

LEGISLATIVE COUNCIL

THURSDAY, 12TH JULY, 1951.

The Council met at 2 p.m., His Excellency the Officer Administering the Government, Mr. John Gutch, O.B.E., President, in the Chair.

PRESENT :

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

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

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

The Hon. the Financial Secretary and Treasurer, Mr. W. O. Fraser. (Acting).

The Hon. C. V. Wight, C.B.E., (Western Essequibo).

The Hon. Dr. J. B. Singh, O.B.E. (Demerara-Essequibo)

The Hon. Dr. J. A. Nicholson (Georgetown North).

The Hon. W. J. Raatgever (Nominated).

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

The Hon. C. P. Ferreira (Berbice River).

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

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

The Hon. J. Fernandes (Georgetown Central).

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

The Hon. J. Carter (Georgetown South).

The Hon. L. A. Luckhoo (Nominated).

The Hon. R. B. Gajraj (Nominated).

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

The Hon. D. C. J. Bobb (Nominated).

The Clerk read prayers.

The Minutes of the Meeting of the Council held on Friday, the 6th of July, 1951, as printed and circulated, were taken as read and confirmed.

PRESENTATION OF REPORT.

The COLONIAL SECRETARY laid the following document on the table:—

The Report of the Commissioner of Income Tax for the year 1950.

UNOFFICIAL NOTICES.

TAX REFUND FOR Y.W.C.A.

Mr. FARNUM gave notice of the following motion:—

WHEREAS a Bill intituled An Ordinance to incorporate the Trustees of the Young Women's Christian Association in the Colony and for purposes connected therewith was on the 20th of June, 1951, passed by this Honourable Council;

AND WHEREAS the sum of one hundred dollars was paid as Stamp Duty pursuant to the Tax Ordinance, 1939 (No. 43), in respect of the said Bill;

AND WHEREAS the said Association has been useful in its contribution to the social, religious and educational life of this Colony during its operation in this Colony;

AND WHEREAS it has been customary for this Honourable Council to recommend the refund of Stamp Duty paid in respect of Private Bills dealing with the incorporation of social, religious and charitable organizations;

BE IT RESOLVED that this Honourable Council recommends to Government the refund of the sum of one hundred dollars paid in terms of the Tax Ordinance, 1939, for the Private Bill intituled "An Ordinance to incorporate the Trustees of the Young Women's Christian Association in the Colony and for purposes connected therewith."

COCONUT OIL INDUSTRY

Mr DEBIDIN gave notice of the following questions:—

1. What is the total quantity of (a) Crude Coconut Oil (b) refined oil exported from the Colony during the year 1950?
2. To what countries were the aforesaid oils so exported, giving the quantity to each country, and the prices paid for each kind of oil by each country?
3. Who were the consignors and/or owners of the aforesaid oils referred to in question No. 1?
4. What quantities of (a) Crude coconut oil (b) refined oil each consignor and/or owner shipped from the Colony in the aforesaid year 1950?
5. What amounts each owner of the aforesaid oils received in respect to such shipments?
6. What revenue was gained by the Colony from the exportation of the aforesaid oils?
7. Who or what authority was responsible for, or gave the sanction for such exportations of crude coconut oil and refined oil in 1950?
8. What was the total annual production of coconuts in the Colony for the last five years?
9. What was the total annual production of (a) crude coconut oil (b) refined oil over the said period of five years?
10. What was the total number of drums which were available for the storage of coconut oil (crude and refined) for each of the years between 1945 to 1950, and at the present time?

11. Has Government made any effort to increase the number of drums for such storage during the year 1950, and during this year? If so, what is the nature of the effort?
12. What is the personnel of the Committee presently appointed to report on the coconut oil industry of which the Director of Agriculture is Chairman?
13. What is the qualification and/or connection with the coconut industry of each member of such Committee?
14. What is the quantity of copra meal produced in each of the last five years?
15. To whom was copra meal sold and distributed in any of the past five years for which this information may be obtained from a Government Department?
16. Those who received in any one year less than one ton may be grouped under Miscellaneous. In particular what quantities of copra meal were sold to—
 - (a) Booker Bros. McConnell & Co., Ltd.
 - (b) Gladys Hicken & Co., Ltd.
 - (c) Sugar Estates.
 - (d) Other concerns.
 during the last five years and up to the present time?

RICE FOR FAMINE RELIEF IN INDIA

Mr. FARNUM: I beg to give notice that I intend to move at a later stage the suspension of the Standing Rules and orders so as to enable me to proceed with the motion I tabled on the 4th of July, recommending that 500 bags of rice be donated to the Famine Relief Fund for the State of Bihar, India.

SHORTAGE OF NAILS

Mr. ROTH: Before we proceed with the Order of the Day, sir, I crave your indulgence to mention a matter of very great importance particularly to the building trade, and that is the present shortage of nails in the Colony. The position has become very serious indeed, so much so that the blackmarket is charging 20 cents per lb. above the normal price. One dealer, after having

received about 100 cases told me that I might be able to get 4 lbs. In my own case building operations have had to be suspended on two projects with which I am concerned—the erection of the Museum and another premises. I ask Government to consider the advisability of re-controlling this very important item, both as regard quantity and price.

The PRESIDENT: I am well aware, like everybody else, of the serious shortage of nails and Government is now considering the question of re-controlling them. Council will now proceed with the Order of the Day.

ORDER OF THE DAY

MUSIC AND DANCING LICENCES (AMENDMENT) BILL, 1951

Council resolved itself into Committee to resume consideration of the Bill intituled :

“An Ordinance to amend the Music and Dancing Licences Ordinance with respect to the granting of licences.”

COUNCIL IN COMMITTEE

The ATTORNEY-GENERAL: It will be recollected that during the course of the consideration of this Bill certain points were raised and I submitted to hon. Members an amended draft of clause 3. In the light of the comments made during the further consideration of this clause, I have now had circulated a new clause 3 which deals with the points raised during the course of the debate on the last occasion. As will be seen from an examination of the new clause 3, paragraph 12A remains the same with the exception of what is in the 3rd line of paragraph (a), the words “hereinafter referred to as “the Superintendent”” having been inserted after the word “Brigade.” Although there has been this change the substance of the paragraph remains the same. In clause the term “Assistant City

Engineer” relate to the suggestion which was made by the Deputy President and supported by the Fifth Nominated Member (Mr. Gajraj)—that the Assistant City Engineer should be permitted to deal with the granting of certificates in the same way as the City Engineer is allowed to do so. The new clause 12B has been drafted to give effect to the suggestion made by hon. Members with regard to the revocation and suspension of licences. It reads:—

“12B. (1) The Superintendent, the City Engineer or the Director of Public Works may at any reasonable time enter and inspect any place licensed under the provisions of this Ordinance.

“(2) Where upon any inspection as aforesaid, the Superintendent, the City Engineer or the Director of Public Works, as the case may be, is of the opinion that the place is unfit for use for any of the purposes specified in section two of this Ordinance, he shall forthwith report the matter to the Magistrate who shall forthwith revoke or suspend the licence upon such terms as he may think fit.”

In other words, the Magistrate may call upon the licensee to put the premises into a satisfactory condition for the purposes of holding the entertainment. I think hon. Member will agree that this is desirable in view of the fact that we are endeavouring to safeguard those who go to these entertainments. The new clause, 12C, as drafted, contains provision whereby “the Governor in Council may prescribe fees to be paid in respect of any inspection made or certificate issued under the provisions of subsection (1) of section 12A of this Ordinance.” I think that meet all the points raised in the course of the debate, and I move that it be adopted as clause 3 of the Bill.

Mr. BOBB: If my memory serves me right I think another point was raised—with respect to the time to be permitted for the application of these licences.

The CHAIRMAN: I think that is already provided for.

The ATTORNEY-GENERAL: That is provided for in the Principal Ordinance. We are not interfering with that; it is better to leave it as it is.

Clause 12A, as amended, put and agreed to.

New Clause 12B put and agreed to.

New Clause 12C put and agreed to.

Title and enacting clause put and agreed to.

Council resumed.

The ATTORNEY-GENERAL: With the consent of Council I beg to move that this Bill be now read a third time and passed.

Mr. WIGHT seconded.

Motion put and agreed to.

Bill read a third time and passed.

FORESTRY (AMENDMENT) BILL, 1951

Council resolved itself into Committee to resume consideration of the Bill intitled:—

"An Ordinance further to amend the Forestry Ordinance by making provision for the registration of sawmills and dealers in forest produce; for the abolition of the Forest Trust and for purposes connected with the matters aforesaid."

COUNCIL IN COMMITTEE

The CHAIRMAN: The position is that practically the whole of the Bill was taken and accepted by the Council, except clause 3, paragraphs (e) to (g).

The ATTORNEY-GENERAL: These three paragraphs were deferred for the purpose of enabling further consideration to be given to them. With regard to paragraphs (e) and (f) which were to a certain extent decided, they were somewhat similar to the provisions which were made under the Regulations and by means of that machinery it was pos-

sible to obtain information. I understand from the Conservator of Forests that so far as these two particular paragraphs are concerned, while he has no objection to their removal yet, at the same time, he would prefer them to remain. It will be appreciated, of course, that there are certain of the draft Regulations which have been made under these two paragraphs and if they are deleted it means, necessarily, that those particular draft Regulations would be *ultra vires* and would have to be deleted also.

I understand, of course, that the information required is for the purpose of control now that the sawmills and sawpits are included in this legislation, and that the Governor in Council is empowered to make Regulations (a), with regard to the registration of sawmills and (b), with regard to the keeping and inspection of books and records in connection with sawmills and the returns to be submitted in connection therewith to such persons as may be specified in the Regulations. Much of the control can be exercised and will be exercisable by that machinery. In other words, the control will start and the records will begin with the logging operations in the interior, and then pass right down to the sawmills and the sawpits which are required to submit information and are liable to inspection. A great deal of the necessary information can be obtained in that way.

From the point of view of drafting, I think that these two paragraphs should remain because they enable the Governor in Council to make Regulations which they think proper for the purpose of the registration and the licensing of dealers in forest produce, having regard to paragraph (f) which provides for the keeping and inspection of books and records by dealers in forest produce and the returns to be submitted by such dealers to such persons as may be specified in the Regulations. I believe objection will be raised that it is really unnecessary to require small dealers in forest produce to keep books and records

for any of these purposes. If hon. Members will turn to Part VI of the Regulations, it will be seen that Regulation 42 provides that:—

“42. Every person who carries on the trade of buying timber of the Colony for resale shall make application to the Conservator for a licence in that behalf.”

Therefore, as the Regulation now stands it will apply where a person carries on the trade or business of buying timber for the purpose of resale. In other words, that person must be a regular dealer in timber and one who uses that as a means of livelihood. Then follows, of course, Regulation 43 which states:—

“43. (1) Every licensed timber dealer shall keep at his usual place of business a book wherein he shall record at the time of purchase any timber being the produce of the Colony, the species and quantity, the name and address of the person from whom he or anyone on his behalf actually receives such timber and the name and address of the owners of the timber.”

If the provision remains in the Ordinance then the Regulations can be modified accordingly and further, as I pointed out on the last occasion, under the provisions of the Ordinance—in section 5—there is a proviso which enables this Council to have the final word with regard to any Regulations. I may remind hon. Members of this proviso—to section 5 of the Principal Ordinance which deals with Regulations for the protection of forest areas. It reads:—

“Provided that within a period of three months from the date of publication the Legislative Council shall have power by resolution to order the rescission of any regulation or part thereof so made, and that regulation or part thereof shall cease to be valid after thirty days from the date of the resolution.”

Consequently, this Council has a period of three months to take any action with regard to any Regulation made by the Governor in Council, in pursuance of the power which it has under section 5 of the Forestry Ordinance. So far as the two paragraphs to which I have referred in this Bill

go, it only remains for the Governor in Council to make Regulations in respect of those matters. It does not necessarily mean that the Regulations are fixed and complete; this is only giving the Governor in Council power to make Regulations and it must not be confused with the proviso with regard to which this Council has the right within three months of the date of publication to pass a resolution for the rescission of any Regulation regarded as objectionable.

With regard to paragraph (g) I should like to say that it will be appreciated that, as the Forest Department has its rangers and officers in the interior dealing with these matters all the time, for practical purposes it is better for this provision to remain in the Forestry Ordinance, even though to a large extent the Commissioner of Labour has the power to require any undertaking to supply information required. The Conservator of Forests and his officers would have greater and more accurate knowledge, and being in constant contact with those who carry on forest undertakings, they would be able to keep a check on the work and the course being taken by any licensee of the land for the purpose of forest working.

There was one other point—that the term “forest produce” is very wide as defined in Chapter 176. The hon. Member on my left (Mr. Wight) in the course of his argument endeavoured to reduce it to absurdity by referring to things like thatching materials, orchids and so on. I would point out that the term “forest produce” includes (a) timber or lumber, firewood, charcoal, bark and extracts of bark, and the following when derived from wild-growing trees or plants: fruits, oils, balata, rubber, and other latex, gums, resins, spices, tanstuffs, dyestuffs, drugs, leaves, fibres, flosses, thatching materials and orchids; (b) the following when found in or brought from a forest reserve: trees, plants and all parts and produce of trees and plants, grasses, wild animals and skins, shells, tusks, horns, bones, silk cocoons, and

all other parts and produce of animals, soil, peat, rock, sand, and any products of mines and quarries from time to time declared by the Governor in Council to be forest produce.

The point is really that those words are limited by the words "when derived from wild-growing trees or plants," and also by the words "when found in or brought from a forest reserve." I just mention that to show that it was not intended that "forest produce" should include any grasses or fruit grown on any spot in the Colony but only in certain places.

I think the hon. Member for Georgetown Central (Mr. Fernandes) wishes to put his points with regard to paragraphs (e) and (f) particularly, and with regard to some aspects of the draft Regulations.

Mr. FERNANDES: Since the Council last met I have had the occasion to study this matter further, and I still maintain that paragraphs (e) and (f) are unnecessary. I can quite understand how both (e) and (f) happen to be in this Bill, because it is a direct copy from the Defence Regulations, but we are not now dealing with Defence Regulations but with what is intended to be Statute law of this country, and I maintain that paragraphs (e) and (f) are unnecessary. The Conservator of Forests has admitted that at no time has it been found necessary to use the powers asked for here in respect of the control of dealers in forest produce. If passed these two provisions will only cause unnecessary hardship, and there is a very great principle involved, which is that this Council should always avoid placing on the Statute Books of the Colony laws that are unnecessary now and are likely to be unnecessary for the rest of time. They involve unnecessary expenditure on printing and unnecessary mix-ups in the interpretation of the various laws. I am sure it would serve no useful purpose whatever if we allowed those two paragraphs to remain in the Bill.

There are already Regulations, one of which prescribes that—

"Every proprietor of a sawmill shall keep books showing—

- (a) all timber (by species) supplied to him for the purpose of being sawn or manufactured, together with the sources supplying such timber and the amount of timber supplied from each source; and
- (b) all timber (by species), sawn or manufactured, sold or in any way disposed of by him, together with the names and addresses of all persons to whom any timber amounting to 10,000 feet Board Measure or more has been sold or otherwise disposed of in any one month,

and shall forthwith produce all books for inspection when required so to do by the Controller of Timber or anyone authorised by him generally in writing to enter and inspect the books and stocks of sawmills, and shall permit the Controller of Timber or any person authorised as aforesaid to enter any sawmill or any premises connected therewith for the purpose of inspecting any such books or timber."

All that has to be stated on each entry, and on one piece of timber it is possible for those entries to be made four times, because they change hands from the time the timber leaves the mill until it reaches the final consumer. These returns will serve no purpose as they will give the Forest Department no further information. The Department can get all the information it wants, first of all from the person who produces the timber, and from the minute the timber is sawn, if it is the desire of the Department to find out how many board feet of lumber is produced by sawmills, it could get that information from the sawmills and sawpits, because we have included sawpits in sawmills, and we have almost included any premises wherein timber is stored or kept for the purpose of a sawmill. It is stuff that is kept outside of a sawmill and has nothing to do with a sawmill. I am sure the Conservator will not seriously oppose the deletion of these two paragraphs, because they are not necessary.

As regards paragraph (g) I was right in my argument. It is only putting into the Bill something which the Commissioner of Labour has a right to already. I have listened very carefully to the statement by the hon. the Attorney-General that the Forestry officers are within easier reach of the areas in which it is hoped to have this operate, and therefore they would be in a better position to inspect books and things of that kind. Of course there is nothing in the world to prevent the Conservator of Forests or any Forest officer inspecting those books. This Bill has been brought with the idea of putting the control of forestry under one head and removing it as far as possible from the Department of Lands and Mines, yet in the very Bill we have the Commissioner of Labour being mixed up with forestry. We are pulling away from one Department and taking in another. It is entirely a labour matter. We are trying as far as possible to separate the Departments and we should not want to tie them up again and have them mixed up. However, I am not offering any serious objection to paragraph (g). It only means that if it is passed it would be possible for a person by one act to commit two offences—one against the Labour Ordinance and the other against the Forestry Ordinance.

The ATTORNEY-GENERAL: I think the hon. Member will appreciate that action cannot be taken against a person twice for the same offence.

Mr. FERNANDES: But he can be prosecuted under either of the Ordinances, and of course the one that carries the greater penalty. I cannot conceive of Government prosecuting a person twice for the same offence, and that is the reason why I am offering no serious objection to paragraph (g). But as regards (e) and (f) I am appealing to Government to delete them. I would not like to record my vote against them.

The ATTORNEY-GENERAL: These draft Regulations have been placed be-

fore Members in order that they may have an idea of what Regulations are proposed. The particular paragraphs in clause 3 of the Bill, to which the hon. Member is referring, give enabling power to the Governor in Council to make Regulations, and Regulations 42 and 43 of the draft Regulations purport to be made under those paragraphs which the hon. Member is seeking to delete. Therefore, if those paragraphs are deleted those draft Regulations would have to go by the Board.

Mr. FERNANDES: I do appreciate that. These Regulations are not final, and Members appreciate that in supplying us with copies of the draft Regulations Government has treated us with courtesy, and desires to be informed of any objections we may have to the proposed Regulations. On the whole the draft Regulations are quite good. There are just a few minor exceptions. There would be no difficulty in deleting paragraphs (e) and (f) because they refer to the question of timber alone. Reference to the dictionary shows that "timber" includes nearly everything in the lumber business. It is going to be very difficult to know when one is governed by these Regulations or not. People in this country are accustomed to refer to rough logs as timber, but the definition of "timber" is quite different. If something is being put on the Statute Books of the Colony it should be something that is called for and necessary. Again I say that paragraphs (e) and (f) are unnecessary and uncalled for, and should not be passed. They are going to serve no useful purpose, but will create a great deal of unnecessary hardship and expense.

I should be the last person to object to anything in the Regulations which would contribute towards the better control of forestry. The forests of British Guiana are among our most valuable assets. It is something which we have to handle with care, and a source from which this

Colony has to get the best returns, but I maintain that these two paragraphs are not going to bring that about. Therefore I am asking Members to vote against them, because I have heard nothing from the official side to convince me that they are necessary. All we hear is that they give the Governor in Council power to make Regulations. I do not think that is sufficient justification for putting such provisions on the Statute Books. I must ask Government either to accept their deletion or put them to the vote.

Mr. ROTH: Sir, may I inquire when you propose to give us an opportunity to discuss the draft Regulations? I recollect that on the last occasion you said that they would be discussed during this week.

The CHAIRMAN: I said I would give Members an opportunity to go through the Regulations in Council, which I propose to do this afternoon, and to express their views on them. It is not possible to put each of the draft Regulations to the Council, because that would not be the correct procedure, but the views of Members on any of them would be welcome, and would certainly be taken into account before the Regulations are actually made. When that has been done the correct legal procedure would of course be observed, and any Member would be entitled, within the specific period, to introduce a motion for the variation or annulment of the particular Regulation to which he takes exception by resolution of the Council. As I said, I am prepared to give Members an opportunity of discussing the draft Regulations in Council because they are very closely connected with this Bill, and that I propose to do so this afternoon. It is not the intention to take a division on each Regulation and decide whether a particular Regulation would be introduced or not, because that would not be the correct statutory procedure.

Mr. FERNANDES: As I understand it, we are only going to be asked

to express our opinions on any particular Regulation. I am sure there will not be any particular opposition. But for the manner in which they are set out there may be even less opposition than we had at the last meeting of the Council.

The CHAIRMAN: After consultation with the acting Conservator, the official view is that we should be prepared to withdraw paragraphs (e) and (f) of clause 3 of the Bill.

Mr. FERNANDES: Thank you, sir.

The CHAIRMAN: It is considered desirable to retain paragraph (g) which will now become (e). For the reason which I mentioned at the last meeting of the Council, it is considered really more convenient to the timber operator to have everything concerning the production and processing of the timber in one Ordinance. There can be no question of his being prosecuted under two separate provisions for the same offence. In fact Government could undertake that in respect of forestry matters concerning labour in connection with the forest industry, proceedings would be taken under the Regulations made under this particular item.

Mr. FERNANDES: I said I was not going to oppose it. This will create no hardship, because every producer of stuff from forest tracts has to keep these books whether he likes it or not, and there is no hardship in his making returns under this Ordinance instead of under the Labour Ordinance.

Paragraphs (e) and (f) were deleted and paragraphs (g) and (h) relettered as (e) and (f) respectively.

The ATTORNEY-GENERAL: It will be appreciated that, consequent on that decision, certain of the draft Regulations will have to be amended accordingly. I move that the title of

the Bill be amended by the omission of the words "and dealers in forest produce."

The Council resumed.

DRAFT FORESTRY REGULATIONS.

The PRESIDENT: I take it that Members have copies of the draft Regulations before them. I will take them page by page, and if any Member wishes to raise any point on any of the proposed Regulations he may do so.

The ATTORNEY-GENERAL: The draft Regulations were presented to Members together with His Excellency's Message on the general Forest Policy. The Bill has been approved by the Council, but in order to give Members a chance to express their views with regard to the draft Regulations which accompany the Bill, the President is now affording Members that opportunity while we are on the Bill. That is the reason why we have not yet taken the third reading of the Bill.

Mr. DEBIDIN: Not having the draft Regulations before me I said nothing about paragraph (e) of clause 3 of the Bill, but, speaking subject to correction by the hon. the Attorney-General, I feel that the provisions in Part I of the draft Regulations, or most of them, will be *ultra vires* as a result of the deletion of paragraph (e) of clause 3 of the Bill. I have looked through section 5 of the Principal Ordinance to see whether they come under that, and it seems to me that the deletion of paragraph (e) was not the correct thing to do.

The CHAIRMAN: I thought that paragraph (e), which has been deleted, related only to dealers, and did not cover the extraction of timber.

The ATTORNEY-GENERAL: Part I of the Regulations, to which the hon.

Member refers, deals with extraction from the timber grant. "Dealer" is a very wide term, and might embrace people who are buying and selling timber in Georgetown. The emphasis is being laid on logging operations—the felling of timber, cutting it up, and finally when it reaches the point of the sawpit or sawmill. The point was made by the hon. Member for Georgetown Central (Mr. Fernandes) that it was unnecessary to compel dealers to keep books when all the information which is required by the Forest Department can be obtained from all those who produce forest products from the time a tree is felled until the timber gets to the sawpit. Part I provides that one has to obtain a licence for that purpose.

Mr. FERNANDES: The licence is not an ordinary trading licence, but to occupy and produce forest products. It has nothing to do with paragraphs (e) and (f).

Mr. ROTH: With regard to the interpretation of "merchantable species" the Forest Producers' Association is very apprehensive that it may be confused with "merchantable timber" which means a felled tree of certain dimensions.

The ATTORNEY-GENERAL: The latter part of the definition reduces it to a question of measurement. I should like to point out that in the view of the acting Conservator of Forests it is implicit in the definition that "merchantable species" shall be only those species which can be extracted by a lessee without suffering serious financial loss, provided that the lessee's extraction organization is reasonably efficient, *i.e.*, species for which there is a steady market and a market price which will bring the lessee a reasonable return for extracting logs of that species. That is to say, species for which there is a steady market and a market price which would

bring the dealer a reasonable return for extracting logs of that species. The emphasis is on the word "merchantable." You might cut down a tree but it might not be of a merchantable species. The Forest Department must have a yard-stick which they could apply in order to determine what is a merchantable species. A person might sell a set of timber on one occasion and might get a reasonable price for it, but it does not follow that he would continue selling that species. It may have been a test sale or it may have been something which had just come on the market and that would not be regarded as a merchantable species. "One swallow does not make a Summer."

Mr. FERNANDES: It would be very difficult to get into the Regulations exactly what is desirable with regard to merchantable species, but I think it could be said that if a certain type of timber can be produced economically—without any loss—it could be considered merchantable. I am sure that the Forest Department would not force anyone to produce any article that he cannot sell. If a man is forced to produce 100 ft. of any particular type of board and finds that it is absolutely unsaleable when he goes to market it, then he would have a very good case to prove to Government that he produced it at a loss through somebody's error. I think if it is put on record that merchantable timber should fall into the definition given by the Attorney-General it would be a good thing. This is not a law, it is a Regulation and anyone aggrieved can approach Government about it and put his case up. I cannot see any legislation forcing me to produce stuff at a serious loss because it would mean bankruptcy in the end. Without any further say I am prepared to accept the definition given by the Attorney-General.

The CHAIRMAN: I imagine that the Forest Producers' Association has given due consideration to the question.

Mr. ROTH: Regulation 8 (2) states:—

"(2) Every licensee shall be responsible for the acts and omissions of his agents, workmen and servants in working the area to which his licence relates."

I think the employee should be held responsible also—not the employer alone.

Mr. FERNANDES: I will differ slightly there and before the Attorney-General speaks I would ask him to take both paragraphs together. I feel that both the employee and the licensee should be liable. It is possible for the licensee or employer to issue instructions which would lead to the commission of an offence, but it is also possible for an employee to commit an offence so as to get even with the employer for one reason or another and, therefore, the employee should also be made liable to be charged. While discussing these Regulations yesterday with the Attorney-General it was pointed out to me that as regards offences Regulation 28 refers to "any person," and I think that would cover the point raised by the hon. Nominated Member. I do not think the employer should be exempted however; he should be charged also and it would be a matter for the magistrate to decide who committed the offence and should be punished accordingly.

The ATTORNEY-GENERAL: The position is as stated by the hon. Member.

The CHAIRMAN: Hon. Members would see that Regulation 28 at the end of this particular part of the Regulations makes the employee liable in addition to the licensee although Regulation 8 places special responsibility on the licensee.

The ATTORNEY-GENERAL: For instance, you have Regulation 23 saying:—

"23. Any person who—

(a) fails to erect any notice board as required by regulation 9; or

(b) fails to keep a register as required by regulation 11; or

(c) contravenes any of the provisions of regulations 14, 15, 16, 17, 19, 20, or 21 of these Regulations—

shall be liable on summary conviction to a penalty not exceeding \$75.”

That is not restricted to the licensee only. Then you have other Regulations such as 28 and 39 providing in a similar manner as regards offences, therefore provision is made for the imposition of a penalty upon any person who contravenes them. This Regulation, 8, was included for the purpose of bringing more responsibility to the licensee who would be the person formally in control.

The CHAIRMAN: I think it would be a matter for the Magistrate to determine whether an employee committed an offence deliberately or not.

Mr. DEBIDIN: When one sees that the definition of “forest produce” in the Principal Ordinance—Chapter 176—includes thatching materials, orchids and so on, I am particularly worried over the position of persons such as those residing in the Mahaica, Mahacony and Abary river districts who may wish to transport troolie or other things for thatching their houses. I would like to know whether these people would also be subject to these Regulations. If that is so, they would have not only to get a permit from the owner of the thatching material, but would also be under obligations to disclose quantity, kind and so on. In other words, these people would have to do a number of things that illiterate people would find it very difficult to do unless they get assistance from others. Owing to the hardships which are going to be created, I am afraid that I am not at all enamoured of this Regulation.

The CHAIRMAN I am of the impression that this very Regulation exists now but that it is only applied to cases of Crown lands.

Mr. DEBIDIN: It seems to me that there should be an exemption and

that so far as this particular forest produce—thatching materials—is concerned, the Regulation should not apply to these people. I have looked at all these Regulations and also at the Ordinance and I find that they have been introduced for the control of the timber industry. As stated in the Objects and Reasons of the Bill, this legislation is “essential to Government in matters pertaining to forest policy and economic development.” I can hardly see what policy or phase of economic development would be affected by the exclusion from the Ordinance and the Regulations of this particular type of activity—relating to thatching materials. It is quite possible that some very vigilant forestry officer might cause a great deal of embarrassment to anyone found bringing down a boatload of troolie or other thatching material for the purpose of thatching his house, when it has nothing whatever to do with the Ordinance. It would be an infringement of the Regulations if that person did not have a permit and so on, and it seems to me that I am entitled to make my representations at this stage.

While the intention of the Ordinance and the Regulations is clear, it seems to me that there is going to be a tremendous amount of overlapping between the work of the Lands and Mines and the Forest Departments which is very undesirable. Moreover, the Lands and Mines Department would be placed in a very inferior position to that which it occupied hitherto. I agree that the Forest Department has to look after the very important job of re-forestation and also the general checking of output under the head of Forestry, but in so far as forest rangers and other provisions are concerned, I am afraid there is going to be a great deal of overlapping in future which might lead to confusion. I was not present when the second reading of this Bill was taken so I cannot help referring to the Regulations at this stage. I think they may be described as a two-edged sword for while they would serve a useful purpose, it seems to me that they could also be used as an instrument of des-

truction for the hindrance of the smaller man. It is clear that similar Regulations which were made under the Defence Regulations on April 1, 1948, are being used today as a means of crushing these people out of existence.

It cannot be said in future that I did not take opportunity to express my fear that as excellent as these Regulations are for the achievement of a certain purpose they may be found to be very dangerous to the normal development of the timber industry in British Guiana. I hope they would never fall into that category and that no one would have cause in future to accuse Government of using legislation to stifle the aspirations of the small man in the interest of big concerns.

The ATTORNEY-GENERAL: With regard to the definition of "forest produce," as I pointed out on the last occasion the Forest Department is not interested in troolie leaves and things of that sort. The emphasis has been placed on such merchantable things as timber, lumber, charcoal and balata—what I might term major forest produce. That is not a term used by the Forest Department, but I am using it now. As regards the question of merchantable timber, the Message from the Governor and the statement of forest policy clearly indicate that efforts are being made to develop in the best possible way the forest wealth of this Colony. That is the object underlying the Bill. His Excellency's Message, the statement of policy and the Regulations presented. That is also the reason why hon. Members have had the Regulations placed before them—in order that this Council should have a clear and comprehensive picture of what is being aimed at. Although it is perfectly true that the definition which is in the original Ordinance is very wide and embraces things like troolie, grasses, silk cocoons and so on, yet for the purposes of the forest policy and the development of forest products these things are not really

within the objects and the designs of the Forest Department.

Mr. DEBIDIN: May I draw the attention of the Attorney-General who is also a lawyer, to Regulation 29 which deals with the "Removal of forest produce." It says:

"29. (1) No person shall remove or convey or cause to be removed or conveyed any forest produce along any waterway, or along any public road or railway unless the person in charge of such forest produce has in his possession a written permit from the owner or occupier of the land from which the produce was removed." . . .

It is clear, therefore, that a person who does not comply with this Regulation would be infringing the law.

Mr. ROTH: To a point of explanation: That provision has been in existence, to my knowledge, for the last 43 years and it has always been applied without any difficulty whatever.

Mr. DEBIDIN: If it has been in existence so long it shows what the people have been exposed to all this time. If the law was being honoured in the breach that does not remove the point I am making. We can only make suggestions at this stage and I would respectfully suggest that since you have the terms "merchantable timber", "minor Forest produce" and so on in Regulation 2 they would be also included under Regulation 29.

Mr. FERREIRA: I think the Attorney-General was quite clear on the subject and the First Nominated Member (Mr. Roth) also made it clear that this provision has been in existence for years. When one speaks of forest produce he means merchantable timber and other products of the forest, and not things like troolie leaves and so on. It has always been accepted that when one goes into the bush and cuts things like troolie leaves they should not be considered as anything important.

Mr. DEBIDIN: There is definite mention of the words "thatching

materials" in the Regulation, and troolie leaves are thatching materials.

Mr. FERREIRA: I was surprised to hear the hon. Member for Eastern Demerara speaking of deterioration of the Lands and Mines Department when those who know anything about these matters have been clamouring for years that the Forest Department should be completely divorced from the Lands and Mines Department and should have complete supervision of the forest, surveying it and supervising the activities of the various producers. Those of us who know are aware of the fact that one of the troubles in the past was that certain species of timber were being cut and other merchantable species left behind.

The CHAIRMAN: The hon. Member for Eastern Demerara has raised the point about the definition of "forest produce" but I can give an assurance that there is no intention whatever on the part of Government to go for the small man or to get at those people who cut thatching materials and things of that kind.

Part IV.—*Timber Marks.*

Mr. FERNANDES: There is a slight omission as regards the question of timber mark. I explained it to the Attorney-General yesterday and he has undertaken to get it fixed. There is one that is not fixed under a licence and that is different from what is mentioned here.

The ATTORNEY-GENERAL: The hon. Member's point is that in the case of a licensee it is obligatory because it says "shall be" placed, whereas in Regulation 38 it appears to be discretionary since it says "may also require". It was explained to the hon. Member that the licence must have "shall" in it because unless everything is ready the Conservator of Forests cannot direct the licensee to affix a serial number. When one has had his arrangements made the obligatory part of it would come in to

play. We propose to make a slight amendment to the paragraph by the insertion of the word "any" after the word "if". When once the arrangements have been made it would be obligatory on the licensee to place a serial number on the tree.

Mr. LUCKHOO: May I enquire of the Attorney-General whether there is any specific penalty clause relating to this part of the Regulations.

The ATTORNEY-GENERAL: No; there is a general penalty.

Mr. LUCKHOO: There is, as I see, an omnibus penalty clause but I do not think it would be applicable to this particular part. It merely speaks of taking away the licence and seizing any product which had been gathered together.

The ATTORNEY-GENERAL: The hon. Member is suggesting that there should be a specific monetary penalty in addition. Very well, we will make the necessary amendments.

Part VI.—*Regulation 42—Dealer's Licence.*

Mr. DEBIDIN: There is another Regulation similar to Regulation 42 which says that a licence shall be granted by the Conservator. Does Regulation 42 mean that a person who makes application to the Conservator for a dealer's licence will automatically be granted a licence?

The ATTORNEY-GENERAL: Regulations 42 and 43 in part VI flow from the paragraphs which we have deleted from the Bill, and therefore will also have to be deleted.

Part VII. — *Miscellaneous.—Regulation 48—Payment.*

Mr. ROTH: Regulation 48 reads:

"48. In the event of any fees, royalties or other dues payable under a licence remaining unpaid for more than 30 day

after they are due, whether demanded or not, the licence may be terminated forthwith."

This Regulation seems to be unnecessarily harsh and lacking in equity. The same thing can be said of sub-clause (2) of Regulation 49, which states:

"(2) On the termination of a licence all forest produce cut and not removed from the tract shall remain the property of the Government."

I think provision should be made whereby the Conservator may be empowered, in certain cases, to grant a certain time, because there may be circumstances, such as drought or flood, which may prevent a licensee from removing all his cut material off the tract.

Regulation 51.—*Medical facilities, rations, etc.*

Mr. ROTH: One more point as regards Regulation 51 which provides:

"51. Every licensee shall keep on the area to which the licence relates such medicines, dressings and first aid facilities as may be prescribed by the Conservator, and where any licensee employs fifty or more employees on any area not less than ten miles from any Government hospital or dispensary, he shall employ a certified sicknurse and dispenser on such area."

It will be remembered that on the last occasion I pointed out that this provision had been taken from the old Mining Regulations which have been in existence from 1904. It must be borne in mind that when those Regulations were framed we knew nothing about outboard or inboard motor boats in the interior, and 10 miles in those days were equivalent to perhaps 30 miles today. I therefore think it would be equitable if we increased the distance mentioned in the Regulation to 25 miles from a Government hospital or dispensary.

Mr. FERNANDES: I agree somewhat with the hon. Member on that point, I would suggest that the Con-

servator should be given some discretionary power because, while transport is far advanced today, there will be found some tracts where 25 miles today would have been nearly the same as 30 or 40 years ago. I refer to tracts in the far reaches of the rivers where there are no other tracts. I would accept a proviso that the power to be given to the Conservator of Forests to prescribe first aid facilities should also be given to him to prescribe when a sicknurse and dispenser is necessary, because, I am sure that where he is satisfied that very fast transportation is available he would not prescribe it unnecessarily.

Mr. DEBIDIN: I quite appreciate the need for Regulation 49 (1) but paragraph (2) may be very hard upon some people. I had a case quite recently of a man who had contracted to cut wood to supply a certain sawmill in the Pomeroun river. It appears that he had to depend upon a rivulet to float the logs down, and there are only two seasons when that can be done. He was unable to float the logs down owing to the lack of sufficient water, and I took the point that his failure was due to an act of God. I think that Regulation 49 (1) is sufficiently wide as it provides that all forest produce cut or removed shall remain the property of the Government until all requirements have been complied with, but I do not agree that there should be a complete forfeiture of all forest produce on the termination of a person's licence, as provided by paragraph (2).

The ATTORNEY-GENERAL: Is it the hon. Member's point that after all expenses have been paid, the difference should be given to the licensee even though his licence has been terminated as a result of his own default?

Mr. DEBIDIN: The case I have mentioned is a very good example. Wages could not be paid to the men he employed because the contractor had to get his money from the sale of the timber to the sawmill owner some dis-

tance away. I do not think there should be a complete forfeiture of a man's produce. In such matters there is always the right of redemption in equity, and I feel that it would be equitable to give a licensee the difference after deduction of sums due to Government.

The ATTORNEY-GENERAL: I think it will be appreciated that sometimes even equity can be carried too far. The Forest Department may have to "carry the baby" for some licensee who is grossly negligent of his own interest. The Department would have to look after everything, and he would come along after everything has been done for him and plead equity. The hon. Member cannot appeal for equitable consideration, because there is a fundamental principle of law which says that he who seeks equity must do equity.

The CHAIRMAN: I think the point is the same as that raised by the hon. the First Nominated Member (Mr. Roth), and I imagine that if a man had been prevented from getting his timber out because a creek was too low Government would not insist on its right to keep his property. These Regulations are going to be interpreted reasonably.

Mr. FERNANDES: That is perfectly true, and I have no fear in that respect, except that in Part I it is provided that where a person is aggrieved by the refusal of the Conservator to issue or renew any licence he may appeal to the Governor in Council. I think a similar proviso should not only be attached to Regulation 49, but also to Regulation 54 which states:

"54. A breach of any condition of a licence or of any of the provisions of the Ordinance or of any of these Regulations, or of any Ordinance relating to employers and workmen, shall render the licence liable to cancellation, and whether the licence is cancelled or not all timber and forest produce on the area to which the licence related may,

in the discretion of the Conservator, be forfeited."

One would have thought that the right of appeal to the Governor in Council should apply also to Regulation 54, though I cannot imagine myself that there would be any Conservator of Forests who would seize everything a person has because he has committed some technical offence or some small offence against the Regulations, such as failing to have a notice board, which somebody might have pulled down. However, I am sure that Regulation 54 and the one referred to by the hon. Member for Eastern Demerara (Mr. Debidin) would not be enforced except there are very good reasons for doing so. Perhaps Regulation 48 is a bit harsh where it provides that a licence may be terminated forthwith in the event of fees, royalties or other dues remaining unpaid for more than 30 days after they are due, whether demanded or not, but I take it for granted that such fees would be demanded. The only time when they would not be demanded would be if the licensee could not be found.

The ATTORNEY-GENERAL: I think the whole point in that provision is that nobody should be able to shelter behind the defence that "I did not pay because they did not ask me to."

The COLONIAL SECRETARY: Regulation 48 allows 30 days' grace before a licence is terminated, but under Regulation 54 a breach renders the licence liable to cancellation forthwith.

Mr. FERNANDES: Both Regulations provide that the licence may be liable to be terminated forthwith, but Regulation 48 only allows a period of 30 days' grace for the payment of fees, royalty or other dues.

Mr. LUCKHOO: I think the point made by the hon. Member for Georgetown Central (Mr. Fernandes) was well made. I would further point out that in Regulation 54 we find the

words "shall render the licence liable to cancellation," but it does not say by whom, although the Regulations say that it is the Conservator who grants a licence.

The ATTORNEY-GENERAL: Who grants it cancels it, unless it is otherwise stated.

Second Schedule.

Mr. FERNANDES: This Second Schedule is somewhat misleading and caused me to make some remarks on the last occasion which I would not have made if the items had been set out correctly. There is a Comparative List showing increases in royalties on certain forest produce as proposed in Parts 3 and 4 of the Second Schedule to the draft Forestry Regulations. The list gives the present rate and the proposed new rate, and directly under the heading "Proposed new Rate" there is this note:

"Present rates plus 25% for produce extracted within 10 miles by land haulage to navigable water, and less 25% for produce extracted over 15 miles by land haulage to navigable water, (present rates apply in other cases)."

When one is handling a Bill and Regulations of this kind one has to be actually a student of law to be able to piece together the existing Regulations and the proposed new Regulations.

The ATTORNEY-GENERAL: I think the hon. Member is doing it very well.

Mr. FERNANDES: That may be so. I thank the hon. the Attorney-General for the compliment but nevertheless, if one looks at the Regulations he will find that a man whose tract is within 10 miles of navigable water will not have to pay the proposed new rate, which is the present rate plus 25 per cent., but in the case of a man whose tract is over 20 miles from navigable water he would have to operate under Parts 3 and 4 of the Second Schedule, and in any case he

could not get any variation of the rates except he gets the o.k. from the Conservator of Forests. As a general principle I am opposed to any differentiation in royalty rates, whether the haulage distance is 5, 10 or 50 miles. The royalty rate should be the same in all cases. One might ask why should a person working a longer distance from a river pay the same royalty on his timber as another person who has a shorter haulage distance? It is my experience that sometimes a person working a shorter distance away finds land haulage extremely difficult and very costly, and for that reason persons prefer to leave a tract which is near to navigable water and go further in. There are many cases where people hold areas lying between two rivers. I am speaking particularly of the Demerara and Essequibo rivers, and although the timber is very much nearer to the Essequibo it is hauled back to the Demerara river, because it is found to be more economical to do so than to bring it to Georgetown. I do not see why a person who does that should be able to get a reduction of royalty. I am under the impression that this proposal was introduced at the request of one very large concern who did not ask for this but something quite different, and I believe they are no longer interested in having it done in this way.

I am asking Government, in considering the final fixing of these royalty rates, to delete the provision for a reduction of 25% of the present rate in respect of produce extracted over 15 miles by land haulage to navigable water, because it would be difficult to supervise it properly, except in a few exceptional cases. I do not think there should be any discrimination one way or the other as regards haulage distance.

As a comment on the actual increases in royalty I would say that everything has been increased except timber, but the royalty on timber alone was increased a short while ago, so that other articles are only now

being brought up to the same level. Some of the increases may appear to be a bit stiff—in the case of shingles, for instance—but in checking it up I have been able to arrive at how the figures have been decided upon. Apparently all the royalties are based around 5 per cent. of the actual value of the article, and if that is the basis I am sure that nobody can offer any serious opposition to it. I am simply asking Government to delete the proposed new rate as regards timber haulage, because it is being misread not only by me but by most people engaged in the industry.

Mr. DEBIDIN: I agree with the point made by the hon. Member that there should be no differentiation in the rates of royalty on timber, and that there should be deletion of Part 4 of the Schedule. There is some discrepancy or perhaps something which I cannot follow in Part 3. With respect to item 2—Timber Sawn—I see Class I—85c. per 100 B.M. I would like to know whether royalty is paid in respect of the sawing or the boards made? It seems to me that the royalty on a 2-inch board is the same as on a 1-inch board.

Mr. FERNANDES: For the hon. Member's information I may point out that these rates are for board feet and not lineal feet.

Mr. DEBIDIN: As I said, I was open to receiving the correct explanation. Another explanation I would like to get is in regard to piling staves, the rate in respect of which is mentioned in this list at 25c. per 100, but I do not see anything behind the figures.

The ATTORNEY-GENERAL: It means per 100 staves.

Mr. DEBIDIN: Now I wish to make an observation. The timber industry of this Colony has been regarded as one of its very important industries. It is the foundation upon which we all make the statement that this Colony has great potential wealth, but the timber of this Colony is a wasting asset, and

one which is being worked on a very large scale.

Mr. ROTH: That is the whole idea of the Forest Department—to see that it is properly worked. If it is properly worked it is not a wasting asset.

Mr. DEBIDIN: There is a difference of connotation so far as the term "wasting asset" is concerned. Why I say that our timber is a wasting asset is because when a tree is cut we have to wait about 50 years, and in some cases even longer, before another takes its place. When we cut our "ripe" trees we have to wait for other trees to "ripen" and to take the places of those cut. I feel that as our timbers are being used up on a very large scale at the present time we should collect the maximum amount of revenue for the Colony. I am not satisfied at all that 6 cents and 4 cents per cubic ft. is a satisfactory or adequate royalty to be levied on timbers produced. I feel that the Colony is suffering in many ways from loss of a considerable amount of its wealth which is going out of the country as a result of absentee proprietorship. There is considerable wealth going out of the Colony in our exports of bauxite as compared with the very small amount of revenue we derive from that industry. We ought to get considerably more income from our bauxite which is one of our most valuable assets, but we are still struggling to balance our budget when the year ends.

It will be the same thing with timber. I feel that this Colony is doing itself a disservice in this matter, because there is no consideration for those most intimately concerned, and because we want to encourage big concerns to embark on big industries—bauxite, balata, timber or else. It seems to me that we should see to it that we get a fair share of production in this Colony. I am going to urge that these figures be revised upwards, otherwise we would have to come by way of motion when these figures are doubled in this Colony.

Mr. BOBB: I welcome this opportunity to say how much I value the statement of policy set out in the Memorandum handed down to hon. Members. When the debate began last week there was some doubt concerning the interpretation of "forest produce" and whether the term as then understood would be to the actual benefit or disadvantage of those who would be engaged in the industry later on. But, having heard the very lucid explanation from the Attorney-General and the other points that came out in the course of the debate, I am perfectly satisfied that there is the best intention behind the policy which is receiving careful consideration and that we stand to benefit by the implementation of this policy. On the question of royalties, I think I have to differ from the hon. Member for Eastern Demerara because I have been asked to watch that the royalties did not go up. As far as from the Corntyne there came to me some direction in this matter and I had to wait for the development of the debate and note the contributions of those who are competent to speak on this subject.

I think we have reached the point when, to my mind, these figures ought to remain as they are, since so much initiative is expressed in the policy itself to make this whole industry pay. I can see the point made by the hon. Member for Eastern Demerara—that we ought to get as much as possible—but I am also afraid that with the streamlining being adopted in this industry, if we go too far upward we might come to a point where we would get diminishing returns. That is a point we have to guard against. I can see that the small worker in the industry stands to lose by an increase in royalty and that those who are able to induce more capital might be able to contribute more, but the stage to which we have now come indicates, to my mind, that we would be well advised to accept these figures. I very much doubt whether the general feeling among the smaller people in the industry would support any endeavour made by this hon.

Council to increase the royalties as indicated in this memorandum.

The ATTORNEY-GENERAL: Hon. Members will, of course, appreciate the fact that the Regulations were placed before them for their consideration as part of the picture with regard to the whole forest policy. Hon. Members have been quite in order in expressing their views with regard to the Regulations and I would point out that the comments made have been duly noted and will receive due consideration. Of course, the Regulations, drafted under section 5 of the Forestry Ordinance, will be made by the Governor in Council after the fullest consideration has been given to the comments made by hon. Members. As I have already pointed out, when the Regulations are made the Legislative Council itself will have an opportunity to consider them within three months from the date of publication in the *Gazette*. I am very grateful to hon. Members for the comments they have made and for the consideration they have given to the Regulations. With the consent of Council, I beg to move that the Bill be now read a third time and passed.

Mr. WIGHT seconded.

Motion put and agreed to.

Bill read a third time and passed.

RICE FOR FAMINE RELIEF IN INDIA

Mr. FARNUM: I beg to move the suspension of the Standing Rules and Orders so as to enable me to move a motion of which I gave notice some time ago. The motion reads:—

"Whereas a famine exists in the State of Bihar, India, causing much suffering;

And Whereas a large section of the population of British Guiana has family ties in that District;

And Whereas the local Indian population comprises forty per cent. of our population;

And Whereas a Relief Fund has been organised to make a gift of 5,000 bags of rice to the Government of India;

Be It Resolved that this Honourable Council, out of sympathy to the particular State of Bihar, donates at least 500 bags of rice to the Relief Fund which has been organized to aid the sufferers".

I have asked for a suspension of the Standing Rules and Orders in order to deal with this motion because I understand that a ship will be passing through this Colony within a few days for India with rice to aid these sufferers, and if this motion is passed it will be possible to send the rice from this Colony at the same time.

Mr. FERNANDES: For the information of hon. Members I will say that the ship is due to sail this evening on the high tide—at about 7 o'clock. There might be another ship, however, in the near future.

Mr. DEBIDIN: I beg to second the motion.

Motion put, the Council dividing and voting as follows:—

For: Messrs. Bobb, Macnie, Gajraj, Luckhoc, Peters, Fernandes, Debidin, Farnum, Raatgever, Wight, Dr. Nicholson, Dr. Singh, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—15.

Motion carried—unanimously.

Standing Rules and Orders suspended.

Mr. FARNUM: I do not think it is necessary to elaborate on this motion, as it speaks for itself. What we have to ask ourselves is whether there is a famine in this particular state or province of India. I have only to refer to the fact that a relief fund has been started in this Colony and that His Grace the Archbishop of the West Indies and the Roman Catholic Bishop have given their support to that fund. That is sufficient for me to believe that there does exist a state of famine there. The next thing is that we have

not been slow at any time in giving relief and assistance to any neighbouring Colony in the Caribbean that has experienced any such catastrophe. I have in mind the recent case of St. Lucia where there was a very large conflagration which wiped out part of the City. We rushed to their assistance with food, clothing and money. I feel that the people of Bihar have a similar claim on our generosity, and it might be even greater for the reason that there are very many family ties between them and people in this Colony.

An example has been set by the United States of America by rushing grain to the assistance of these people. It has been pointed out that a ship will be passing through here tonight, transporting grain from Brazil to their aid, and there is no reason why British Guiana should not assist them also. Famine is unknown to us in this Colony and we cannot conceive what suffering the people in this famine-stricken area have to endure. We have some idea, however, after having looked at illustrated magazines and seen what took place during the last famine in Calcutta. There we saw how people were dying in hundreds each day for want of food, and I think the most sad pictures were those showing how children were suffering in the same way. Through not having food they were dying like flies and on humanitarian grounds, if no other, I think we should do what we can to relieve the situation—by sending the quantity of rice stated in the motion. Perhaps some other Member will move an amendment and suggest that we send a larger quantity, and the Chairman of the Rice Marketing Board who is also a Member of this Council might suggest that we send a larger quantity still.

Mr. ROTH seconded.

The PRESIDENT: What is the value of the quantity stated in the motion?

Mr. FERNANDES: The Rice Marketing Board has decided to sell the rice to the Committee appointed to collect donations for the purpose of relief in this case at the actual cost to the Board, which is \$9 per bag. Therefore, 500 bags will cost \$4,500.

Mr. WIGHT: Apparently, there is reluctance on the part of other Members to speak, so I will take the bull by the horn. I quite agree with the hon. Mover of the motion that from a humanitarian point of view we should succour any country or Colony in distress, and I think that point will be appreciated by all the Members around this table. The question is, however, whether we are in a position at the present moment to give away 500 bags of rice when it is so sorely needed in this Colony. I know that there are many people who are suffering distress in this Colony and that in a part of my constituency—in the Pomeroon district—people are also suffering for want of food. Only this morning I received a telegram from that area stating that the people had lost their crops through floods and were asking for financial assistance from Government. If we should assist in the case of India on humanitarian grounds, then I would say we have cases inside the Colony in which we should also assist on humanitarian grounds. Only today I learnt that there is difficulty on the part of householders in obtaining rice in this Colony. The hon. Member for Central Georgetown who is the Chairman of the Rice Marketing Board has been informed of the position, but he thought otherwise. Consequently, the question whether we are able to supply our contracts should be considered in order to decide whether we should continue to export our surplus at the world market price.

Quite recently I read that the Prime Minister of India, in replying to a toast, stated that India was a vast and important country within the Commonwealth. This, therefore, would probably be not the only famine that

would take place in that vast country. This quantity of rice—the 500 bags stated in the motion—might be described as only a bagatelle for India, but I think \$5,000 can be easily raised in this Colony from persons who are wealthy. We are told that the Indians in British Guiana number 40 per cent. of the population. I think it is higher—I think it is 42 per cent.—and among them there are some very wealthy men, each of whom would hardly feel the loss of \$5,000.

The Financial Secretary and several hon. Members can tell us of the present serious position of the Colony's revenue and the task which will have to be faced in presenting the Budget for next year. It is true that the sum involved in the motion is a small one, but how many sums like this are we going to be called upon to meet from time to time. There is an old creole proverb that is well worth following both inside and outside this Council, and that is: "One—oae dutty buil' dam": If we are going to have to meet sums of \$1,000; \$2,000; \$5,000 and so on in this way, we will be faced with a heavy burden in the end. If it is going to be said that this rice should be sent to India on humanitarian grounds, I would say 1,000 times more strongly that a motion by me for the relief of people in my constituency—people who might not be suffering from famine but might be near starvation in many cases—should be carried in this Council.

I have every sympathy with the famine-stricken people in other parts of the world and especially in a part which, as the hon. Mover of the motion has said, is bound by ties of kith and kin with a particular section of our population. But let me repeat what I have always emphasized and that is, this Colony is Guianese. This Colony is within the national sovereignty of Britain and I say it here without any fear of contradiction—and I have been told so by very high officials during my visit to England—that the people of India look upon our people as Indians first and foremost, and not as nation-

als of the country in which they are resident. That is the picture as concisely as I can see it. I am not saying anything against any particular section of the community. A large percentage of the people in my constituency are East Indians, and many of them are only waiting to be assisted in order to make a livelihood.

I am sure that \$5,000 would be of great assistance to some of these people—East Indians and others—and however unpopular any sentiment of mine might be considered, I feel I would not be doing my duty to my country or my countrymen, if I allow a motion like this to be put through without explaining fully that motions of this kind will result in future in a drain upon our very slender resources. It is true that the gift might be taken as a token gift, but one does not look for appreciation of a gift in its value. Appreciation is a very rare thing, and in this Colony especially it is very rarely given. However sympathetic I am with the motion, I do not think it would be in the interest of this Colony, particularly as regards the future, to spend money in this way. We know that shortly we would be faced with increasing demands in this Council and in Finance Committee, and we have to consider where the money is to come from. I do appeal to hon. Members to weigh the situation very carefully with all its implications, before they vote.

Dr. SINGH: If this Council divorces fear from the argument I think it is my duty to clarify the position of the Indians as I know it. It is true that there is famine in India and that many people are suffering, but the fact is that India does not want any gift of this kind. She is willing to pay for the grain she wants; she has the money to pay and if British Guiana can sell her some rice she will be very grateful.

Mr. WIGHT: If that is so, I withdraw my remarks. I never understood the hon. Mover of the motion to say that this would be a sale. I thought the

rice was intended to be a gift from this Colony.

Mr. FARNUM: I intended it to be a gift.

Dr. SINGH: If that is so it will still be appropriate because there are many Indians in this Colony with ties in India and, further, this Colony has been doing trade with India for many years past. I think there has been some misunderstanding in the matter, however. I am not a party to the collection of funds by certain persons locally. I told them that India does not want any gift, and that she simply wants to buy food for her people there. If this Colony can afford to sell India 1,000 bags of rice she would pay for it. That statement might shorten this debate and prevent it from taking a course it might otherwise take.

Mr. FERNANDES: The hon. Member for Demerara-Essequibo (Dr. Singh) was right when he said his remarks would shorten the debate, because in view of his remarks I do not see how any Member of this Council can support the motion. I would like to say, however, that in spite of the fact that there are in British Guiana a large number of East Indians, and wealthy ones at that, most of them feel exactly the same way as the hon. Member for Demerara-Essequibo feels, and the result is that all the rice that is leaving British Guiana today (I cannot say the exact figure because they were adding a few bags at the end, but I can say definitely it is going to be less than 1,500 bags) has been contributed by voluntary subscription taken up all over the country. If the Indian community feels that that is all they will contribute, naturally those of us who do not know India at all would have to accept their action as a guide.

I appreciate the remark of the hon. Member for Demerara-Essequibo when he said that what India wants is the grain, and she would pay for it. Of course it would be very difficult to make a sale, and especially in view of the fact

that the rice is wanted at this minute if it is to be of any use whatever to the starving people in India. I am sure that every Member who knows about the rice industry would know that this is the most inopportune time to draw supplies of rice from British Guiana, because we are coming towards the end of crop and the people are not milling; they are planting. Stocks of rice are not as large as we would like to see them but there is sufficient rice for local needs. The Board however, undertook to supply the Committee collecting money to buy rice, with as much as 10,000 bags, as long as it was available, of course, and as long as they got the money.

The Board has done everything it can to assist the Committee. We have handled the entire shipment at no cost to the Committee, because we are in sympathy with the suffering people, but the question that arises on a motion of this kind is whose responsibility it is for the suffering in India? I do not think anybody can say it is the responsibility of this Government. The hon. Member who moved the motion referred to this Colony's help to St. Lucia and other places in order to show that it was quite in order. We did help those Islands but the hon. Member must also remember that when we were flooded not so very long ago it was the neighbouring Colonies, Surinam, Trinidad and such places who offered us some relief. Surinam gave us quite a lot of planting material in order to help us re-establish our cultivations as soon as possible after the flood.

Whenever British Guiana is in any difficulty of that kind we do get assistance from the neighbouring Islands, and from Surinam, so that it would be perfectly in order for us to send help to those places. But if we start extending our contribution so far afield as India we would find ourselves in a difficult situation if tomorrow there was famine in China and a similar motion was moved and we did not support it. A similar situation would arise if there

was famine in some other country whose nationals live in British Guiana. A Member suggests Africa. Yes, if there was famine in any part of Africa we would be asked to send help again. I am afraid I cannot support the motion, because it would be creating a very dangerous precedent if we carried our charity so far afield when lots of it is so badly needed in our home.

The FINANCIAL SECRETARY & TREASURER: I should like to confirm what the hon. Member for Western Essequibo (Mr. Wight) has said. This Colony at the moment is passing through a period of severe financial stringency in so far as our revenue is concerned. The estimate of revenue for this year is \$23 million, but the collection to the end of June is slightly under \$9 million. I am hoping that in the second half of the year income tax, which is responsible for the short-fall, will be able to recover itself and possibly build up the estimate for this year, but I must admit that if the Colony is called upon to make a contribution of \$5,000 to purchase rice to send to India, I think that even a small amount like that would be rather embarrassing, and I therefore do not see how Government can support the motion on those grounds.

Mr. DEBIDIN: I seconded this motion and I will support it. In doing so I desire to pay a very high compliment to the mover on his very sympathetic thought for the people who are suffering at this time in India. One hon. Member remarked that the suffering in India is not the responsibility of British Guiana. I wish to make it clear that it is due to natural causes and not any question of mal-administration or anything like that. There has been an unprecedented monsoon and tremendous flooding, and the whole situation has been created by circumstances of Nature. There is no question that it is a crisis which has had repercussions in all parts of the world, so much so that a small State

like Illinois decided one morning that each person should miss the mid-day meal, and against that meal was placed a sum of \$3,000. At the Y.M.C.A. in that town a subscription dinner was held at which only a glass of water was placed on the table before each chair in order to raise a sum of money to send grain to India.

There is no doubt whatever that many countries have responded to the need for help, and the whole question is whether the Government of British Guiana should also do something in the matter. That is what this Council will have to decide. I can only put forward what I regard as a reasonable outlook to be adopted, and that is that India is a member of the British Commonwealth of Nations. Apart from that fact nearly 50 per cent. of British Guiana's population are people who are engaged in producing the very useful grain known as rice. The hon. Member for Western Essequibo (Mr. Wight) mentioned that relief funds were voted to West Indian Colonies but, after all, they are merely members of the Colonial Empire with no closer ties with the people of British Guiana than the people of India.

The hon. the Financial Secretary referred to the financial position of the Colony. After all \$5,000 is merely a token vote in a cause like this where there is need for millions of tons of grain. Nevertheless, this motion having been brought, I wonder whether we should forget the question of goodwill, or whether we should weigh the value of that goodwill against a mere sum of \$5,000? It is a mere fraction of what was recently voted for the erection of bonds, etc., for the Mahaicony-Abary Scheme. We have voted similar sums in many directions without considering the stringent financial position of the Colony. We voted a scholarship or a loan to a boy who actually had no claim to it, but we felt that it was a humanitarian thing to do, and I voted for it so as to enable him to complete his medical studies. We do

sometimes think of the humanitarian side and not of the stringent financial position of the Colony.

I speak subject to correction, but I think it was stated by the Rice Marketing Board that the Colony would provide 10,000 bags of rice, and I am sorry to have got the impression from the speech of the hon. Member for Georgetown Central (Mr. Fernandes), who is the Chairman of the Board, that there was no promise to give 10,000 bags of rice. The point has been made that India is a wealthy country. I know to the contrary, because there is not sufficient money to develop the country immediately. I know they can find money in an emergency, because they have sterling balances and other reserves, but be that as it may, the fact is that from everywhere has come some token of help in appreciation of the suffering which is due to natural causes. It remains to be seen whether this Government will respond in the same way.

Mr. BOBB: In the course of the speeches which have been made two things were brought to our notice—the question of principle and the case of need. I would readily support the principle which has been called into operation here from what has been said about rendering assistance on humanitarian grounds. It appears to me to be a case of need, and on that score it commends itself to me as a cause for consideration. I do not know whether this Government has in the past given any token of sympathy in a case of famine. If it has not done so it is not, in my view, too much to say that Government should now offer what I would not call a token of sympathy but a token of concern for a situation which seems to be so persistent in India. Whether such a token of concern should go from the East Indian section of our community alone is a matter of opinion. My own view is that whatever the East Indian community does in this particular matter, this country of six races has an opportunity of showing its goodwill and concern for the people who form a ver-

important part of our productive population, and whose future will greatly determine the future prosperity of our country or otherwise.

I appreciate the point made by the hon. the Financial Secretary concerning our present financial position. I do not desire to question that, but I still feel that if there is any way of implementing this motion, which I hope will be accepted, it would be a fine gesture. In saying this I feel that the great emphasis in this motion, from my point of view, is the fact that the six races in this Colony have an opportunity of showing their concern for a people whose need has been recognized in every quarter, and who have been receiving help such as we might in our small way offer to give. I therefore very heartily support the motion.

Mr. PETERS: We are face to face with the fact of distress befalling a member of the British Commonwealth of Nations, and the hour has come for us to consider whether we should do what we can in a small measure to assist in relieving the situation. On the other hand our attention has been called to the fact that we are not so well off as to be able to give the assistance that we may be moved to give to a suffering country in the present circumstances. My feeling is that if we have any sort of colonial *esprit de corps* which moves along the line of sympathy for others who are suffering, we should feel that we would be doing a great service if, even out of our penury, we gave part of what we need for ourselves. I feel that if there is any qualm in our consciences as regards the measure of assistance we might now give, in view of what the hon. the Financial Secretary has told us, we could meet the situation by suggesting a small figure. Perhaps the mover of the motion might consider that, but I feel that even in our present financial difficulty some small help would be a very positive and praiseworthy token of our sympathy for others who are suffering.

Mr. FARNUM: I will be very brief because the hon. the Seventh Nominated Member (Mr. Bobb) has answered all the criticisms we have had on the motion. I was rather surprised to hear from the hon. Member for Demerara-Essequibo (Dr. Singh) that all the Indian Government requires is rice, for which it is prepared to pay, because it does seem strange to me.

Dr. SINGH: To a point of explanation. Not rice, foodstuffs.

Mr. FARNUM: I understood the hon. Member to say "grain". It seems to me strange that if that were the case we should have had local Church dignatories starting a relief fund to send grain to India. As regards the stringency of the Colony's finances, we all know that in this particular case the hon. the Financial Secretary is not disposed to support the motion, because \$5,000 is a lot of money and very difficult to obtain, but we have just voted a similar sum to send two representatives of the Colony to the Festival of Britain. It seems to me that when we want to raise such money we can always do so. I have nothing more to say except that I leave the motion in the hands of hon. Members. I feel that it is a humanitarian act, but if the motion is thrown out I can do nothing further.

Council divided on the motion and voted:

For—Messrs. Bobb, Macnie, Gajraj, Luckhoo, Peters, Debidin, Farnum and Dr. Singh—8.

Against—Messrs. Fernandes, Raatgever and Wight—3.

Did not vote—Dr. Nicholson, the Financial Secretary and Treasurer, the Attorney-General and the Colonial Secretary—4.

Motion carried.

The PRESIDENT: Council will now adjourn until 2 o'clock tomorrow when we will proceed with private Members' motions.