

## LEGISLATIVE COUNCIL.

*Tuesday, 6th December, 1932.*

The Council met pursuant to adjournment, His Excellency the Governor, SIR EDWARD DENHAM, K.C.M.G., K.B.E., President, in the Chair.

### PRESENT.

The Hon. the Colonial Secretary, Mr. C. Douglas-Jones, C.M.G.

The Hon. the Attorney-General, Mr. Hector Josephs, K.C., B.A., LL.M. (Cantab.), LL.B. (Lond.).

The Hon. T. T. Smellie (Nominated Unofficial Member).

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

The Hon. T. Millard, C.M.G., Colonial Treasurer.

Major the Hon. W. Bain Gray, M.A., Ph.D. (Edin.), B. Litt. (Oxon), Director of Education.

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

The Hon. R. E. Brassington (Western Essequibo).

The Hon. E. A. Luckhoo (Eastern Berbice).

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

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

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

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

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

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

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. V. A. Pires (North Western District).

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

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

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

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

The Hon. Peer Bacchus (Western Berbice).

### MINUTES.

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

### PETITION.

Mr. LUCKHOO laid on the table a petition from rice-growers on the Corentyne Coast, Berbice, praying (a) that Government should undertake the protection of the rice industry, and (b) should secure from Trinidad oil for lamps at a cheaper rate.

### ORDER OF THE DAY.

#### RICE (EXPORT TRADE) BILL.

The Council resumed discussion on the second reading of "A Bill to make provision for the establishment of a Board with powers to regulate and control the price and exportation of rice produced in the Colony."

Mr. LUCKHOO: I have risen to support the principle of this Bill. The Bill has the support of the Berbice Chamber of Commerce and of all well-thinking

people in the community. While I do not think it is perfect in every detail, its structure is sufficiently strong to build upon and improve as we go along. The rice industry is in a very critical position at the present time. Every effort should be made to protect it and Government should give it every help and encouragement to expand and rest on a stable basis. The industry has progressed very favourably. In or about the year 1898 the export of rice was about 4 or 5 tons. In 1931 the exports amounted to 23,632 tons of the value of \$1,060,339. Objection has been taken to the Bill on the ground that it is a direct interference with the liberty of the subject, but in view of the exceptional circumstances through which the industry is passing, I think it is the duty of Government to come in and protect it as much as possible. The present state of affairs cannot be regarded either with indifference or complacency. Its continuance is fraught with a great deal of danger and justifies the apprehension that unless steps are taken to protect it we might lose our market in the neighbouring Colony. I have been approached by many rice-growers resident in the County of Berbice on this question. At first they were of opinion that this measure was intended in a way to impede and retard the growth of the industry, but after reading through the contents of the Bill to them the majority were in favour of supporting it. When we consider that the industry has been started purely on the initiative of the East Indian community, one must feel that that body of deserving agriculturists should be helped in every possible way. At the present time padi as well as rice are being sold below the cost of production. The price of rice in New Amsterdam is quoted at \$2 per bag and of padi at about 72 cents. That seems to be a very low figure indeed, but with the present state of the market it cannot be better. This Bill will, I hope, be the means of stabilising the price, and so ensure to the growers a fair and reasonable return on their labour.

In the constitution of the Board steps should be taken to have on it representatives of bodies other than those in Georgetown, and some individual of the Berbice Chamber of Commerce may be selected to represent the interest of Berbice. In Berbice rice dealers are in the habit of

using not the authorised 5 gallon measure, but a measure of 6 or 7 gallons capacity to the detriment of the rice-growers. I have on a previous occasion called attention to that state of affairs. I do not know what action was taken then, but I hope steps will be taken to see that no other than the authorised measures are used in the purchase of padi. The point has been raised by some of the growers in Berbice whether it is not possible for Government to constitute itself as a Marketing Board or Central Agency for the sale of padi or rice. The growers urge that they might be given a small advance on the yield and Government undertake to sell the produce, deduct the advances made and pay them the nett balance without any loss or gain to Government on the transaction. I can see difficulties in the way unless Government set up an organisation to deal with the matter. I have heard complaints in the County with respect to land tenure. The average rent charged is \$4 per acre, but in some districts it is as much as \$6. In the latter cases there is a guarantee of water supply which adds to the rental. A good many people have been dispossessed of their land; and security of tenure is a matter that should be looked into. The growers are the people primarily to be protected and they should have direct representation on the Board. That would give them an added measure of security and make them feel that the Board is being conducted on fair and businesslike lines. Seeing that the duration of the Bill will be for a short period, I think the Board might report every two months so that the general public may have an opportunity of satisfying themselves that everything is well.

Mr. FREDERICKS: I am supporting the Bill for two reasons. One reason is that my constituency, which is wholly a rice constituency, demands that I should support it. The other reason is because I regard the Bill as an earnest effort calculated to stabilise the industry, which at the present time is far from being stable and stands in dire need of some sort of guide whereby it might stand up erect. More and more it is becoming clear that the working people have to depend on the cultivation of rice as a means of existence. It is a work-a-day man's industry as opposed to a capitalistic industry, and, because of the importance of rice to the community

generally, it is of the first importance that it should receive all the aid and guidance to encourage those who are engaged in its pursuit. I should like to see clause 4 of the Bill enlarged. I do not think the Bill would be sufficiently all-embracing if provision is not made for representation of the small grower on the Board, and I should like some provision to be made by which the growers will have representation. The major portion of the Bill is to control the export price; but there should be another control contemplated and provided for, and that is control of the commodity as produced. I cannot conceive that you are going to control the price and leave the commodity free. Government or the Chamber of Commerce should create bonds in different parts of the Colony for the storage of the commodity.

Dr. SINGH: Government has rightly intervened at an opportune time to introduce legislation in order to regulate and control the price of rice, but the rice-growers who have borne the heat and burden of the day in developing the industry must be given consideration before others. It has often been said in this House—and I am reluctant to repeat it—that the industry has been developed to this stage through the initiative of the growers. But how did they develop the industry? They suffered from a lack of irrigation and drainage and from periods of floods and drought. They also had to wriggle, and are still wriggling, out of the hands of money-lenders and of some unscrupulous land-owners and millers. In spite of these difficulties they have built up an industry which is second in importance, is contributing considerably to the revenue, and will continue to do so if the growers are encouraged and protected. They can be protected from the money-lenders and millers by the establishment of an Agricultural Loan Bank and by making a uniform rate for the rental of rice lands. I am willing to support the Bill but there are some phases of it that need further consideration. I hope Government will see its way to reduce transport rates and that the merchants will add their quota by reducing storage charges.

Mr. PEER BACCHUS: My constituents have asked me to support the Bill, subject to certain amendments. Millers, growers and exporters are in favour of the

Bill because they believe it will enable them to get a better price for rice as there would be no underselling. For the Bill to succeed I think the first consideration is that we should negotiate with the islands' Governments for a preference. Without such a preference I have grave doubt whether we will succeed. However much we might prevent underselling amongst ourselves, we cannot prevent India from underquoting us in the island markets, and until we can get a preference I do not think we can hope to succeed in capturing those markets. I think that the Marketing Board should be controlled by the growers themselves, but, in the absence of a Rice Growers' Association, I suggest that the members of the Board be selected from the Village Chairmen's Conference. That is the view of the majority of my constituents. They have also asked that the local price be fixed for rice delivered in Georgetown. I think that can be arrived at by deducting expenses and allowing a reasonable margin of profit. If a local price of rice in Georgetown is not fixed I do not see the use of posting prices in different parts of the country. Exporters in Georgetown would pay any price they wish, and while safeguarding prices in the West Indian markets they would not be protecting growers in the local market.

Mr. CANNON: I think the rice industry is a great asset to unemployment. But for the available cheap rice the crisis might have been more severe and very difficult to cope with, therefore anything that Government can do to assist the industry they are in duty bound to do. Some of the Electives have urged that it is essential that the grower should be protected. It seems to me that unless that is done the Bill is not going to be a success. I feel that it is necessary for the neighbouring Colonies to enact some legislation that will synchronise with this Bill. It is competent for this Government to take charge of the industry from the angle of erecting a central factory, taking charge of the padi grown in the various districts, milling it and taking over the rice at a certain figure. That will give one grade of rice which will be able to command a universal price. We are contributing a sum of \$40,000 a year as subsidy to a steamer service. That sum will provide interest and sinking fund on a considerable sum of money for the purchase of our own steamer for the

export not only of rice but other produce at the minimum cost. I suggest it is along those lines we should move. I am not going to record my vote against the Bill. If it is believed that it is going to help the rice-growers let them get all they can, but I am very much in doubt about it.

Mr. SEAFORD : There is little I can with advantage add to this debate, but there is no doubt that something has to be done for the rice industry. I am generally against Government interfering with any trade, but times change and I think it is realised that something has to be done. I admit that the Bill makes it somewhat difficult, or very hard, to the individual grower who desires to take his rice to Trinidad and sell it there. At the same time one has to consider the majority engaged in the industry, and so often the majority suffer on account of the wiles of the individual. It has been suggested that this Bill starts at the wrong end of the stick, but it is very difficult to know where to start. I do not think this Bill is put up as a means of curing all ills but as a start to stabilise the industry. I do not see how the fixing of a minimum price is going to be a hardship on the grower. I hope it will be the reverse. It will give him some chance of knowing what he should get for his padi, and he would be able to hold out for a price which at present he cannot do. The point I want to stress is the preference. Before the results of the Ottawa Conference were known to us I brought up the question of intercolonial trade with the islands. I saw what was coming in regard to this rice business, and if, as I had hoped, it had been possible to get a preference with the islands there would have been no necessity for a Bill such as this. It is held that the Ottawa Conference precludes us from making any arrangement with the West Indian Islands for a preference. I understand that is not correct. I understand that by the Canada-West Indies Treaty already in existence the granting of any future preference between the Colonies of one part to another will in no way interfere with intercolonial trade. However, that is a question that Government should look into and get a ruling on the point, because I feel it is the unanimous wish of this Council, and in fact of the whole Colony, that we should have an Intercolonial Trade Agreement for the

benefit of our produce. This Bill provides the machinery for making a start to put the rice industry on a sound basis. I do not say it will succeed, but I will give it a trial and my wholehearted support.

Mr. PIRES : Those who should know and have gone into the pros and cons of this measure think it will be of some benefit. Like some others, I have my doubts. It seems to me that we are only playing into the hands of Trinidad. They first complained that our rice was not of the quality they wanted; now that they have it graded and cannot complain of the quality it is a question of price. I hope Government will be able to get some agreement from them. That is the only remedy I can see.

Mr. WIGHT : I think Government should go very warily into this matter before bringing in legislation of this kind. One hon. Member suggested the erection of a central factory. I well remember the central factory in Kingston where a lot of the taxpayers' money was thrown away, and I should not like to see that experiment repeated. The main question before us is whether this Bill is going to protect the grower, as that is the man who has my sympathy. Everyone in the street is out to make money. The grower has to do the hard work and get little or nothing. I do not agree with the idea on placing restrictions on a man selling his padi. If Government is going to assist the growers with advances that is another matter. It is recognised in these transactions that everyone is out to make something out of them. These transactions are purely commercial. This is a matter that requires more consideration. One point that strikes me is this. Why should a man disclose to a Board a contract he has entered into? As a business man that appears to me an impossible thing. You have people engaged in rings on rum, sugar and tobacco breaking their engagement as to price. Why should a man engaged in rice be placed under any difficulty?

Professor DASH (Director of Agriculture) : Generally speaking, there may be a few people on whom the Bill may work a certain amount of hardship, but, as the Attorney-General and one or two other Members pointed out, it is

the good of the community and the stabilisation of the industry that we are aiming at. That is the essential point of view. One or two Members referred to the question of guarantee from the neighbouring Colonies. Obviously that point has not been overlooked, but it is extremely difficult to secure guarantees when the price of the commodity is so insecure at the moment. This we do know. The quality of British Guiana rice is good and it is appreciated in the island markets. The Colony also has the advantage of the proximity of those markets, and if we could base our prices on the world market prices, which are the Indian prices, there is no reason why the bulk of the trade should not be drawn to this Colony. That is the position as it is understood and as it has been emphasised in the neighbouring markets. We shall get the trade so long as we put our house in order and so long as they are assured that there will be no underselling or undercutting. We know that the rice industry has increased at a rapid rate in the last few years, but we are faced with the position that unless we stabilise market conditions we cannot expect to go much further from the point of view of production. It has been pointed out that this is not a capitalistic industry but a work-a-day man's industry, and we have to look for markets and stabilise them before we can advise people to go on extending cultivation in the future. There seems to be some misapprehension as regards the fixing of prices. The Board will meet regularly to fix prices on cable communications and reports and will only fix prices for export. The Committee who examined the matter went very carefully into the question of protecting the grower and found it impossible to fix a definite price for padi. There are so many complications in the various districts that we could not with any assurance fix the price of padi as we can fix export prices for the finished product.

All these matters will straighten out themselves and be regulated, and I hope to see the Association develop into a central marketing body in time. One of the worst features of the industry to-day is the extraordinary large number of small mills that have been allowed to grow up like mushrooms. Some of them should not be allowed to stand up any longer as they

have a most retarding influence on the industry. I do not suggest Government mills but Government co-operative mills, and that is the secret of the success of the industry in the future. This Bill is a temporary measure and we are bound to give it a trial. I do not see how we can get out of it because at the present time there is grave danger. Unless we do what is proposed we shall never get a start on what we hope for and believe will be the goal of the industry, namely, a centralised and stabilised market. The grower has nothing to lose and everything to gain by the proposals put forward in the Bill. A plea has been made for the appointment of an actual grower on the Board. That is a reasonable request and I hope we shall be able to find a really representative grower on the Board. Reference has also been made to the desirability of having on the Board a representative of the Berbice Chamber of Commerce. I do not think there is any difficulty about that, but we want naturally to have the majority within easy reach of the point of operations and it might not always be easy to get the Berbice member down. I also think it an excellent suggestion that reports of the Board should be frequent. Recent reports from Trinidad showed that this Colony should have no fear of losing the market, provided that these steps are taken and confidence is established in the trade. We cannot hope for these measures to accomplish wonders in a short time. The market is going to be a big one for our rice and the big hold we have is its proximity. This can only be regarded as a start and I feel very strongly that it is a start in the right direction.

THE PRESIDENT: Before putting the motion to the Council I should like to say a word with regard to two points. The debate has been very full and there is really nothing more to be said except in relation to the intentions of Government. Government fully appreciates the solicitude shown by the speakers for the grower. It is quite obvious that Government could not possibly introduce a Bill of this kind except in the interest of the grower, and the best way of helping the grower is to ensure for his product a good price. Unless he is going to get a good price for his product he is not going to continue growing. I do not think there is any need for fear that we are playing into the hands

of Trinidad in this matter. Trinidad might leave us to fight one another in Trinidad for low prices. It is a question of business. Any big business man wishes to work on stabilised prices. The point I wish to emphasise is that this is a temporary measure, and I hope that nothing that may be done by this Council with regard to this Bill will delay in any way the establishment of a Rice Growers' Association.

Question put, and agreed to.

Bill read the second time.

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

The title of the Bill was altered from the "Rice (Trade Regulation) Ordinance" to "Rice (Export Trade) Ordinance."

Clause 3—Establishment and constitution of the Board.

THE ATTORNEY-GENERAL (Mr. Hector Josephs): As the Bill is a temporary measure I move that in clause 4 the words "and in any case shall hold office not longer than one year but shall be eligible for re-appointment" be deleted.

Question put, and agreed to.

Clause 6—Powers of the Board.

Mr. WOOLFORD: Under sub-clause (a) of this clause the Board shall have power to fix the price of rice for export and under clause 7 (1) (a) the Board may make regulations fixing the price for export. If you allow both clauses to remain you are giving the Board power to fix the price as well as to make regulations. The one conflicts with the other. These regulations are going to be difficult to be carried into effect. It may be better to give the Board full executive power. The padi will have been reaped before the price can be fixed, and I believe I am right in saying that padi growers are not necessarily paid when the padi is reaped. So much has been said about protecting the interest of the grower that it is important that the grower should know at the time he delivers his padi to the factory what the export price is going to be. If you wish to benefit him you should let him have that know-

ledge at the time he delivers his padi and not some two or three months afterwards. The question of price is very important if this measure is not to be defeated.

THE ATTORNEY-GENERAL: Clause 7 (1) (a) has nothing to do with the actual fixing of the price but something that is incidental to the fixing of the price for export.

Clause 8—Fee to be paid to the Board.

Mr. WOOLFORD: Sub-clause (3) says there shall be paid to the Board a fee of ten dollars for every renewal of an exporter's licence. You cannot have a provision for renewal when the Bill expires in six months' time.

THE ATTORNEY-GENERAL: The hon. Member anticipated me. I move that 8 (3) and 9 (2) be deleted.

Question put, and agreed to.

Clause 13—Prohibition of exportation of unsold rice.

Professor DASH: I move that the words "or unless the exportation is by or on behalf of a person who carries on business outside the Colony and who has bought the rice for exportation" be deleted.

Mr. CRANE: I move a further amendment that the whole clause be deleted. I do not propose to go over the ground I have traversed in making certain suggestions. I have been regarded as a reactionary. The hon. Colonial Secretary is entitled to maintain his own views. He has used the bludgeon of the gladiator instead of the rapier of the thinker in discussing this matter. I will not rival him in his choice of weapons. I pointed out that the fixing of the price in Trinidad or elsewhere is a subject for legislation in the country where rice is undersold; that what is required is a reciprocal agreement and not this controversial measure; that there is a lack of guarantee by the Governments of the countries which are going to benefit; and that the local producer will be restrained whilst the foreign buyer will be free to deal with India. If those reasons are considered to be reasons of an uninformed person then the hon. Member is entitled to his opinion. If the Colonial

Secretary considers that those reasons do not weigh at all he is entitled again to his opinion; but I shall commend to him the advice of Edmund Burke, that in finding himself differing on any matter which the generality of mankind has held to be of cogency and of value, rather than ignoring the argument he should revere where he is unable presently to comprehend. I consider this clause would be a grave scandal to enact. Fixing of the price I have no objection to, but Government is committing the unconstitutional blunder of telling a man he shall not carry his rice to Haiti and sell it there.

Professor DASH: The amendment of the hon. Member aims at the root of the whole Bill. To take the clause out the whole Bill would be useless, and we cannot accept the amendment without destroying the object of the Bill.

The amendment of the Director of Agriculture was agreed to, Mr. Crane recording his vote against.

The Committee adjourned for luncheon.

Clause 14—Professor DASH: I move that the following be substituted for clause 14:—

14. A licensed exporter shall not without lawful excuse, the proof whereof shall lie on him, in pursuance of a contract of sale for export sell rice at a price lower than the price which shall have been fixed by the Board.

Question put, and agreed to.

Clause 15—Board to make annual report to Colonial Secretary.

Professor DASH: In view of what the hon. Member for Eastern Berbice said this morning it is desirable to modify this clause. The Board will now function only until the end of June and the point will perhaps be met by the following amendment:—

15. The Board shall in the month of May nineteen hundred and thirty-three transmit to the Colonial Secretary a report of its transactions to the thirtieth day of April together with a full statement of its accounts and expenditure. The report shall be laid before the Legislative Council and published in the *Gazette*.

Question put, and agreed to.

Clause 16—Penalties.

Mr. WOOLFORD: I should like to know to what sections of the Ordinance this clause is meant to apply. There is no limitation as to the provision in respect of which the section may be enforced, and it seems to me that the Board or the Secretary who omits to publish the price in at least two daily newspapers and communicate the same to the District Commissioners will be liable to the penalty of \$100 under clause 10. The penalty is in relation to the exporter of rice and the penalty should be limited to the people who are likely to give the trouble.

THE ATTORNEY-GENERAL: The penalty is limited to clauses 12, 13 and 14, namely, exportation of rice without a licence, exportation of unsold rice and the sale of rice below the fixed price. The point will therefore be met by inserting the words "sections twelve, thirteen and fourteen" at the end of the first line.

Question put, and agreed to.

Professor DASH: I move the insertion of a new clause 17 to read:—

17. This Ordinance shall continue in force until and including the thirtieth day of June, nineteen hundred and thirty-three.

Question put, and agreed to.

Mr. BACCHUS: I am asking Your Excellency to make provision for the appointment of a member of the Village Chairmen's Conference as a member of the Board so as to bring about co-operation between farmers and the Board until a Rice Growers' Association is formed.

THE CHAIRMAN: That is a suggestion. The point will be borne in mind.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Professor Dash*).

#### PUBLIC NOTARIES BILL.

THE ATTORNEY-GENERAL: I move the second reading of "A Bill to provide for the appointment of Notaries and to regulate the duties of the office of Public Notary." The object of this Bill is to give

to the Governor the power by warrant to appoint any fit and proper person who is a legal practitioner to be a Public Notary in the Colony. The position at present is that by reason of the survival from the Dutch system a good deal of law work is done in the Registrar's Office. A great deal of conveyancing work was done in that office in the old Dutch days—I am informed that in Surinam it is still being carried out—therefore the Notaries in the Colony were appointed from among the officers in the Public Service in the Registrar's Office. The result is that there has been until recently no private person, not an officer of Government, who has been a Notary. Times have changed a good deal since those days. The community is not now so small and its business is larger and sometimes very urgent and needs a Notary for the urgent performance of the duties of the office. There is no reason why the office should be confined entirely to officers in the Public Service. Apart from that, by reason of an Act of the reign of King Henry VIII. and another of Queen Victoria, the Dean and Master of Faculties has power to appoint Notaries in any part of the British Empire, and that power is frequently exercised. In New Zealand, Notaries are appointed by the Governor, and in Jamaica all the Notaries have been appointed by the Governor among members of the legal profession. If Public Notaries are to be appointed here outside the Government Service, it is considered right and proper that the Governor should have the power of making such appointments, and the object of this Bill is to confer on the Governor power to make those appointments. Care will be taken in the appointments that there will be a sufficiency of officers, and that is, in fact, the principle of the Bill.

Mr. DIAS seconded.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Attorney-General*).

#### TONNAGE AND LIGHT DUES.

THE COLONIAL SECRETARY (Mr. C. Douglas-Jones): I beg to move:—

THAT, with reference to Governor's Message No. 3 of the 21st of November, 1932, this Council approves of a surtax of fifteen per centum being levied on the amount of Tonnage and Light dues which shall be collected during the year 1933 under section eighteen of the Transport and Harbours Ordinance, 1931.

In the Message the reasons for this motion are set forth. It is considered necessary to continue this additional taxation, which was imposed last year, to help balance the Budget. This year the position is very much the same and it is proposed that the surtax on these dues shall remain in force. The amount estimated to be received this year was \$18,000 and the actual amount collected for eleven months is \$10,132. That is mainly due to the falling off in the production of bauxite. During the period of eleven months 49 bauxite vessels entered the port in 1931 and took away bauxite. Over the same period this year only 26 vessels have been in port. This meant a considerable reduction in tonnage and has reduced the harbour and light dues and other revenue derived from this source, and it has not been possible to collect the surtax on those dues which would otherwise have been paid. It was anticipated last year that this surtax would probably damage the trade of the port, but I do not think it has had that effect. The falling off is due to the decreasing demand for bauxite and the number of ships coming to take it away. The surtax has been a very useful contribution to the revenue this year.

Mr. SMELLIE seconded.

Motion put, and agreed to.

#### EXPIRING LAWS CONTINUANCE BILL.

Mr. MILLARD (Colonial Treasurer): In moving the second reading of "A Bill to continue certain expiring laws," I will remind hon. Members that His Excellency stated that the Council would be asked to approve of special measures in 1932 to assist in balancing the Budget. Amongst those measures are two which are affected by this continuation Bill. The Sugar (Temporary) Excise Duty Ordinance was introduced for the first time in 1932. It

was then estimated to produce \$145,000. The calculation was made that the excise duty would produce that sum during a period of twelve months. It was subsequently realised that the collection of the duty in respect of one month would be affected in the succeeding month with the consequence that in 1932 only eleven months of the duty would be collected. The revised estimate for 1932 is \$124,000. It is estimated that in 1933 the continuation of this sugar (temporary) excise duty on the same basis will produce \$125,000. The other Bill to be continued is the Bill of Entry Tax. Hon. Members will remember that in order to balance the Budget of 1932 a tax of  $1\frac{1}{2}$  per cent. was imposed. During 1932 it was necessary to impose further taxation in order to give a greater measure of relief to the Town Council in respect of the charges arising out of the cost of the sewerage works. An additional  $1\frac{1}{2}$  per cent. was added and was estimated to produce \$68,000 for the remainder of the year. In 1933 the extent of that assistance to be met by this taxation has increased. The loan charges on the cost of the sewerage works—5 per cent. interest and 1 per cent. sinking fund—falling to the share of the Town Council prior to the relief given in 1932, was \$240,000 per annum. That is 80 per cent. of 6 per cent. Eighty per cent. is being replaced by 50 per cent., which reduces that \$240,000 by \$150,000. In giving retrospective effect to the 50 per cent. basis the further annual allowance to the Town Council of \$23,500 is being provided, therefore the assistance to the Town Council is the difference between \$240,000 and \$150,000 plus \$23,500 or approximately \$113,500. The Bill of Entry Tax was estimated to produce \$105,000 for this year. The revised estimate is \$173,000 and the estimate for next year is \$210,000. The relief afforded the Town Council provides relief in respect of Government properties. That is estimated at between \$9,000 and \$10,000, which is the difference between \$114,000 and \$105,000. The Bill of Entry Tax is dependent on trade and must vary with trade, but the figures I have given show that it is not necessary at this time, in connection with the Budget for 1933, to vary the  $1\frac{1}{2}$  per cent. It is hoped that with improved trade conditions it will be possible later on to modify this form of taxation.

Professor DASH seconded.

Mr. SEAFORD: The hon. Colonial Treasurer in his remarks stated that the estimated revenue for this year would be \$124,000 from the sugar (temporary) excise duty. The estimate for next year is \$125,000. That means that Government assumes that there will be a drop of 10 per cent. in the consumption of sugar next year. Am I correct in that view?

Mr. MILLARD: The estimate for 1932 is a revision to calculate the collection of the tax for eleven months of the year. In 1933 the estimate is \$125,000 for the year. I shall be glad if the hon. Member would suggest some means of raising more revenue.

THE PRESIDENT: That is an important point and it may be raised in Committee.

THE COLONIAL SECRETARY: I should like to explain that the 50 per cent. addition to the Bill of Entry Tax was to meet the relief given to the Town Council. If in any year, owing to trade depression or any other reason, that amount is not reached by a surtax of  $1\frac{1}{2}$  per cent., then  $1\frac{1}{2}$  per cent. will have to be increased by so much as will meet the amount the taxpayers have to bear in respect of the relief given the Town Council. I think it is well to make that explanation now, because if in future the relief to be given the Town Council is not covered by that amount of percentage the tax will have to be increased. I make that statement now because it should go on record that if  $1\frac{1}{2}$  per cent. has to be increased the Council has been informed of the position.

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—Continuance of Ordinances in Schedule.

Mr. SEAFORD: I want to know whether I was correct that the estimate of the consumption of sugar is 10 per cent. less than this year.

Mr. MILLARD: The position is that in 1932 the estimate has not been realised.

The estimate for 1933 is based on the receipts for 1932 and on twelve months collection instead of eleven months.

Mr. SEAFORD: The estimate for 1933 is practically the same as in 1932. You estimate to collect for twelve months the same amount as in 1932, which means that consumption would be considerably less.

Mr. MILLARD: The point is that on examining the position it was found that the estimate was an over-estimate. It is estimated that 1933 will produce \$125,000 and that will be twelve months collection in respect of the twelve preceding months.

Mr. SEAFORD: My point is that eleven months have given a certain amount. Now it is estimated that twelve months will give that same amount.

Mr. MILLARD: On the experience this year the revised estimate shows that a sum of \$124,000 will be collected for the eleven months. I do not know whether the hon. Member is in possession of any data to base this tax. I think it is well to leave the estimate where it is. The suggestion is that it might be increased, but I think this is the safety mark at the present time.

THE COLONIAL SECRETARY: The position is that the Sugar Producers' Association gave us an estimate of what we were likely to get from this tax. On that estimate we based our estimate for 1932 but the collection for eleven months will fall short of the estimate given us by about \$2,000. The amount collected for December is paid in January and therefore comes into the revenue for 1933. That month is included in the whole of the twelve months for 1933. On that basis it is estimated that for 1933 we shall collect in the twelve months just one-twelfth less than the amount estimated by the Association.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Mr. Millard*).

#### BITTERS AND CORDIALS BILL.

Mr. D'ANDRADE (Comptroller of Customs): I move the second reading of "A

Bill to amend the Bitters and Cordials Ordinance by requiring a licence for the manufacture of sweets." The object of this Bill is to provide for the licensing of premises on which are manufactured locally made fruit wines and other spirituous compounds which are obtained by the process of fermentation only. Those products come within the meaning of the term "sweets" as defined in the Bitters and Cordials Ordinance. In that Ordinance "sweets" is defined as meaning "any liquor made from fruit and sugar, or from fruit mixed with any other material, which has undergone a process of fermentation in the manufacture thereof and which contains more than four per centum and less than twenty-six per centum of proof spirit." "Compound" means "any bitters, or cordials, or sweets, or other thing, in the manufacture whereof spirits, whether distilled or not distilled, are combined with any other ingredient." For several years past there has been manufactured in the Colony wines from oranges, pines and other fruit which come under those two heads, namely, wines obtained only by fermentation and those to which spirits are added. Government has been considering this matter and is of opinion that the time is due when these products should be made subject to excise duty. This Bill is introduced as a preliminary step in that direction and later in the session will be considered an amendment to the Tax Ordinance providing for the payment of a duty in respect of a licence issued under the Bitters and Cordials Ordinance for the manufacture of sweets and also of compounds.

At the annual session of the Combined Court in 1923, when the Tax Ordinance was being considered, an amendment was brought forward by Government to impose an excise duty of 24 cents per gallon on those sweets. That proposal was lost by the unanimous vote of the Elected Members. The position then, however, was very different to what it is to-day. The reasons given then for opposing the imposition the duty were, first, that the manufacture of these sweets gave an opportunity for the disposal of large quantities of fruit which would otherwise rot in the absence of a market, and, second, that it was then a new industry and had not been given an opportunity to develop. Figures recently furnished the hon. Member for Central Demerara show

that the quantity of locally produced wine during the past five years has increased from 1,008 gallons in 1927 to 13,660 gallons during the eleven months ended 30th November, 1932. The sections of the Bitters and Cordials Ordinance which it is sought to amend are 3, 8, 9, 11, 12, 13, 14, 15, 17, 20 and 22, but the effect will be to apply all the sections from 3 to 26 with the exception of 10, which applies to compounds and will not apply to sweets because no spirits are used in the manufacture of sweets. Included in the questions asked by the hon. Member for Central Demerara was the question whether Government was satisfied with the sanitary conditions under which wines are being manufactured. From enquiries made, although perhaps the conditions are not exactly what they should be, they certainly have been considerably improved within recent years, but Government is considering the question of amending the Food and Drugs Ordinance so as to afford more perfect control in that direction.

Mr. SEAFORD : What revenue is anticipated by this proposal?

Mr. D'ANDRADE : The immediate effect is that there are six manufacturers who would pay a licence of \$25 and six others who would pay \$300. Action is not being taken immediately to provide for the imposition of an excise duty, but if an excise duty is fixed at the rate proposed the revenue will be in the neighbourhood of \$3,500.

Mr. SEAFORD : The production of this industry has increased from 1,000 to 13,000 gallons in five years. Surely an industry that has increased to that dimension should pay some excise duty. It is clear that for 1933 the prospect is that it will still further increase. Government is losing a considerable amount of revenue and the sooner it brings in an excise duty the better.

Question put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and considered the Bill clause by clause without discussion.

The Council resumed.

Notice was given that at the next meeting of the Council it would be moved that the Bill be read the third time (*Mr. D'Andrade*).

## ANNUAL ESTIMATES.

### MAGISTRATES.

The Council resolved itself into Committee and resumed consideration of the draft Estimates of expenditure to be defrayed from revenue for the year 1933 under the head "Magistrates."

Mr. WOOLFORD : When the Council adjourned on Thursday I was mentioning that in May this year by an Ordinance passed the jurisdiction of Magistrates was extended. Prior to its enactment cases involving property of the value of \$25 could be dealt with by the Magistrates summarily. As a result of that Ordinance disputes or offences relating to articles or property exceeding in value \$25 and up to \$100 have been added to the duties of Magistrates, and one of the reasons given was that it was anticipated that a large number of cases that were heard by the Supreme Court would as a result of this amendment be heard by the Magistrates. It was indicated that this would be a considerable saving in public expenditure. The contention therefore has to be allowed that we are to save public expenditure by adding additional duties to men whose burdens are already great and who, I submit, are underpaid for the work they are at present doing. I would like to remind the hon. Attorney-General of those occasions when he sat in the Supreme Court and occupied the Bench with the distinction for which he is renowned. He then gave to the members of the profession and the public an exhibition of how trials ought to be conducted, and I should like to hear whether he considers that was his idea of how trials should be conducted and how he expects Magistrates to perform their duties. One particular case took him several days to hear and still many more days to decide, and I may tell him that similar cases very frequently occur in the Magistrates' Courts. I think it will be appreciated that men who have professional qualifications are expected to apply their minds in the same way that he did, and I say it is humanly impossible for them to do so.

Practitioners and their clients object to be subject in the Magistrate's Court to a mere enquiry and not to a trial of the various issues. You cannot extend the jurisdiction of Magistrates not merely in value but in the kind of cases they have to try and expect them to give a right judgment almost on the spur of the moment without any time for further examination. It is not fair to the men, still less fair to men who are expected to have a professional qualification. When I am told that there are so many hundreds of cases less than some time gone by, the only answer to that is that during that time there were nine, ten or eleven men doing the work and not five. I am told that because there has been this reduction five men can do the work, but if a close comparison can be instituted it will be found that a greater hardship is created on the Magistrates who have to perform this work. I deprecate the proposal that this continuance of things should go on without protest being made against it. I hope that by no economy, whether it takes the form of the number or pay, are you going to deny the facilities for the due and proper administration of justice. That is what is happening to-day, and that brings me to my third point. It is proposed that this state of things should continue by paying acting men the sum of \$200 per month. In other words, it is becoming quite fashionable that the possessor of a judicial qualification to sit in the Magistrates' Court is to be rated at \$200 per month. It is reducing the status of legal professional skill. It is an inadequate pay. You must make the pay sufficiently attractive to attract educated men apart from men possessed of professional legal qualification. So low is the estimate of legal qualification in this Colony that two gentlemen have recommended that the pay of His Majesty's Attorney-General should be £900. That is the public estimate of what a lawyer is worth, and that is why one of these days, unless the thing is put a stop to, it is going to be that a barrister should be paid £800 a year while engineers who simply express an opinion might be paid £1,500 or £1,000.

It is not fair to the profession and to these men who have to exercise human restraint and bring to bear in the performance of their duties considerable

general knowledge apart from being called upon to give correct decisions. You wean a man from the practice of his profession and conjure up to him certain expectations. The moment he assumes office his pay is cut, and you have the spectacle of that man drawing \$200 per month, less 7½ per cent. and the clerk under him getting \$170 per month. It is a grotesque position; and I am sorry these protests leave some people unrepentent. I personally cannot understand upon what basis this \$200 is arrived at. Magistrates in years gone by have been paid considerably more. I allow the contention that these are days when you have to conform to certain ideas of economy, but it is not economy to curtail the opportunities for people to settle their disputes or to administer justice. It is no economy either to limit the quality or the nature of the qualifications necessary for holding these high offices, and I hope the instances I have given will prevent the perpetuation of this state of things. Government has been fortunate in being able to fill the ranks of Magistrates from local men. Magisterial vacancies have to be filled somehow and you have to reward the patriotism of these men in serving the Colony. You are no longer allowed to promote Inspectors of Police or men belonging to the lay Service, and if you are going to draw upon the profession you have always to bear in mind that if these men do not come forward and you have to import men from outside you would not dare to suggest that the appointment is one that carries £500. There is not one with a legal qualification who has ever come here at that salary and I do not see why men in the Colony should be asked to accept it.

**THE ATTORNEY-GENERAL:** The hon. Member has pointed out that by reason of the Criminal Justice Ordinance enacted this year, whereby final jurisdiction of Magistrates was increased from \$25 to \$100, considerable extra work has been thrown on Magistrates. The hon. Member has been guilty of a lapse of memory on this occasion, something which does not ordinarily happen to him. Prior to the enactment of that Ordinance the majority of cases were of greater value than \$25. The Magistrate held a preliminary investigation and took down the depositions of the witnesses, and at the

end of the case he had to decide whether a *prima facie* case was made out. If he considered a case was made out he committed the accused for trial, and if he did not consider a case was made out he discharged the accused. What takes place now is that the Magistrate at the end of the hearing instead of committing or discharging decides whether or not the accused is guilty, so that he does exactly the same work and no greater burden has been thrown upon him in any way. With regard to the question of salaries, it is a fact that formerly Magistrates were paid on a different scale, but the present salary is one which was recommended by the Financial Commissioners, who proposed to the Secretary of State that owing to the financial condition of the Colony the Civil Establishment should be reduced and in the majority of instances the salaries should also be reduced. That was one of the cases which were approved and acted upon. That is one of the conditions which have arisen from the circumstances in which the Colony finds itself, very much like the reduction in the number of Magistrates. I do not think the hon. Member was here when I pointed out that there are five permanent Magistrates, one of whom is acting as Assistant to the Attorney-General. At present there are two acting Magistrates besides one acting in place of the Assistant to the Attorney-General. The reason for that is that last year a Magistrate went on leave, and on his return another Magistrate went on leave, then through the illness of a Judge it was necessary that another should be appointed.

Mr. WOOLFORD: I was present when the Attorney-General made his remarks and I appreciate them. What the hon. Member seems not to appreciate is that a very good case has been made out for an increase in the number of men to cope with the work. I accept his opinion on a matter of law but do not accept his view that in consequence of the extension of Magistrates' jurisdiction the functions of Magistrates have not been varied or altered. The Magistrate is arbiter in matters now and the extension of his jurisdiction has caused additional duties, and additional duties is the length of time consideration of those duties involve. If the voice of the public is not to be heard in this matter the Attorney-General is no more expert than the Official Reporter. He has never

visited the Magistrate's Court and therefore is not in a position to controvert my statements. If he has been there I want to know if he has been present throughout a trial.

THE ATTORNEY-GENERAL: The statement is incorrect.

Mr. WOOLFORD: Then I am sorry that I made it. I shall then have to ask on how many occasions.

THE ATTORNEY-GENERAL: The hon. Member cannot administer interrogatories in this House, sir.

THE CHAIRMAN: With regard to this question I need scarcely say that the administration of justice is a matter of the greatest concern to Government. I am not unmindful of the representations made in this debate by the legal Members of the House. I doubt at the present time whether a case has actually been made out for an increase in the number of Magistrates, but I think a case has been made out for further examination as regards the number of cases in the Magistrate's Court. I am prepared to empower the Attorney-General at once to make that examination and to inform the Secretary of State that the Council will approve of an increase being made, if necessary, on this vote if it is found that the arrears of the Court are mounting up. At present cases are falling off and Government has to be satisfied. The Attorney-General is the expert in the matter, or should be treated as such, of whether cases are unduly delayed and the number is such that the Magistrates cannot deal with them or that the administration of justice is not satisfactory in consequence. Government must be satisfied that Magistrates are overworked or that litigants do not receive sufficient consideration of their cases, or that there are frequent postponements. Those are two essential points, but I think certain points have been made by hon. Members to which Government must give due weight. The first is in regard to the Assistant to the Attorney-General. I accept the views expressed with regard to that and will take early action for a settlement being reached with regard to that post, because I share the views of hon. Members that acting Magistrates should be avoided if possible. In saying that I am making no reflection on

the gentlemen who fill the post, but it is unsatisfactory for an officer to be filling the position as a stop gap at a lower scale of pay. A Magistrate should be in the position to know where he is and that he is not merely filling a post temporarily. We cannot have Magistrates in the Colony to provide for three on leave and must have acting appointments. There are five permanent Magistrates, one of whom is acting as Assistant to the Attorney-General, and a sixth is acting for a Magistrate on leave. It is desirable that the posts of Magistrates should be filled, but we can only get an increase in the number if a case is made out. The position will be further examined by the Attorney-General and reported upon. The Attorney-General has been authorised to appoint an additional Magistrate if it is necessary, and the Chief Justice has been informed that an additional Judge may be appointed if the necessity arises.

Mr. CRANE: At the present time it is thought that a lot of the work of the Magistrates in Georgetown might be done by the Chief Clerk. Cases between landlords and tenants, which take up a great deal of time every morning, might be dealt with on affidavits by the clerk, also possession summonses the hearing of which is usually a matter of routine. A great deal of time can be saved if this work is

done by the Chief Clerk, contested cases being referred to the Magistrate for trial. Education summonses for orders to send children to school may also be dealt with in this way. Clerks of the Peace in Trinidad have certain judicial functions and I think Government can get a great deal of voluntary service rendered in the same way. I suggest that should come within the scope of the Attorney-General's enquiry. As I will not be here to-morrow, I take this opportunity to ask why the post of bailiff-clerk of the Magistrate's Court in the Demerara River has been abolished. I understand that the Police look after the duties and the people are dissatisfied over the arrangements. The clerk was resident at Mallali and received summonses there; now litigants have to travel to Vreed-en-Hoop to have their business done, a distance of 70 or 80 miles. I ask Government to reconsider the question of the bailiff-clerk being replaced in that district.

THE ATTORNEY-GENERAL: The matter will be investigated.

The item under discussion (1a—5 Stipendiary Magistrates, \$14,806) was put, and agreed to.

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