those in the country to compete in the absence of those facilities. What is really wanted is some Government bond where the public on payment of a small fee could have rice intended for shipment blended and equal chances afforded to all. It seems to me that Government should not insist on blending unless such facilities are provided shippers. It is further suggested that this Bill will render necessary blending of all rice. There are nine grades of rice which can be shipped. The first seven seem to be the same except for the proportion of broken rice contained in each shipment. It is contended that there is no use in blending broken rice and Government might well consider whether there is any necessity to do so. I am told that people abroad do not buy rice on grading certificates. There may be some who purchase on these certificates, but as a general rule ordinary shippers sell on sample, and if the sample comes up to the standard that is all the purchaser requires. I am told that they throw the grading certificate into the waste paper basket and never send it abroad. I was therefore surprised to hear the statement that people in Trinidad require blending to be done. The general impression was that in trade in the West Indies nobody has any particular delicacy about the appearance of the rice as is the case in Canada. If the Director cannot now bring his mind to bear on the best policy Government ought to adopt, I suggest a

postponement of the third reading of the Bill until it is decided whether it would not be sufficient to require the first four grades to be blended.

Mr. AUSTIN : I second the amendment. It is rather a coincidence that the hon. Member should have brought up this matter. Within the last ten days two very serious complaints have been received from Jamaica and Trinidad in respect of rice exported from this Colony without the grading certificate. The hon. Member is right in saying that these certificates are thrown in the waste paper basket. Although the certificates should follow the shipments some shippers prefer to send the rice without on speculation, hoping that it will be accepted by the people to whom they send it. Two shipments of 2,000 bags were sent to Jamaica and it is understood that the buyers are going to file an action against the shipper. If people in this Colony wish rice grading to be kept up it can only be done by proper legislation. I hope the hon. Member would not try to upset or disturb the arrangements which Government wish to make in protecting the exportation of rice from this Colony to other Colonies in the Caribbean.

Mr. PEER BACCHUS : I rise to support the amendment. To my mind this Bill is premature. This Bill would be welcome when we have uniformity of seed padi ; to-day we have various grades of padi and various grades of rice. It is impossible to have any uniformity of sample for export. A small shipment might be blended to a uniform standard, but a purchaser might buy from six exporters rice certified as of No. 2 grade and find each shipment varies. Until we have uniformity of padi we will not have uniformity of rice, and at the present time this Bill will work a hardship on every grower of rice.

Mr. SEAFORD : I rise more to get information on this subject than anything else. I understood when the Grading Bill was introduced that it was done in the interest of the rice industry. It was then stated that buyers in the islands complained that they could never tell what rice they were buying as they could never rely on samples. I understood grading was introduced to protect the

sellers, Government giving a guarantee of what they were selling. It may be that small sellers have to amalgamate in order to send a large shipment and it is difficult to get a uniform grade, but that does not happen only to rice but to all commodities. I understand that in Trinidad grapefruit has to pass through grading. People want to get the best of everything, and where it is found necessary for one market it is going to be necessary throughout the world. It is also necessary to protect the grower and the merchant against those who are out to get rid of rice of an inferior quality and thus do the industry an injury.

Mr. CANNON : I did not interfere with the second reading of this Bill because I understood the Director of Agriculture to say that it was the wish of the Chamber of Commerce, and I presumed that coming from a body of that type it was allright. But I had my doubts and I am not surprised to hear the request of the hon. Member that the Bill be held over to give Government an opportunity to further enquire into it. It appears to me from an interview I had with someone in the rice business, who may not be termed a refined dealer, that there is quite a lot to be said in favour of the request that has been made this morning, and it is my duty to support the amendment. My position here is to do everything to assist Government in every possible way, but where a matter such as this has been forcibly brought to the notice of Government it is Government's duty to give it further consideration.

Professor DASH : I do not think we should postpone the third reading of this Bill, but there are one or two points which have been raised that might be gone into in connection with the regulations. To prevent the Bill being read a third time at this stage would do a great deal of harm to the industry and certainly cause a great deal of trouble to those persons who are engaged in the merchandising of rice. In the first place the question of blending is not new. It has been practised by reputable dealers for a very long time and is realised to be very essential in the trade. Since the grading regulations have been put into force a number of these points have been brought before us from time to time by the mercantile community not only in this Colony but in Trinidad and

other places where they sell our rice. Early in the year we had a report from a Committee of the Chamber of Commerce in Trinidad which considered all the factors relating to the rice trade as carried on in this Colony in so far as it affected the Trinidad market. They were insistent that this question of blending should be made compulsory for the simple reason that so many instances had come to hand that the contents of the bags in a specific grade were not of the same quality. In grading we sample 25 per cent. of the shipment—we could not possibly sample all—and it sometimes happen that we run across a bag of No. 2 or No. 3 in No. 1 grade. In such cases we issue a certificate if the shipper wants it for the lower grade, or he is made to remove the shipment and blend it to the standard. That straightens the matter out and puts no hardship on anybody from the point of view of expense because anyone of a reputable character could secure a blending certificate. I am willing to admit that some sort of accommodation for people who have no accommodation for blending is worth considering, but it is a question whether we can undertake that provision at the present moment. Government has not lost sight of that nor the Rice Committee of the Chamber of Commerce, which with the Department of Agriculture has been considering the regulations for some considerable time. It is essential that these provisions for blending should go through without delay. The hon. Member for Western Berbice referred to uniformity of padi being a *sine qua non* to the uniformity of rice in the bag. I cannot agree with him on that score. The Department of Agriculture have been working on the uniformity of seed and the hon. Member knows the success we have achieved. The rice industry to-day faces a grave problem in connection with the uniformity of milling and it matters not what seed we give we find that the question comes down to milling. Milling is not standardised and the only way to get over this difficulty is by blending.

The hon. Member for Demerara River raised the question of shipments. There are not many consignments of 2,000 bags. The small exporters deal in 100 or 200 bags. While accommodation has to be considered it is not so pressing. It does not often happen that an exporter ships 2,000 bags and where that occurs he has

the accommodation for that purpose. The bulk of the rice shipped at the present time comes into No. 2 category. The question of inferior rice not worth blending is worth considering, but that quality rice does not bulk largely in the export trade. On the whole I do not think there is any reason at all why we should hold up the third reading of the Bill. One or two small points that have arisen may be given further consideration in the regulations but I ask Members not to hold up the Bill. It is a very important matter and very important now when competition is again facing us in Trinidad, Jamaica and Barbados markets. If we lose those markets there is very grave doubt whether we will recapture them. We have complete co-operation with the Chamber of Commerce, and in that Chamber all sorts of opinion are represented. I therefore think the Bill should be read a third time and consideration might be given to the points raised in the regulations.

Mr. CRANE: My amendment was primarily to make representations and not necessarily for staying the third reading of the Bill. The Director has not indicated in what direction consideration will be given to the people's representations in order to prevent blending becoming a hardship. If blending is fixed at a grade which satisfies the Director it will also satisfy me. From the remarks of the hon. Mr. Austin it would appear that something was wrong in the grading. After the rice was certified as of a certain grade it turned out not to be of that grade.

Professor DASH: All through the West Indies the standard of these grades has been distributed not only to the Chambers of Commerce but the buyers and there is no question of doubt about that at all.

Mr. CRANE: It makes the situation worse if No. 1 rice is ordered and the shipper gets his rice graded at that standard and it turns out to be of a lower grade. There is something wrong either with the grading of the rice or with the control of the rice after it was graded.

Professor DASH: That is particularly the reason why we are bringing these blending regulations in. We cannot sample every rice bag. We can only sample

25 per cent. and therefore give a certificate on what we find in the 25 per cent.

Mr. CRANE: I take it that the Director stands in the confessional admitting that his system has been a failure, and in order to prevent any further failure it has been decided to put further expense on the shipper by blending.

Professor DASH: I made it quite clear in the second reading that rice grading at the present time gives us only a measure of control. It does not give us that full measure that we want and which is so necessary in the trade. Grading is not a thing that you can arrive at in some methodical way but has to be improved gradually as conditions arise. That is what we are doing at the present time.

Mr. CRANE: With reference to the Jamaica shipment there appears to be fraud somewhere. The system of grading does not enable Government to fix any quality at all, and the only question is that Government unwittingly gives a false certificate.

Mr. AUSTIN: The case in Jamaica is *sub judice* and I do not want to discuss it, but there are several ways of evading the supervision of the Department of Agriculture. To give an illustration, a seller sends a sample of rice to Jamaica and if it suits the buyer he orders 1,000 bags on that sample. The order comes back by letter or telegram and the sample is prepared for shipment. 25 per cent. of the 1,000 bags is examined by the Grading Officer. That sample may not leave the Colony but a No. 5 grade.

Mr. CRANE: That is a case of purchase by sample—an ordinary commercial device. Rice may be sold by sample or Government standard and if a man chooses to jettison the Government standard and purchase by sample it does not come within the category of Government blending. The question of blending would not help a case like that at all. That is a case of failing to supply what one contracted to supply. If Trinidad complain that they buy on the Government standard and have been supplied rice not up to that standard then they complain of the Government system of grading. If an undertaking is given that grading would not be required below a certain point I will be satisfied.

Professor DASH: I cannot give any undertaking in connection with the inferior grades. The matter will have to be considered again by the Rice Committee. I wish to make it quite clear that if we say that rice below certain grades should not be blended it introduces a new difficulty into the situation because then we will get back to the old question that none of the inferior grades should be graded at all. You are introducing one difficulty after another to hold up the blending regulations. If anything is to be done the regulations might be referred again to the Rice Committee, but I see fresh difficulties arising and must insist on having the third reading carried through to-day.

Mr. CRANE: In those circumstances the proper thing to do is to hold up the Bill for a short period and let the public hear what are the views of the Rice Committee before this legislation goes through.

THE PRESIDENT: I am afraid that the debate has departed from what the hon. Member had in mind. The two main points he made, I think, are easily met. One is the question of accommodation for blending. Government realises the difficulty and the question has been considered and is still being looked into. As regards the grades no assurance can be given. That is a matter entirely of the regulations and it will be considered. It may be found when the Rice Committee is consulted that it may not be necessary to require blending for broken rice. Those are the two main points and I think they can be met without any further delay. The main object of Government in introducing this legislation is to protect the rice industry and to prevent abuses that have taken place in the past. I therefore ask that the motion for the third reading be accepted on the understanding that the questions raised by the hon. Member will be given full consideration.

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

Bill read the third time.

LIFE ASSURANCE COMPANIES BILL.

Mr. McDAVID (Colonial Treasurer): I move that "A Bill to amend the Life

Assurance Companies Ordinance, 1930, by providing that registered Friendly Societies and registered Trade Unions are not subject to the provisions thereof" be read the third time.

Mr. MULLIN seconded.

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

Bill read the third time.

REMISSION OF EXCISE DUTY.

Mr. D'ANDRADE (Comptroller of Customs): I move the motion standing in my name:—

That, with reference to Message No. 20 of 1932, from the Officer Administering the Government, this Council approves, as an act of grace, of the remission of \$61.42 being 50 per cent. of the total amount of excise duty payable at the rate of \$4.50 a proof gallon on 27.3 proof gallons of rum, the aggregate quantity lost in excess of the allowances which may be granted under section 45 (3) of the Spirits Ordinance, Cap. 110, from seven shipments of a total of 386 casks which were removed from Plantation La Bonne Intention to the Colonial Bonded Warehouse between the 1st of March and 6th of May, 1932

Section 45 (3) of the Spirits Ordinance provides the scale of allowances governing loss in transit. If on receipt in the Bonded Warehouse rum in any package is found to be deficient of the quantity sent out from the distillery in excess of the allowances the distiller becomes liable for the excess duty at the rate of rum taken out of bond for consumption. In this particular case of the 386 casks no fewer than 89 were found to be deficient in excess of the allowances. The average quantity found short in each cask is roughly two gallons. Government is satisfied that these excessive losses, which were due principally to the reduction of strength, are attributable, in part at least, to the fact that the casks were not sufficiently dry before they were used. In this particular case there was a change in the clerk of the distillery who did not appreciate the necessity of drying these packages, and as a result there has been this deficiency.

Major CRAIG seconded.

Motion put, and agreed to.

THE SEWERAGE QUESTION.

Mr. CANNON: I am prepared to go ahead with the motion standing in my name but its seconder—the hon. Member for Berbice River—is not with us at the moment, and I do not like starting until he is in his place because it would rather prejudice the position. It is very important that he should second this motion for many reasons. When we left here yesterday I expected that we would continue where we left off, but I understand that at the request of other Members the Order was altered. As we still have half-a-dozen Members to speak on that motion we might very well proceed with it and defer the motion standing in my name. I ask, with the permission of the House, that the Order be discharged and placed at the end of the Order of the Day.

Question put, and agreed to.

ADJOURNMENT.

THE PRESIDENT: With regard to continuing with the motion of the hon. Member for Berbice River, I gave an undertaking yesterday that it would be proceeded with after the morning session. In view of that I must adjourn the House now.

The Council accordingly adjourned for the luncheon recess.

Messrs. Brassington, Luckhoo, Eleazar, Seeram and De Aguiar were present when the Council resumed.

THE COLONIAL SECRETARY: With the permission of the Council I announce that several Members have suggested that there should be no meeting to-morrow as they have made engagements elsewhere. Government also wants to meet two Committees to-morrow. Unless there is any objection to the contrary it is proposed to adjourn this afternoon until Tuesday morning.

TENURE OF RICE LANDS.

Mr. FREDERICKS: I beg to move:—

Whereas there is at present much dissatisfaction among landlords and tenants of rice lands due to the insecurity of tenure, absence of written contracts and difficulty of an outgoing tenant selling his interest in the tenancy—preparation of which costs him generally a large sum of money—and the difficulty of settling such dissatisfaction:

Be it Resolved,—That Government introduce a Bill to obviate these existences and with such provisions of the Small Rents Recovery Ordinance as may be practicable in the rice industry.

The necessity for this motion is set out in the preamble. In certain parts of the Colony rice-growers take lands and in some instances spend large sums of money in preparing them. They take either virgin land or unprepared land. The landlord in some cases gives them a year or two of grace. They remain on the land for a number of years. Then there may be some trouble or other, and with this trouble the tenant is turned off the land and all the money he has spent in preparing it is lost. In a few instances the landlord advances the money to the tenant to prepare the land and it is taken back from time to time. There comes a time when the tenant has to go off the land and all the money he has spent on its preparation is lost to him. The number of people that it affects is fairly large and it is thought that it would be a good thing if there was some legal machinery by which when such circumstances arise it can be resorted to for a settlement. In some parts of the Colony the holdings of tenants are most uncertain. The time has definitely come when it is quite clear that it is advisable that there should be some kind of legislation whereby there should be written contracts between landlords and tenants. Sometimes a tenant who is ordered to quit could get his land sold, but the landlord recognising that the tenant has spent large sums of money in preparing it would not allow him to sell it to a prospective purchaser, and there is no machinery to have the matter settled. I have refrained from naming any part of the Colony but it will be useful to the Colony generally to define the position of landlord and tenant and secure to rice-growers their natural right to their labour.

Mr. BRASSINGTON: I beg to second the motion. I do not think the difficulty of passing a Bill that will relieve the situation in regard to tenant farmers is insurmountable. In some instances these farmers suffer not only great hardships but what one could truthfully term great injustice. Every Member of this Council knows that there are good landlords as well as bad landlords; there are also fair-minded tenants and tenants who expect to

get everything and give nothing in return. At the same time the time is ripe when Government might make some effort to put the position of these tenant-farmers on a better footing than at present exists. For those reasons I hope Government will take early steps to introduce a Bill for this purpose.

Dr. SINGH: From what has been said I do hope that Government will try to devise some means to assist these tenants. These tenants are simply at the mercy of landlords. Some landlords are exceedingly good to their tenants. There are others who invite people to become tenants and give them virgin land which they have to break down and make fit for sowing. Then at the whim or caprice of a landlord a tenant is asked to leave the estate without getting any consideration. At the present time there is no law to protect these tenants. On the other hand, good landlords also need some protection. There is the type of tenant who asks for and obtains an advance to plant his rice. I think the landlord who has advanced the money to plant a crop should be given a preference on that crop over anyone else.

Mr. CRANE: I rise to lend whatever support I can to this motion because, whether taken in its literal sense or otherwise, the measure which it seeks to obtain will, if a proper scheme is thought out, result in the relationship between landlord and tenant being properly adjusted. There are complaints in many quarters against landlords of a certain type. There are good landlords and rapacious landlords, and there are good tenants and scheming tenants. The complaint is not all on one side. What I think is required is an Agricultural Holdings Ordinance, in which all the conditions affecting landlords and tenants would be set out with equal fairness to both parties. Once a contract between a landlord and tenant comes into existence it is our duty to see that the landlord is just to his tenant as well as that the tenant is just to his landlord. In the Rent and Premises Recovery Ordinance, Chapter 92, reference is made to the case of a landlord who seeks to recover possession from a tenant who has growing crops on the tenement. Under that Ordinance a landlord may obtain a warrant to eject a tenant, but the law provides that he should not eject that tenant while his growing crops are on the land, and the

machinery created by that Ordinance was intended to meet some of the hardships which have been referred to to-day. If the landlord gets possession he has to pay the value of those crops. The Civil Law of British Guiana Ordinance, Chapter 7, introduces some of the provisions of the Agricultural Holdings Act of Great Britain, 1883, and in introducing an Agricultural Holdings Ordinance the provisions which do not quite meet the situation will have to be taken into consideration. Government will have to be careful in not taking the point of view of any one of the parties into account more than the other. Seeing that we want an extension of the rice industry we should create conditions favourable to landlord and tenant—conditions that will result in lasting development of the industry. I hope Government will be prompt in dealing with the matter and will introduce legislation suited to local conditions.

Mr. LUCKHOO: I think it is very desirable that some sort of legislation should be introduced to protect rice-farmers as well as land-owners. At present the parties can get over any difficulty by entering into a written contract defining the terms under which a tenancy is held, but many of these tenants are ignorant and at the mercy of unscrupulous and rapacious landlords. In the absence of a written agreement the unfortunate farmer is unable to get any redress in a Court of law and the position should be defined. I suggest that a small Committee should be appointed to draft legislation to meet the requirements both of landlords and tenants. Steps should also be taken to protect padi growers from buyers of padi who are using measures which are not in compliance with the law.

Mr. WOOD (Conservator of Forests): I am not rising in any way either to support or oppose this motion, but I am rising to point out what a very wide field of enquiry and what an extraordinarily difficult one any Committee which is appointed would find themselves against if they had to settle this matter at once. I may take as a keynote something which fell from the hon. Member for Demerara River when he said that if any legislation was required in this matter he hoped it would not be borrowed from any English Act because agricultural conditions and methods out here are very different to

what they are in England. I want to go a little further than the hon. Member and suggest that we be very careful **not** to borrow any legislation even from the Acts of this Colony. When Alexander the Great was fighting on the plains of the Punjab a youthful Prince was present who later became the Great Chandragupta (Sandracottus of the Greeks) who founded the great Maurya dynasty. His grandson Asoka ruled all India nearly sixty years and was perhaps one of the greatest sovereigns the world has ever seen. He tackled this problem and it is one of the very few problems he did tackle which he failed to solve. Other attempts have been made through the centuries. Notably the Great Moghul Emperor Akbar attempted it. Since British rule commenced the attempts have been continuous and the best brains in India have been continuously at this question and I can speak from personal experience. That problem, which has been continuing there for over 2,000 years and which everybody has been trying to solve, is not solved yet by any means, but there is one principle which has been introduced and which has been applied and might possibly be gone into here.

If this has been an age-long problem in a district in India from which the greater number of East Indian population have come, we should look and see what attempts have been made there to solve it and how. The principle, which is the only one which has been of any real success at all, is what they call the principle of Mawasi or the right of occupancy of a tenant. If a tenant brings new land into a condition for cultivation—in other words invests capital either by labour or money in bringing a landlord's land into that condition—he acquires a right of occupancy in that land so long as he pays his rent and cultivates properly. The tenant can also acquire occupancy rights on the land by continuously cultivating it for a certain number of years. If that landlord has to take the tenant into the Revenue Court he has to prove a very strong case before he can succeed in evicting him. When a tenant has been on the land for six years and eleven months—seven years is the term—the landlord, finding that if he is there for another month he will be there for good, is apt to turn him off, but that can be overcome. In speaking on this

question I only wish to impress on the Council that we are dealing with a system and are going to frame a law perhaps for a system which is not an English agricultural system and which I will not describe as an indigenous system out here, and I think we have rather to look at the methods employed and the lines worked on, where the system is indigenous, to help us to obtain the best solution here.

Mr. SEERAM: I am supporting this motion. Rice farmers do not receive fair treatment at the hands of the landlords and they are suffering under great disadvantages. In many cases, on account of sheer fear, the farmers have to put up with all the disadvantages. The matter was taken up by the East Indian Association and representation made to Government who gave an assurance that it would be gone into. The motion asks for the introduction of a Bill but I suggest the advisability of appointing a Committee to go into the matter. If legislation is introduced there would be security of tenure. I know that provision farmers suffer from a similar disability.

Mr. CRANE: I do not like to discourage the pleaders for the farmers, but for every farmer I have had to represent after he had been on the land I had to represent two or three landlords who could not get their rent, because the farmer said he had not a big enough crop or for some other reason. It is a matter of contract. I am asking Your Excellency not to be too hurried about the matter. You may accept the motion and appoint a small Committee to enquire into it, and you will find it just as broad as it is long. A Committee of farmers and gentlemen whose integrity is above reproach may evolve a satisfactory solution.

THE COLONIAL SECRETARY: Government proposes to accept the motion. The suggestion contained in it has come to the attention of Government before but it is quite clear from the debate that it is a matter of considerable difficulty. The matter, however, will be looked into by the Attorney-General from the point of view of legislation, and Government particularly ask Members of the Council who are in a position to assist Government by means of suggestions. The question of appointing a Committee will be considered

by Government and if that is the best mechanism it will be done. Government will do its best to solve this difficult problem. The question of false measures will also be investigated by the appropriate Department.

Mr. FREDERICKS: There is nothing in the motion calculated to hamper landlords nor is there any feeling of making dishonest people more dishonest. I should like to assure hon. Members that the motion was not moved with any intention to take from a landlord his natural rights. The Colony will be better off if we have some legislation by which the spheres of the parties will be defined.

Motion put, and agreed to.

REFORM OF CONSTITUTION.

The Council resumed the debate on the motion of the hon. Member for Berbice River (Mr. ELEAZAR) which is as follows:—

Whereas the Political Constitution substituted in 1928 for the Colonial Constitution of 1891 was unwelcomed and undesired by the people of this Colony and has led to grave dissatisfaction amongst His Majesty's subjects in this Colony;

And whereas by reason of the present form of Constitution the economy necessary to rehabilitate the Colony's financial position cannot be effected, and the material progress of His Majesty's said subjects in the Colony is greatly retarded;

Be it Resolved,—That this Council respectfully requests the Secretary of State for the Colonies to direct the local Government to appoint a Committee of this Council consisting of not fewer than five Elected and not more than three Official Members to draw up the outline of the Constitution which may be considered suitable to the needs of the Colony and calculated to afford His Majesty's said subjects reasonable participation in the government of the Colony under proper safeguards of Colonial and Imperial interests and in such a form as is compatible with the aspirations and well-being of the inhabitants in general.

Mr. PEER BACCHUS: When the Council rose yesterday afternoon I was saying it was a coincidence that the motion was so ably moved and supported by hon. Members of two river districts. I think I can see their determination to commit this Constitution to a watery grave. If there was any reason why the Constitution of 1891 was changed, to-day there are abundant reasons why the present Constitution should be removed. I may remind

you, sir, that we are only asking for a share in the government of our country—a modest request and the least I think we can ask for—and with Your Excellency's sense of justice I know that you will accede to the request contained in the motion.

Mr. FREDERICKS: The hon. Conservator of Forests this afternoon in revelling in Indian history reminded me that nearly 700 years have rolled by since the then growing people of England met together, somewhere near Runnymede in Windsor, and reduced to writing their ideals of liberty. Hoary with the passage of years is that magnificent declaration, Magna Charta, but it remains ever green with the expansion of the British Empire on which the sun never sets. Magna Charta is for everyone who is under the Flag of the Empire. There was an English writer who said that "he who speaks the English tongue must be free or die." He would not have said so if there was no Magna Charta. That remark is justified; it is more justifiable now, and God grant that it will be justifiable ever. The spirit of Magna Charta goes with the Flag. When at the Capitulation here in 1803 the Dutch surrendered to the British, the spirit of Magna Charta was reflected then, and apart from that reflection it exists now. The peculiarity about that Capitulation was the terms of surrender, the anxiety with which those who surrendered the Colony regarded the then existing institutions. There are some words which are particularly condign to express what I would call "the real anxiety" of those people to keep intact the institutions then existing. They took time and care to see that the then institutions were kept, and some of those institutions lasted and endured until the Constitution of 1891 came into being. They were embodied in that Constitution and served this country until the unfortunate year of 1928 came along.

In that unfortunate year things were changed—radically changed—and the Order-in-Council which is the regulating force to-day was given to us. The Constitution, however adapted it may be—however well-conceived may have been the idea of those who framed it—that Constitution, in practical life, has proved unsatisfactory to the largest number of people living in the Colony. The peculi-

arity about it is that it is not only unsatisfactory to the man in the street and to the masses, but unsatisfactory to the dignity and intelligence of the country. Something has to be done and it must be something by way of a change. Do we need a change? This country does need a change of its Constitution. I can never conceive a Constitution which does not express the sovereign will of the people. In this country either the will of the people is not consulted enough or there is an attitude somewhere to disrespect it. I may be told that is not true, but one can only judge things by results and repeated are the occasions when one sees ground for asking: "Has anybody considered what we thought or said about them?" I once heard a gentleman say that there is no public opinion in this country, but there must be public opinion of some kind. That gentleman is among those who disrespect the will of the country. Public opinion here is very expressive as to what the country should be, and I hope whenever a change is made in the Constitution provision will be made that the will of the people of the country be taken into greater consideration.

Government in this country is not representative of the people. That is a strong statement to make but I can justify it. There is only one section of the Council that is representative of the people of this country and that is the Elected Members of this House (Hear, hear). In England the Government in charge of the Empire is the Government elected by the people. In this country it is only the Elected Members that are returned by the people. The Government here is a paternal one by reason of conquest or occupation. Although we are trying to follow the democratic institutions of England, in the Colonies there is no proper comparison. The Government of this country is well-intentioned for the progress of the country and the well-being of its inhabitants. But can Government know all that the masses of the people feel and properly interpret the feelings of the larger ranks without the means of gathering what is passing through their minds? The time has definitely come when for all practical purposes and the well-being of the country there must be a greater co-partnership between Government and the people's

representatives. We have reached the stage of social attainments which forbids and makes it impossible for anybody to think in terms of racial antipathy one of the other. We will fight, everyone of us, for Briton's honour and to keep the Nation together. Every child of the household ought then to take his place in that house.

I read in the newspaper on the train this morning the despatch to the Secretary of State in which it was unfortunately made out that there is no public feeling in the country for a change in the Constitution. The statement is not calculated to do any harm, but, if Government think there is not a desire in the country for a change of the Constitution, they should take a referendum of all classes in the community and the return would show 95 per cent. for a change. In fact, there is nobody in the country who does not want a change except somebody whom I may almost regard as living in an age when he ought not to exist. But what sort of change do we want?—a change wherein there will be larger participation of the people in the government of the country. The Electives have clamoured for a number of their colleagues to be appointed on the Executive Council and have secured it in the change of Constitution. The greatest pity is that some Electives had seen fit yesterday to unmuzzle themselves against their brother Electives because of their holding seats on the Executive Council. I think it is unworthy of any Elective to criticise his brothers who appear to be imprisoned on the Executive Council but still retain their intellectual freedom.

Mr. CRANE: To a point of correction. The hon. Member uses the plural. If the hon. Member would use the singular instead of the plural he would be more accurate.

Mr. ELEAZAR: And even then he would be wrong (Laughter).

Mr. FREDERICKS: If I use the plural wrongly I apologise, and if I am wrong in using the singular I say let the Electives speak for themselves. I want to make a statement on the matter, not because of what was said yesterday but because of the colossal ignorance in respect of the position of the Electives on the Executive Council. There are people in the community who use the position of the Electives

on the Executive Council to create a feeling of antagonism. That antagonism will do no harm to the particular persons but will prevent the masses of the people from getting a proper appreciation of what their position should be. Take the franchise. The franchise should be fixed at such a limit that every good working man of good character can vote. I do not suggest universal suffrage, but the limitation should be such that instead of five out of every ten being able to vote there ought to be eight out of ten. The limit at which the franchise now stands is too high. The qualification for membership of the Council is also too high for a poor community. It must be remembered that the people in the best financial position never pay great interest to the political aspect of the country. One of the drawbacks of the country is that we have not got a sufficiently large population of the dominant partner to even things up, to share its sorrows and its joys (Hear, hear). British Guiana will go forward to-morrow if among its population there are a few millions of the dominant race living in the country, and I hope the day is not far distant when that will take place. In fact, if this country is to go forward the Imperial Government must either induce, by proper arrangement, some part of the great population of the Homeland to come here and take a part in the development of the country or decide that this must be a demonstrative coloured country under white control.

The time for a change of the Constitution is now. I do not propose to discuss the details of the Constitution we need, but I do say we need a Constitution of co-partnership of Government and the people's representatives. It is unfortunate we should be told that our indebtedness to the Imperial Government stands in our way of obtaining a change of the Constitution. I do not subscribe to the view that because we are indebted to the Imperial Government or because the Imperial Government contributes to the finances of the Colony we can have no consideration so far as the change of the Constitution is concerned. He who assumes paternity has a duty to those over whom he asserts that paternity. In the despatch there are statements that we dislike and here is an opportunity to change them all. I do not think that Government at the present time

will say it is not satisfied that there is a real feeling in the country for a change of the Constitution. It is therefore the duty of Government to say to the Imperial Government that there is now at least a true and real desire that there should be a change. The Constitution of a country has a tremendous lot to do with it and I hope Government will tell Downing Street that the people of British Guiana are anxious that they should be made a bigger partner in the government of their own affairs. We have brains enough and will work to bring about everything that is calculated to make this country what it ought to be. For its own good and for the prosperity of the country I entreat Government to let Downing Street know that there is a real desire in British Guiana for a change of the Constitution.

Mr. SEAFORD: I have listened very carefully and with deep interest to all that has been said and I agree with certain sentiments expressed during the debate. No one born and bred in this Colony can do otherwise; at the same time I cannot agree with all. When I look at the resolution and see how it is suggested that the Committee should be composed and there is no mention of the electorate as at present constituted, I cannot help feeling that there is a little bit of camouflage about it. Everybody knows full well what is behind the motion and what is aimed at. It is to give the Elective Members of this Council control of the purse-strings of the country. That being the case, and in view of the composition of the proposed Committee, how can that Committee ever reach an agreement? It has been suggested to me that it is rather like playing with loaded dice. Is this the time to try to get, if I may call it so, semi-Home Rule? We have heard so much about the dreadful conditions of the Colony, the failure of wells, drainage schemes, the lack of progress in the Colony, for all of which the present Crown Colony Constitution is blamed. The Constitution came into force four years ago. Was the country's progress more rapid before that? I remember that during the Centenary celebrations last year a building not 100 miles away from here had illuminated the words "100 years wasted" (Mr. Cannon: Hear, hear). Is the present Constitution to blame for that wasted period? Under the

1891 Constitution the Electives had control of the purse-strings. What did the Electives do to help the country out of the mess it was in all those years? Is this the time to bring forward a motion such as this? Some people say "Yes," but to those outside of this Colony it may seem strange that we should choose a time when the Colony has been given Imperial grants and loans, also when the country is up to its neck in debt. It may give the impression that we are trying to deny our liabilities, to wriggle out of our responsibilities (Cries of "No, no"). I will wager that if the idea gets abroad that the Electives desire a change of the Constitution in order to get control of the finances there will be such a slump in Government securities as has never been known in the history of the Colony. The hon. Member for Georgetown North (Mr. Cannon) yesterday expressed his sentiments with regard to the Nominated Members. I would like to assure him that they are reciprocated to the fullest extent. The hon. Member for Demerara River in his speech said it was impossible for Nominated Members to maintain a spirit of independence.

Mr. CRANE (interrupting): To a point of explanation. What I said was that under the Constitution I proposed a Nominated Member would feel himself far more independent than he does now, depending as he is on Government for renewal of his period of office in this House.

Mr. ELEAZAR: I might be allowed to say that when the motion was originally drafted I particularly included Nominated Members. One of my colleagues asked why I had put it that way. That is how Official Members were substituted for Nominated Members. Since then one of my colleagues actually suggested the inclusion of Nominated Members in the Committee. It was not intended to exclude anybody.

Mr. SEAFORD: I accept the explanation of the hon. Member for Demerara River. But I should like to say, as I have done before and as Government well know, that when I accepted a seat on this Council I did so on condition that I would vote as I think fit, and at nobody's dictation would I say "yea" or "nay" to anything.

It matters little or nothing to me if I retain this seat or if Government ask me to resign to-morrow. I will go further and say that the Nominated Members in the Council can vote very much more freely and in accordance with their convictions than the Elected Members—(A voice: Question!)—who very often vote for a matter which they know to be wrong, only because they have been asked to do so. I have been told so by Elected Members themselves, who said it was politic to support a motion of a colleague to obtain his support for another matter. I have been twitted by hon. Members that I would never get into this Council by going up for election. That is perfectly true. I am not prepared to pay \$100 to buy a seat on this Council.

Mr. CRANE: I rise to a point of order. The hon. Member is suggesting that Elected Members in this Council bought their seats. It is highly unparliamentary and I ask that he withdraw the remark. He is imputing to every Elected Member here a criminal offence. It is an offence against the law for a Member to purchase a seat. It is unparliamentary and I am insisting under the rules of debate that he withdraw it.

Mr. SEAFORD: I thank the hon. Member, but I think I am correct—

Mr. CRANE: I am asking the Chair to rule.

THE PRESIDENT: The hon. Member has not made any direct accusation against any Elected Member. He has not suggested that any Member bought his seat. He spoke in general terms.

Mr. CRANE: The hon. Member imputed that Elected Members bought their seats.

THE PRESIDENT: Will the hon. Member accept my ruling?

Mr. CRANE: If that is the ruling, I ask you to let it be taken down in writing and submitted for a ruling by the Secretary of State.

THE PRESIDENT: The hon. Member may proceed.

Mr. SEAFORD: At the last General

Election laws were brought in whereby candidates had to submit a return of their election expenses, but before then there was no such requirement. I hold in my hand accounts paid by Members, and I have been told by Elected Members that it cost them thousands of dollars to get into the Legislature. I am not prepared to get in under those conditions and never will be. Let us look facts in the face and try to be honest about the whole thing (Hear, hear). Let everyone here do his best to try and get the Colony out of the mess it is in and not think of his own aggrandisement. And when we can manage affairs then is the time to ask for a change of the Constitution. The Constitution has been blamed for everything that is bad, but, as has been pointed out by the hon. Nominated Member, Mr. Farrar, we are ignoring the fact that the country is suffering from the world depression. In fact people in this country are better off than in almost any other part of the world and they have no Constitution of this kind to blame for it. It is the terrible depression, which is world-wide, that we are suffering from. Let us not blame anyone here but recognise that it is world-wide. However much I may desire a change in the Constitution in certain respects I feel this is not the correct time to ask for it. When a Committee is suggested and no mention is made of the electorate as it exists to-day, I cannot help feeling that the motion is nothing but a bit of political humbug.

Mr. DIAS: I have no quarrel to make with the mover of this motion for introducing it, because I realise that in the ordinary course of things aspirations must spring from within the breast of people higher things and greater power amongst them, but in considering a motion of this kind the most important factor to be taken into account is whether the time is opportune to alter that which I will contend has not had a fair trial. I should like to clear away a little difficulty that stands in my way at this stage, that is, the statement yesterday of the hon. Member for Georgetown North that he had no use for Nominated Members.

Mr. CANNON: I qualified that by saying that as individuals I had the greatest respect for them but their usefulness in this House I had no use for.

Mr. DIAS: I appreciate that. I shall speak of the hon. Member in the same light. I suppose he has very good reason for making that remark yesterday, and if I can construe words which are allowed to drop here and there it is because he is not able to handle Nominated Members as he would like to that he has no use for them. (Hear, hear). If one could only make himself pliable in the hands of the hon. Member, whether a Nominated or any other Member, he would be useful to him, but because he does not the hon. Member has no use for him. That is not the view a legislator should take at all. While it is true that the people speak through their representatives, one nevertheless expects to find the people themselves leading the way and building something upon which those representatives can express their views in this House. But I am yet to find any gathering of the people in the city or in the country agitating for a change in the Constitution, except one meeting which was held by the hon. Member for Georgetown North in the Town Hall. I agree with a statement I heard read from the despatch yesterday and is endorsed by the "Daily Chronicle" that there is nothing easier for anybody to do in Georgetown than to call a meeting in the Town Hall and get some people to attend. When representative and well conducted meetings are held, if attended by those people who represent different classes in the community and they express themselves in a particular way and come to a decision, I agree that that is the voice of the people and should be listened to and given effect to, but not those meetings we read of. I defy anybody to maintain that any of those meetings was representative in its true sense.

The Constitution has been blamed for certain things that have no connection whatever with it. Many of the incidents

of misfortune referred to by the mover of this motion related to a period of time long before the Constitution came into existence. They had relation to a period of time when the hon. Member with other Members who I see here, including myself, held the control of the purse-strings of the Colony. It was quite competent for the Elected Members at that time to say "We who control the purse-strings of the Colony regard this as extravagant or that as unwise and therefore we are not going to permit expenditure of money along those lines." Whatever decision was arrived at was with the approval of the Electives, and very often decisions in respect of the expenditure of large sums of money were arrived at unanimously. If misfortune arose out of those decisions we ought to be bold enough and manly enough to say that those misfortunes had nothing to do with the Constitution, and we ought not to lay the blame for the sins of the Electives before 1928 at the door of Government. The present Constitution has only been in existence for four years and we all know that during that period we have suffered extraordinary financial difficulties with the rest of the world. In fact, the Great Powers with all the capabilities they possess in the shape of Statesmen have not been able to stem the onrush of those difficulties. How can a poor country like this expect to come out triumphant when those Powers have not been able to succeed in performing what we are expected to perform? To say that the Constitution is responsible for the position in which the Colony finds itself is a contention that is groundless and has no merit in it if that is the contention on which the case is built.

The Council adjourned until Tuesday, 6th September, at 11 o'clock.